



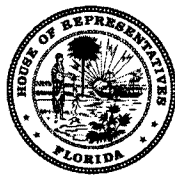
Economic Development & Tourism Subcommittee

MEETING PACKET

**Wednesday, February 19, 2014
1:00 PM – 3:00 PM
12 HOB**

**Will Weatherford
Speaker**

**Carlos Trujillo
Chair**



The Florida House of Representatives

Economic Affairs Committee

Economic Development & Tourism Subcommittee

Will Weatherford
Speaker

Carlos Trujillo
Chair

Meeting Agenda
February 19, 2014
1:00 PM – 3:00 PM
12 HOB

- I. Call to Order & Opening Remarks by the Chairman**
- II. Consideration of the following bill(s):**
 - HB 407 – Notaries Public by Rep. Peters**
 - HB 513 State Poet Laureate by Rep. Raulerson**
- III. Consideration of the following proposed committee bill(s):**
 - PCB EDTS 14-02 – Division of Emergency Management**
- IV. Closing Remarks by the Chairman**
- V. Adjournment**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 407 Notaries Public

SPONSOR(S): Peters

TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee		Collins DC	West RW
2) Business & Professional Regulation Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill amends s. 117.01(2), F.S., to require a \$15 fee per notary public applicant, payable from the existing \$25 application fee, for a criminal history records check conducted by the Florida Department of Law Enforcement (FDLE).

The bill creates s. 117.055, F.S., which requires state-commissioned notaries public to maintain a notarial journal to record specific information at the time of a notarial act. The notarial journal must be kept for at least 5 years, and notaries public must notify the Department of State (DOS) immediately should the journal be lost, stolen, misplaced, destroyed, or rendered unusable during this time. Failure to do so constitutes grounds for suspension or nonrenewal of the notary public's commission and grounds for the denial of a subsequent commission by the Governor.

DOS estimated that the bill would have a negative impact on the department's general revenues account. The bill has no impact on local government revenues or expenditures.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Notaries Public in Florida

A notary public (notary or notaries) is a public officer appointed and commissioned by the Governor whose function is to administer oaths; to take acknowledgements of deeds and other instruments; to attest to or certify photocopies of certain documents; and to perform other duties specified by law.¹

Chapter 117, F.S., provides requirements and guidelines for notaries and authorizes the Governor to appoint as many notaries as necessary. A notary must be at least 18 years of age, maintain legal residence in the state throughout the commission, and possess the ability to read, write, and understand English.² The application for appointment must include a \$25 fee, a \$10 commission fee required by s. 113.01, F.S., and a \$4 surcharge, appropriated to the Executive Office of the Governor to be used for notary education and assistance.³

Once appointed, a notary serves a four-year term. During the term of office, a notary must post and maintain a \$7,500 bond payable to any individual harmed as a result of a notary's breach of duty. The bond must be approved and filed with DOS and executed by a surety company that is authorized to transact business within the state. If a surety company pays an individual harmed by the notary for breach of duty, the company must notify the Governor of the payment and the underlying circumstances.⁴ No person may be automatically reappointed as a notary. The application process must be completed regardless of whether an applicant has previously served as a notary.⁵

A notary is authorized by law to perform six functions:⁶

- administer oaths or affirmations;⁷
- take acknowledgements of deeds and other instruments of writing for record;⁸
- attest to photocopies of certain documents;⁹
- solemnize marriage;¹⁰
- verify vehicle identification numbers;¹¹ and
- certify the contents of a safe-deposit box.¹²

With the exception of solemnizing a marriage, a notary cannot charge more than \$10 for each notarial act.¹³ Any person who impersonates a notary,¹⁴ acts as a notary after their commission has expired,¹⁵

¹ *Governor's Reference Manual for Notaries*; State of Florida, November 1, 2001 ed., p. 6

² Section 117.01(1), F.S.

³ Section 117.02(2), F.S.

⁴ Section 117.01(7), F.S.

⁵ Section 117.01(6), F.S.

⁶ *Ibid.* 1, p. 12.

⁷ Section 117.03, F.S.

⁸ Section 117.04, F.S.

⁹ Section 117.05(12)(a), F.S.

¹⁰ Section 117.045, F.S.

¹¹ Section 319.23(3)(a)2., F.S.

¹² Section 655.94(1), F.S.

¹³ Section 117.05(2)(a), F.S.

¹⁴ Section 117.05(7), F.S.

or unlawfully possesses a notary public official seal or any papers or copies relating to notarial acts is guilty of a misdemeanor of the second degree.¹⁶ A notary must make reasonable accommodations to provide notarial services to persons with disabilities including signing documents for them under certain circumstances.¹⁷

The Governor may suspend a notary for any of the grounds provided in s. 7, Art. IV of the State Constitution.¹⁸ Acts of malfeasance, misfeasance, or neglect of duty that may result in suspension under these grounds include, but are not limited to:¹⁹

- a material false statement on the application;
- a complaint found to have merit by the Governor;
- failure to cooperate or respond to an investigation by the Governor's office or DOS regarding a complaint;
- official misconduct as defined in s. 838.022, F.S.;
- false or misleading advertising related to notary services;
- unauthorized practice of law;
- failure to report a change in business address, home address, telephone number, or failure to submit documentation to request an amended commission after a lawful name change, within the specified period of time;
- commission of fraud, misrepresentation, or any intentional violation of ch. 117, F.S.;
- charging fees in excess of fees authorized by state law; and
- failure to maintain the surety bond required by state law.

According to DOS staff, there were 400,432 notaries registered in the state as of January 31, 2014. In 2013 the Governor removed 13 notaries from office and suspended 50 others. As of February 6, 2014, seven notaries had been suspended and none removed from office during the 2014 calendar year.²⁰

Notarial Journals

In 1998, the Governor's Task Force on Notaries Public recommended the mandatory use of notarial journals. The use of notarial journals remains strictly voluntary in the State of Florida. Fourteen states and the District of Columbia currently require notarial journals to be kept, with 26 others, including Florida, recommending that state-appointed notaries keep such a journal voluntarily.²¹

FDLE Criminal History Records Check

The term "background check" is often used interchangeably with "criminal history check" or "criminal history record check." FDLE considers a background check to be a criminal history record check to determine if a person has been arrested and/or convicted of a crime.²² A criminal history records check is a search of the following databases:

- The Computerized Criminal History Central Repository for Florida arrests (State Check);

¹⁵ Section 117.05(8), F.S.

¹⁶ Section 117.05(3)(e), F.S.

¹⁷ Section 117.05(14), F.S.

¹⁸ The grounds for suspension by the Governor found in s. 7, Art. IV of the State Constitution are, "malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felon...."

¹⁹ Section 117.01(4), F.S.

²⁰ Phone conversation with DOS staff on February 6, 2014.

²¹ *Notary Recordbook Requirements*; American Society of Notaries (can be found at:

<http://www.notaries.org/notaryrecordbookrequirements.html>) last accessed on February 6, 2014.

²² *Criminal History Record Checks/Background Checks Fact Sheet*; Florida Department of Law Enforcement (can be found at <http://www.fdle.state.fl.us/Content/getdoc/1acc7c3e-dac7-45d4-8739-0d221749d8ce/FAQ.aspx#1>) last accessed on February 8, 2014.

- The Florida Computerized Criminal History Central Repository for Florida arrests and the national criminal history database at the FBI for federal arrests and arrests from other states (State and National Check); and
- The Florida Crime Information Center for warrants and domestic violence injunctions (Hot Files Check).²³

Criminal history record checks are based on the submission of fingerprints.²⁴ Numerous public entities are required by statute to conduct criminal history record checks for various purposes including insurance licensure, mortgage broker licenses, firefighters, pawn broker licenses, bar applicants, physicians, and numerous others.²⁵

Effect of Proposed Changes

Criminal History Records Check

The bill directs FDLE to charge a \$15 fee per notary public applicant for a criminal history records check, payable from the \$25 application fee required pursuant to s. 117.01(2), F.S.

Notarial Journal

The bill requires notaries to maintain a notarial journal which must be used to record the following information at the time of a notarial act:

- date and time of the notarial act;
- type of notarial act;
- type, title, name, or description of the document, proceeding, or transaction requiring the notarial act;
- the signer's printed name and signature, or in the case of an electronic journal, the signer's name and electronic signature pursuant to s. 668.50(2)(h), F.S.;
- the signer's complete residence address;
- whether the signer is personally known to the notary public or presented satisfactory evidence pursuant to s. 117.05(5)(b), F.S., the type, last four digits of the unique identification number, and expiration date of the identification presented; and
- names of witnesses to the notarial act.

A notary is required to keep a notarial journal for at least five years after the date of the last recorded notarial act in the journal. If the journal is lost, stolen, misplaced, destroyed, or rendered unusable during the retention period, the notary must immediately notify DOS in writing of the circumstances of the incident.

The notarial journal is the exclusive property of the notary and shall be kept in a locked and secure area, under the direct and exclusive control of the notary. Failure of the notary to comply with this section of state law constitutes grounds for suspension or nonrenewal of the notary's commission and grounds for the denial of a subsequent commission by the Governor.

B. SECTION DIRECTORY:

Section 1: Amends s. 117.01(2), F.S., to direct FDLE to charge a fee for a criminal history check of notary public applicants.

²³ *Criminal History Record Checks/Background Checks Fact Sheet*; Florida Department of Law Enforcement (can be found at <http://www.fdle.state.fl.us/Content/getdoc/1acc7c3e-dac7-45d4-8739-0d221749d8ce/FAQ.aspx#1>) last accessed on February 8, 2014.

²⁴ *Ibid.*

²⁵ *Ibid.*

Section 2: Creates s. 117.055, F.S., to direct notaries on the keeping of notarial journals.

Section 3: Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Lines 67-70 of the bill direct FDLE to charge a \$15 fee per applicant for a criminal history records check, payable from the \$25 application fee prescribed in current law. This will have a negative impact on the general revenue account of DOS.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Lines 67-70 of the bill directs FDLE to charge a \$15 fee per applicant for a criminal history records check, payable from the application fee prescribed earlier in the subsection. This provision may be considered vague and could be interpreted to mean a new \$15 fee in addition to the existing application fee.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to notaries public; amending s.
 3 117.01, F.S.; requiring the Department of Law
 4 Enforcement to charge a specified fee per applicant
 5 for a criminal history records check; creating s.
 6 117.055, F.S.; requiring a notary public to record
 7 certain information about each notarial act in a
 8 specified journal; requiring that a notary public
 9 retain a notarial journal for a specified period;
 10 requiring a notary public to notify the Department of
 11 State if a notarial journal is lost, stolen,
 12 misplaced, destroyed, or rendered unusable during the
 13 retention period; requiring a notary public to keep a
 14 notarial journal in a specified area; providing that
 15 failure to comply with the notarial journal
 16 requirements constitutes grounds for suspension,
 17 nonrenewal, or denial of a notary public commission;
 18 providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Subsection (2) of section 117.01, Florida
 23 Statutes, is amended to read:
 24 117.01 Appointment, application, suspension, revocation,
 25 application fee, bond, and oath.—
 26 (2) The application for appointment shall be signed and

27 | sworn to by the applicant and shall be accompanied by a fee of
 28 | \$25, together with the \$10 commission fee required by s. 113.01,
 29 | and a surcharge of \$4, which \$4 is appropriated to the Executive
 30 | Office of the Governor to be used to educate and assist notaries
 31 | public. The Executive Office of the Governor may contract with
 32 | private vendors to provide the services set forth in this
 33 | section. However, no commission fee shall be required for the
 34 | issuance of a commission as a notary public to a veteran who
 35 | served during a period of wartime service, as defined in s.
 36 | 1.01(14), and who has been rated by the United States Government
 37 | or the United States Department of Veterans Affairs or its
 38 | predecessor to have a disability rating of 50 percent or more;
 39 | such a disability is subject to verification by the Secretary of
 40 | State, who has authority to adopt reasonable procedures to
 41 | implement this act. The oath of office and notary bond required
 42 | by this section shall also accompany the application and shall
 43 | be in a form prescribed by the Department of State which shall
 44 | require, but not be limited to, the following information: full
 45 | name, residence address and telephone number, business address
 46 | and telephone number, date of birth, race, sex, social security
 47 | number, citizenship status, driver's license number or the
 48 | number of other official state-issued identification, affidavit
 49 | of good character from someone unrelated to the applicant who
 50 | has known the applicant for 1 year or more, a list of all
 51 | professional licenses and commissions issued by the state during
 52 | the previous 10 years and a statement as to whether or not the

53 applicant has had such license or commission revoked or
 54 suspended, and a statement as to whether or not the applicant
 55 has been convicted of a felony, and, if there has been a
 56 conviction, a statement of the nature of the felony and
 57 restoration of civil rights. The applicant may not use a
 58 fictitious or assumed name other than a nickname on an
 59 application for commission. The application shall be maintained
 60 by the Department of State for the full term of a notary
 61 commission. A notary public shall notify, in writing, the
 62 Department of State of any change in his or her business
 63 address, home telephone number, business telephone number, home
 64 address, or criminal record within 60 days after such change.
 65 The Governor may require any other information he or she deems
 66 necessary for determining whether an applicant is eligible for a
 67 notary public commission. The Department of Law Enforcement
 68 shall charge a fee of \$15 per applicant for a criminal history
 69 records check, payable from the application fee prescribed in
 70 this subsection. Each applicant must swear or affirm on the
 71 application that the information on the application is true and
 72 correct.

73 Section 2. Section 117.055, Florida Statutes, is created
 74 to read:

75 117.055 Notarial journal.-

76 (1) At the time of a notarial act, a notary public shall
 77 record the following information in a bound sequential paper or
 78 an electronic journal:

- 79 (a) The date and time of the notarial act.
 80 (b) The type of notarial act.
 81 (c) The type, title, name, or description of the document,
 82 proceeding, or transaction requiring the notarial act.
 83 (d) The signer's printed name and signature, or in the
 84 case of an electronic journal, the signer's name and electronic
 85 signature pursuant to s. 668.50(2)(h).
 86 (e) The signer's complete residence address.
 87 (f) Whether the signer is personally known to the notary
 88 public or presented satisfactory evidence pursuant to s.
 89 117.05(5)(b). The notary shall record the type, last 4 digits of
 90 the unique identification number, and expiration date of the
 91 identification presented.
 92 (g) The names of witnesses to the notarial act.
 93 (2) A notary public must retain a notarial journal for at
 94 least 5 years after the date of the last recorded notarial act
 95 in the notarial journal. If a notarial journal is lost, stolen,
 96 misplaced, destroyed, or rendered unusable during the retention
 97 period, the notary public must immediately notify the Department
 98 of State in writing of the circumstances of the incident.
 99 (3) The notarial journal is the exclusive property of the
 100 notary public and shall be kept in a locked and secure area,
 101 under the direct and exclusive control of the notary public.
 102 (4) Failure of a notary public to comply with this section
 103 constitutes grounds for suspension or nonrenewal of the notary
 104 public's commission and grounds for the denial of a subsequent

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105 | commission by the Governor.

106 | Section 3. This act shall take effect July 1, 2014.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Development &
 2 Tourism Subcommittee
 3 Representative Peters offered the following:

Amendment (with title amendment)

Remove lines 22-72

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

Remove lines 1-5 and insert:

An act relating to notaries public; creating s.



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Development &
 2 Tourism Subcommittee
 3 Representative Peters offered the following:

Amendment (with title amendment)

Remove lines 76-78 and insert:

7 (1) When notarizing a signature, a notary public shall
 8 record the following information in a bound sequential paper or
 9 an electronic journal:

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

Remove line 7 and insert:

certain information about certain notarial acts in a

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 513 State Poet Laureate
SPONSOR(S): Raulerson
TIED BILLS: IDEN./SIM. BILLS: SB 290

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee		Duncan	West <i>RW</i>
2) Economic Affairs Committee			

SUMMARY ANALYSIS

The position of State Poet Laureate was created by governor's proclamation in 1928, but has not been addressed in Florida Statutes. HB 513 creates the position of State Poet Laureate and provides requirements for the selection, terms of service, and duties of the State Poet Laureate.

The bill assigns the Florida Council on Arts and Culture, housed within the Department of State (DOS), certain responsibilities relating to the nomination process and the promotion of poetry. The bill also grants DOS rulemaking authority for implementation of provisions relating to the State Poet Laureate.

The bill does not have a fiscal impact on state or local government.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

History of Poets Laureate

The title of poet laureate is derived from the laurels with which the ancient Greeks crowned their most celebrated poets.¹ In England, the position of Poet Laureate and Historiographer Royal was officially established by King Charles II in 1668.² In the United States, poets laureate participate in ceremonial events and seek to raise a greater appreciation of the reading and writing of poetry. The first official Poet Laureate of the United States, John Auslander, was appointed by the Librarian of Congress in 1937.³

State Poets Laureate

Currently, 44 states designate a state poet laureate or an equivalent position.⁴ However, not all states designate the position in law. Official designation of state poets laureate is by governor's act or proclamation, by legislative action, or by both governor and legislature.⁵ California became the first state to designate a poet laureate when the California legislature approved the Governor's proclamation in 1919.⁶

Qualifications to become a state poet laureate vary from state to state, and are determined by the appointing body or existing legislation. Generally, nomination for and appointment to the position is based on a poet's written body of work, whose subject matter is often specific to the state, and whose quality is demonstrated through honors, awards, and other forms of recognition. Eligibility almost always requires the poet to be a current resident of the state.⁷

Duties of poets laureate involve the promotion of reading, writing, and poetry appreciation.⁸ Whether the poet laureate receives compensation or holds a term-limited or lifetime appointment also varies from state to state.⁹

Florida's Poet Laureate

In 1928, the position of Poet Laureate of the State of Florida was established by governor's proclamation.¹⁰ The position is a lifetime appointment without compensation. A total of three poets

¹ The Official Website of the British Monarchy, Official Royal Posts, Poet Laureate, The origins of the post, <http://www.royal.gov.uk/TheRoyalHousehold/OfficialRoyalposts/PoetLaureate.aspx>. (Last visited Feb. 5, 2014.)

² *Id.*

³ See Library of Congress, U.S. Poets Laureate, Frequently Asked Questions, <http://www.loc.gov/rr/program/bib/poetslaureate/faq.html>. From 1937 to 1985 the position was titled "Consultant in Poetry to the Library of Congress." The position was renamed "Poet Laureate Consultant in Poetry" in 1985 (Public Law 99-184) and codified as 2 U.S.C. § 177 (2010 Edition).

⁴ Library of Congress, U.S. State Poets Laureate, Frequently Asked Questions, <http://www.loc.gov/rr/main/poets/faq.html>, (Last visited Feb. 5, 2014.).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ See Library of Congress, U.S. State Poets Laureate, Current State Poets Laureate, <http://www.loc.gov/rr/main/poets/current.html>, (Last visited Feb. 5, 2014).

laureate have been appointed since the inception of the position.¹¹ The most recent occupant, Edmund Skellings of West Melbourne, passed away on August 19, 2012.¹² Current law does not contain provisions relating to a state poet laureate.

Department of State

DOS is responsible for corporate filings and certain public records, oversees the election process, and preserves Florida's historical and cultural heritage for the benefit of future generations. The Division of Cultural Affairs (Division) is housed within DOS and is Florida's legislatively-designated state arts agency.¹³ The Division connects cultural funding opportunities and services to Florida's citizens and visitors.¹⁴

Florida Council on Arts and Culture

The Florida Council on Arts and Culture (Council)¹⁵ is a 15 member advisory body within DOS. The Council is required to:¹⁶

- advocate for arts and culture;
- advise the Secretary of State in matters pertaining to arts and cultural programs and grants administered by the Division of Cultural Affairs;
- encourage participation in, and appreciation of, arts and culture;
- encourage public interest in the state's cultural heritage and expand its cultural resources;
- encourage and assist freedom of artistic expression;
- advise the Secretary of State in matters concerning the awarding of grants for arts and culture; and
- review grant applications for the acquisition, renovation, or construction of cultural facilities and recommend a priority for the receipt of such grants as provided in s. 265.701, F.S.

Effect of Proposed Changes

The bill creates the position of State Poet Laureate within DOS and provides requirements for the selection, terms of service, and duties of the position. The bill assigns the nominations process for the State Poet Laureate to the Council. The bill also expands the duties of the Council to include the promotion of poetry and related activities.

Selection Process

The bill directs the Council to accept nominations for State Poet Laureate and recommend at least five nominees to the Secretary of State. Each nominee must be a permanent Florida resident and public literary poet with significant standing inside and outside the state. A nominee must also be willing and able to perform the duties of the State Poet Laureate. The Secretary of State must submit three nominees, from among the nominees recommended by the Council, to the Governor. The Governor appoints the State Poet Laureate. DOS is authorized to establish procedures for the selection process.

¹⁰ Library of Congress, U.S. State Poets Laureate, Current State Poets Laureate, [Florida](http://www.loc.gov/rr/main/poets/florida.html) <http://www.loc.gov/rr/main/poets/florida.html>, (Last visited Feb. 5, 2014.).

¹¹ Florida Department of State, Division of Cultural Affairs, Florida's Poet Laureate, <http://www.florida-arts.org/programs/poetlaureate/> (Last visited Feb. 5, 2014.).

¹² Mr. Skellings was appointed by Governor Graham in 1980, after a competition and selection by an anonymous national panel. See *Id.*

¹³ Department of State, Division of Cultural Affairs, Mission, <http://www.florida-arts.org/about/mission/> (Last visited Feb. 5, 2014.).

¹⁴ *Id.*

¹⁵ Section 265.285, F.S.

¹⁶ Section 265.285(2), F.S.

Terms of Service

The bill provides for the State Poet Laureate to serve a term of 4 years without compensation and requires vacancies for an expired term to be filled in the same manner as the original appointment. The bill also authorizes the designation of Florida's previous poets laureate, and poets laureate that complete their term after the effective date of this bill, as State Poet Laureate Emeritus or Emerita.

Duties

DOS is authorized to establish duties for the State Poet Laureate. Such duties may include performing readings of poetry authored by the occupant and engaging in outreach activities for the benefit of schools and communities.

The bill authorizes DOS to adopt rules to implement the provisions of the bill.

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

B. SECTION DIRECTORY:

- Section 1: Amends s. 265.285, F.S., revising the duties of Florida Council on Arts and Culture to include accepting nominations for State Poet Laureate, recommending nominees for State Poet Laureate, and promoting poetry related activities.
- Section 2: Creates s. 265.2863, F.S., codifying the appointment of a State Poet Laureate; providing requirements for the selection, terms of service, and duties of the position; and providing rulemaking authority.
- Section 3: Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None.
2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.
2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Section 2 provides rulemaking authority to the Department of State to implement s. 265.2863, F.S. The construction of the bill appears to necessitate the adoption of rules related to the selection process and the duties of the State Poet Laureate.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not provide a process for a State Poet Laureate to be removed from the position for reasons such as misconduct. However, this issue could be addressed by DOS during the rulemaking process.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to the State Poet Laureate; amending
 3 s. 265.285, F.S.; assigning duties to the Florida
 4 Council on Arts and Culture relating to the promotion
 5 of poetry and recommendations for the appointment of
 6 the State Poet Laureate; creating s. 265.2863, F.S.;
 7 creating the honorary position of State Poet Laureate
 8 within the Department of State; establishing
 9 procedures for the acceptance of nominations, the
 10 qualifications and recommendation of nominees, and the
 11 appointment of the State Poet Laureate; providing for
 12 filling vacancies; specifying that a former poet
 13 laureate becomes a State Poet Laureate Emeritus or
 14 Emerita; providing that the State Poet Laureate, the
 15 State Poet Laureate Emeritus, and the State Poet
 16 Laureate Emerita serve without compensation;
 17 authorizing the department to adopt rules; providing
 18 an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Present paragraph (g) of subsection (2) of
 23 section 265.285, Florida Statutes, is redesignated as paragraph
 24 (h), and a new paragraph (g) is added to that subsection, to
 25 read:

26 265.285 Florida Council on Arts and Culture; membership,
 27 duties.—

28 (2) The council shall:

HB 513

2014

29 (g) Promote the reading, writing, and appreciation of
30 poetry throughout the state and accept nominations and recommend
31 nominees for appointment as the State Poet Laureate under s.
32 265.2863.

33 Section 2. Section 265.2863, Florida Statutes, is created
34 to read:

35 265.2863 State Poet Laureate.-

36 (1) The honorary position of State Poet Laureate is
37 created within the Department of State.

38 (2) The Florida Council on Arts and Culture, in accordance
39 with procedures adopted by the department, shall solicit and
40 accept nominations for appointment as the State Poet Laureate.
41 The council shall solicit nominations from a broad array of
42 literary sources and members of the public.

43 (a) The council shall recommend at least five nominees to
44 the Secretary of State, each of whom must be:

45 1. A permanent resident of this state;

46 2. A public literary poet who has significant standing
47 inside and outside the state; and

48 3. Willing and physically able to perform the duties of
49 the State Poet Laureate as prescribed by the department, which
50 may include, but are not limited to, engaging in outreach and
51 mentoring for the benefit of schools and communities throughout
52 the state and performing readings of his or her own poetry, as
53 requested.

54 (b) From among the nominees recommended by the council,
55 the Secretary of State shall submit three nominees to the
56 Governor, who shall appoint one nominee as the State Poet

57 | Laureate.

58 | (3) The State Poet Laureate shall serve a term of 4 years.

59 | A vacancy shall be filled for the remainder of the unexpired
 60 | term in the same manner as the original appointment.

61 | (4) Each of the state's poets laureate appointed before
 62 | July 1, 2014, and each State Poet Laureate appointed under this
 63 | section shall be designated a State Poet Laureate Emeritus or
 64 | State Poet Laureate Emerita in recognition of his or her service
 65 | to the state upon the appointment of his or her successor.

66 | (5) The State Poet Laureate and each State Poet Laureate
 67 | Emeritus or State Poet Laureate Emerita shall serve without
 68 | compensation.

69 | (6) The department may adopt rules to administer this
 70 | section.

71 | Section 3. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB EDTS 14-02 Division of Emergency Management
SPONSOR(S): Economic Development & Tourism Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Economic Development & Tourism Subcommittee		Duncan <i>add</i>	West <i>rw</i>

SUMMARY ANALYSIS

The Proposed Committee Bill (PCB) addresses two issues related to the duties and responsibilities of Florida's Division of Emergency Management (DEM): the special needs registry, which is a tool used to coordinate emergency management resources in order to plan for and respond to the needs of Florida's most vulnerable citizens; and state employees traveling under the Emergency Management Assistance Compact.

Special Needs Registry

Current law requires each local emergency management agency to maintain a registry of persons with special needs located in the jurisdiction of the local agency. The registry must be updated annually, identify those persons in need of assistance, and plan for allocating resources to meet the identified needs.

The PCB requires DEM, rather than each local emergency management agency, to maintain a statewide registry of persons with special needs within the state. Local emergency management agencies must be granted access to the registry for their respective jurisdictions.

Emergency Management Assistance Compact

The Emergency Management Assistance Compact (EMAC) is an agreement entered into by the 50 states, the Commonwealth of Puerto Rico, the District of Columbia, and all United States territorial possessions to provide mutual assistance to manage an emergency or disaster declared by the governor of the affected state.

DEM has received numerous requests through EMAC to assist states responding to manmade or natural disasters. There are times when DEM employees work in a state where travel and meal costs are greater than the rate authorized for reimbursement. Current law does not permit state employees traveling under EMAC to receive travel reimbursement based on the amount agreed upon by the requesting state and DEM.

The PCB provides that the travel expense reimbursement provisions under s. 112.061, F.S., do not apply to a state employee traveling under EMAC when such expenses are reimbursed by the state in need of assistance based on the amount agreed upon in an interstate mutual aid request for assistance.

The PCB does not have a fiscal impact on state or local government revenues.

The PCB provides an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida Division of Emergency Management

Florida's Division of Emergency Management (DEM) is administratively housed within the Executive Office of the Governor.¹ DEM is responsible for all professional, technical, and administrative support functions necessary to carry out its responsibilities. The Director of DEM is appointed by, and serves at the pleasure of, the Governor and is the head of DEM for all purposes. DEM is tasked with administering programs to rapidly apply all available aid to communities stricken by an emergency and serves as a liaison with federal agencies and other public and private agencies.²

The State Emergency Management Act (Act)³ establishes the powers of DEM. It tasks DEM with maintaining a comprehensive statewide program of emergency management efforts that include coordinating with the Federal Government, local governments, other state agencies, school boards, and private agencies that have a role in emergency management.⁴ The statewide program of emergency management includes, but is not limited to:

- preparation of a comprehensive statewide emergency management plan;
- adopting standards and requirements for county emergency management plans;
- assisting political subdivisions in preparing and maintaining emergency management plans;
- ascertaining the requirements for equipment and supplies for use in an emergency;
- instituting statewide public awareness programs;
- coordinating federal, state, and local emergency management activities in advance of an emergency; and
- using and employing the property, services, and resources within the state in accordance with the Act.⁵

Special Needs Registry

Each local emergency management agency⁶ is required to maintain a registry of persons with special needs located in the jurisdiction of the local agency. The registry must be updated annually to identify those persons in need of assistance to allow local emergency management agencies to plan for allocating resources to meet the identified needs. However, current law does not identify the information that must be provided or the format by which such information must be collected. Thus, the method of collecting and maintaining such data varies among local emergency planning agencies.

¹ Section 14.2016, F.S., DEM is a separate budget entity, as provided in the General Appropriations Act and is required to prepare and submit a budget amendment in accordance with Ch. 216, F.S.

² *Id.*

³ Section 252, F.S.

⁴ Section 252.35(1), F.S.

⁵ Section 252.35, F.S.

⁶ "Local emergency management agency" means an organization created in accordance with ss. 252.31-252.90, F.S., (the State Emergency Management Act and the Florida Emergency Planning and Community Right-to-Know Act) to discharge the emergency management responsibilities and functions of a political subdivision. Section 252.34(5), F.S.

According to DEM, there are currently 39,990 persons with special needs registered with local emergency management agencies. According to the U.S. Census' 2012 American Community Survey, 2,460,338 Floridians self-identified as having a disability.⁷

Home health agencies, hospices, nurse registries, home medical equipment providers, the Department of Children and Family Services, Department of Health, the Agency for Health Care Administration, Department of Education, the Agency for Persons with Disabilities, and the Department of Elderly Affairs are directed to provide registration information to all of their special needs clients and to all persons with special needs who receive services.⁸ The registration program must give persons with special needs the option of preauthorizing emergency response personnel to enter into their homes during search and rescue operations if necessary to assure their safety and welfare following disasters.⁹ DEM is the lead agency responsible for community education and outreach to the public for special needs clients regarding registration, special needs shelters, and general information regarding shelter stays.¹⁰

Annually, on or before May 31, each electric utility in the state must notify residential customers in its service area of the availability of the registration program available through the local emergency management agency by:

- an initial notification upon the activation of new residential service with the electric utility, followed by one annual notification between January 1 and May 31; or
- two separate annual notifications between January 1 and May 31.

All records, data, information, correspondence, and communications relating to the registration of persons with special needs are confidential and exempt from the provisions of s. 119.07(1), F.S., except that such information must be available to other emergency response agencies, as determined by the local emergency management director. Local law enforcement agencies must be given complete shelter roster information upon request.¹¹

Emergency Management Assistance Compact (EMAC)

In 1996, a joint resolution of the U.S. Congress granted consent for EMAC.¹² That same year, the Florida Legislature authorized the state's participation in EMAC,¹³ an agreement entered into by the 50 states, the Commonwealth of Puerto Rico, the District of Columbia, and all United States territorial possessions. The purpose of EMAC is to provide mutual assistance between states entering into the compact in managing an emergency or disaster declared by the governor of the affected state. The emergency may arise from a natural or manmade disaster, technological hazard, civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack.

The EMAC Process¹⁴

1. Governor declares a state of emergency due to a natural or manmade disaster/emergency.
2. Affected state assesses resource needs and identifies shortfalls for which assistance will be requested.
3. State requests resources from EMAC member states through the state emergency management agencies.

⁷ Email to House Economic Development & Tourism staff from Florida Division of Emergency Management staff. (Jan. 7, 2014).

⁸ Section 252.355(1), F.S.

⁹ *Id.*

¹⁰ Section 252.355(2), F.S.

¹¹ Section 252.355(5), F.S.

¹² Public Law 104-321 – Oct. 19, 1996.

¹³ Chapter 96-244, L.O.F.

¹⁴ Emergency Management Assistance Compact, Training & Education, Education Publications, Being Deployed Under EMAC? What You Need To Know, July 2013, p. 3, 2013 EMAC Deployment Brochure – July 2013.pdf

4. State emergency management personnel and local resource providers work together to identify available resources and estimated mission costs.
5. The requesting and assisting states execute the EMAC Request for Assistance Form (REQ-A).¹⁵
6. Personnel deploying under EMAC are given a Mission Order Authorization Form which outlines the mission, helpful information, and guidance.
7. Resources are sent to the requesting state from the assisting state.
8. When the mission is completed, resources return to the assisting state.
9. Deployed personnel provide receipts or records and work with the home state to develop and review reimbursement packages.
10. Reimbursement package is sent to the requesting state.
11. The requesting state reimburses the assisting state.

A properly executed REQ-A authorizes the EMAC mission and constitutes a contract between two states. Upon accepting resources offered by another EMAC member state, the requesting state is financially obligated to reimburse the assisting states for expenses incurred in performance of the EMAC mission. Self-dispatched resources that deploy without state authorization are not recognized under EMAC and are not eligible for reimbursement.¹⁶

Reimbursement under EMAC is not dependent upon the receipt of disaster relief funds that are available through the Federal Emergency Management Agency (FEMA) after the president declares a major disaster or emergency. The requesting state may seek funds from FEMA or any other sources, but its obligation under EMAC to pay for services rendered is not contingent upon the receipt of federal funds.¹⁷

DEM Deployment – EMAC

DEM has received numerous requests through EMAC to assist states responding to manmade or natural disasters. There are times when DEM employees work in a state where the travel and meal costs are greater than the rate authorized by Florida law. Current law does not permit state employees traveling on an EMAC mission to receive travel reimbursement based on the amount agreed upon by the requesting state and DEM. Below is a list of missions in which DEM staff was deployed to provide assistance under EMAC from 2010-2013.¹⁸

MISSION	NUMBER DEPLOYED	LOCATION	EVENT
2013			
Hazard Mitigation Grant Experts	2	Colorado	Flood
Public Information Specialist to assist with operations JFO	2	Alaska	Flood
State Volunteer Agency Liaison	1	Alaska	Flood
2012			
Law Enforcement Strike Teams	28	New Jersey	Sandy
Region IV Support Team to assist in	10	New York	Sandy

¹⁵ The REQ-A is the official form used by states to request, offer, and accept assistance through EMAC. It is also the basis for reimbursement. The Emergency Management Assistance Compact, EMAC Overview 9-2011.pptx, Library Documents Docs ID #2646, Slide 35, available at http://www.nemaweb.org/index.php?option=com_pollybrowser&Itemid=201

¹⁶ National Emergency Management Association, Section III. Reimbursement, NEMA Library Documents Doc ID#2492, available at http://www.nemaweb.org/index.php?option=com_pollydoc&format=raw&view=doc&id=2492.

¹⁷ *Id.*

¹⁸ Florida Division of Emergency Management, Email to House Economic Development & Tourism Subcommittee staff, Dec. 10, 2013. Email on file.

staffing EOC.			
Donations Management Coordinator	1	New Jersey	Sandy
Personnel able to support NYC EOC	14	New York	Sandy
Donations Coordinators	1	New York	Sandy
Governor's Office of Volunteerism	1	New Jersey	Sandy
Finance personnel to assist NYS EOC	1	New York	Sandy
Field Operations (door to door)	2	New York	Sandy
Request for assistance with mass care/feeding	2	Maryland	Sandy
2011			
Need for Mitigation Officer	2	Vermont	Irene
Request ESF 6 support	1	New Jersey	Irene
Donations Manager	1	New York	Tropical Storm Lee
Request EOC support team	17	New York	Irene
Mitigation Personnel	3	Tennessee	Flood
Cadaver Dog Team	7	Alabama	Tornados
Communication Teams	2	Alabama	Tornados
Volunteer Donations Coordinator	1	Missouri	Tornados
Volunteer Donations Coordinator	1	Alabama	Tornados
PIO Request	2	Alabama	Tornados
Individual Assistance Personnel	5	Mississippi	Severe weather
2010			
Air Craft Crew Chiefs for oil spill	15	Louisiana	Deep Water Horizon
National Guard	20	Louisiana	Deep Water Horizon

Party State Responsibilities

Each member state (party state) of the EMAC program is directed to compose procedural plans and programs for interstate cooperation in the performance of the required responsibilities.¹⁹ The authorized representative of a party state may request verbally or in writing the assistance of another party state by contacting the authorized representative of that state. Verbal requests must be followed by a written request within 90 days of the verbal request. The provisions of the agreement only apply to requests for assistance made by one authorized representative to another. Requests must provide the following information:²⁰

- a description of the emergency service function for which the support is needed, such as fire services, law enforcement, emergency medical transportation, communications, public works and engineering, building code inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue;
- the amount and type of personnel, equipment, materials, and supplies needed, and a reasonable estimate of the length of time the resources will be needed; and
- the specific place and time for staging of the assisting party's response and a point of contact at that location.

¹⁹ Section 252.924(1), F.S.

²⁰ Section 252.924(2), F.S.

Certain EMAC provisions require frequent consultation with free exchange of information between state officials who have assigned emergency management responsibilities, other appropriate representatives of the party states with affected jurisdictions, and the U.S. Government.²¹

Reimbursement

A party state that provides aid to another state through an EMAC mission must be reimbursed by the party state receiving the aid for any loss, damage, or expense incurred in the operation of any equipment or services provided in answering a request for aid. However, any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost. Party states are authorized to enter into supplementary agreements establishing a different allocation of costs among those states.²²

State Travel Law

The Legislature has standardized travel reimbursement rates, procedures, and limitations, with certain justifiable exceptions and exemptions, for all public officers, employees, and authorized persons whose travel is authorized and paid for by a public agency.²³ All travel must be authorized by the head of the agency, or their designated representative, from whose funds the travel is paid.²⁴ State law establishes three categories of travel.²⁵

- Class A Travel – continuous travel of 24 hours or more away from official headquarters.²⁶
- Class B Travel – continuous travel of less than 24 hours which involves overnight absence from official headquarters.
- Class C Travel – travel for short or day trips where the traveler is not away from his or her official headquarters overnight.

Class A and Class B travel includes any assignment on official business outside of regular office hours and away from regular places of employment when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved.²⁷

The state is required to allow for subsistence for public employees engaged in Class A or Class B Travel and provided two travel reimbursement options:²⁸

- \$80 per diem; or
- if actual expenses exceed \$80, the state will pay a maximum of \$36 (\$6 for breakfast, \$11 for lunch, and \$19 for dinner) in addition to the actual expenses for lodging at a single-occupancy rate supported by paid bills.

Effect of Proposed Changes

Special Needs Registry

²¹ Section 252.924(3), F.S.

²² Section 252.929, F.S.

²³ Section 112.061(1), F.S.

²⁴ Section 112.061(3), F.S. The funds appropriated to each state agency for travel by state employees must be limited to travel activities that are critical to each state agency's mission. Funds may not be used to pay for travel by state employees to foreign countries, other states, conferences, staff-training activities, or other administrative functions unless the agency head has approved in writing that such activities are critical to the agency's mission. This section does not apply to travel for law enforcement purposes, military purposes, emergency management activities, or public health activities. Section 46, Ch. 2013-41, L.O.F.

²⁵ Section 112.061(k)-(m), F.S.

²⁶ See s. 112.061(4), F.S.

²⁷ Section 112.061(5)(a), F.S.

²⁸ Section 112.061(6), F.S.

The PCB requires DEM, rather than local emergency management agencies, to maintain a statewide registry of persons with special needs. Each local emergency management agency in the state must be granted access to the registry for its respective jurisdiction.

In 2013, DEM's Director established the Electronic Special Needs Registry Working Group. The group is tasked with evaluating current systems and determining the information that would be beneficial for collection on the state and local levels. According to DEM, a statewide electronic special needs registry would establish a standardized system for gathering and sharing information, allow for a statewide comprehensive marketing campaign in an effort to increase the number of registrants, and improve the ability of the state and local emergency management agencies to prepare for and respond to the needs of this population.

Emergency Management Assistance Compact (EMAC)

The PCB provides that the travel expense reimbursement provisions under s. 112.061, F.S., do not apply to a state employee traveling on an EMAC mission when such expenses are reimbursed based on the amount agreed upon in an interstate mutual aid request for assistance.

B. SECTION DIRECTORY:

- Section 1: Amends s. 252.355, F.S., relating to the registry of persons with special needs, establishing a statewide registry managed by DEM rather than each local emergency management agency. Each local emergency management agency must have access to the registry for its jurisdiction.
- Section 2: Amends s. 252.356, F.S., relating to emergency and disaster planning provisions to assist persons with disabilities or limitations, to provide that such persons register with DEM rather than local emergency management agencies.
- Section 3: Amends s. 252.921, relating to the short title of the Emergency Management Assistance Compact, to identify the statutory sections that govern the EMAC.
- Section 4: Creates s. s. 252.9335, F.S., relating to expense reimbursement under EMAC, to provide that expense reimbursement provisions under s. 112.061, F.S., do not apply to an employee traveling under EMAC when such expenses are reimbursed based on the amount agreed upon in an interstate mutual aid request for assistance.
- Section 5: Amends s. 400.506(11), F.S., relating to the licensure of nurse registries, requirements, and penalties, to provide that nurse registries must assist persons who would need sheltering during evacuations in registering with DEM rather than local emergency management agencies.
- Section 6: Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Statewide Special Needs Registry

The costs associated with establishing a statewide special needs registry and developing a statewide marketing campaign will be covered by a federally-funded Emergency Management Performance Grant.

EMAC Per Diem and Meal Reimbursement

States requesting the state's assistance in the form of staff and/or other resources in response to a manmade or natural disaster are obligated to reimburse the assisting state whether or not the requesting state receives federal funds.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

PCB EDTS 14-02

ORIGINAL

YEAR

27 ~~agency in the state~~ shall maintain a registry of persons with
 28 special needs located within the state jurisdiction ~~of the local~~
 29 ~~agency~~. Each local emergency management agency in the state
 30 shall be granted access to the registry for its jurisdiction.

31 The registration shall identify those persons in need of
 32 assistance and plan for resource allocation to meet those
 33 identified needs. To assist the division ~~local emergency~~
 34 ~~management agency~~ in identifying such persons, home health
 35 agencies, hospices, nurse registries, home medical equipment
 36 providers, the Department of Children and Family Services,
 37 Department of Health, Agency for Health Care Administration,
 38 Department of Education, Agency for Persons with Disabilities,
 39 and Department of Elderly Affairs shall provide registration
 40 information to all of their special needs clients and to all
 41 persons with special needs who receive services. The registry
 42 shall be updated annually. The registration program shall give
 43 persons with special needs the option of preauthorizing
 44 emergency response personnel to enter their homes during search
 45 and rescue operations if necessary to assure their safety and
 46 welfare following disasters.

47 (4) (a) On or before May 31 of each year, each electric
 48 utility in the state shall annually notify residential customers
 49 in its service area of the availability of the registration
 50 program available through the division ~~their local emergency~~
 51 ~~management agency~~ by:

- 52 1. An initial notification upon the activation of new

PCB EDTS 14-02

ORIGINAL

YEAR

53 residential service with the electric utility, followed by one
 54 annual notification between January 1 and May 31; or

55 2. Two separate annual notifications between January 1 and
 56 May 31.

57 Section 2. Subsection (3) of section 252.356, Florida
 58 Statutes, is amended to read:

59 252.356 Emergency and disaster planning provisions to
 60 assist persons with disabilities or limitations.—State agencies
 61 that contract with providers for the care of persons with
 62 disabilities or limitations that make such persons dependent
 63 upon the care of others shall include emergency and disaster
 64 planning provisions in such contracts at the time the contracts
 65 are initiated or upon renewal. These provisions shall include,
 66 but shall not be limited to:

67 (3) A procedure to help persons who would need assistance
 68 and sheltering during evacuations because of physical, mental,
 69 or sensory disabilities register with the division local
 70 ~~emergency management agency~~ as provided in s. 252.355.

71 Section 3. Section 252.921, Florida Statutes, is amended
 72 to read:

73 252.921 Short title.—Sections 252.921-252.933 ~~This part~~
 74 may be cited as the "Emergency Management Assistance Compact."

75 Section 4. Section 252.9335, Florida Statutes, is created
 76 to read:

77 252.9335 Expense reimbursement under compact.—Travel
 78 expense reimbursement provisions of s. 112.061 do not apply to

PCB EDTS 14-02

ORIGINAL

YEAR

79 an employee of the state traveling under the Emergency
 80 Management Assistance Compact when such expenses are reimbursed
 81 based on the amount agreed upon in an interstate mutual aid
 82 request for assistance.

83 Section 5. Subsection (11) of section 400.506, Florida
 84 Statutes, is amended to read:

85 400.506 Licensure of nurse registries; requirements;
 86 penalties.—

87 (11) Nurse registries shall assist persons who would need
 88 assistance and sheltering during evacuations because of
 89 physical, mental, or sensory disabilities in registering with
 90 the division ~~appropriate local emergency management agency~~
 91 pursuant to s. 252.355.

92 Section 6. This act shall take effect July 1, 2014.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing PCB: Economic Development &
2 Tourism Subcommittee
3 Representative Eagle offered the following:

Amendment (with title amendment)

Remove lines 20-70

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

Remove lines 3-8 and insert:
Management; amending s. 252.921,



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing PCB: Economic Development &
 2 Tourism Subcommittee
 3 Representative Eagle offered the following:

Amendment (with title amendment)

Remove lines 83-91

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

Remove lines 14-16 and insert:
 state under certain circumstances; providing an effective
 date.