

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

HB 1233 — Cottage Food Operations

by Reps. White, Ahern, and others (CS/SB 1136 by Agriculture Committee and Senators Lee and Brandes)

The bill increases the maximum annual gross sales limit of cottage foods operations from \$15,000 to \$50,000. It allows cottage food operations to sell, offer for sale, and accept payment for cottage food products over the Internet, but requires the cottage food item to be delivered in person directly to the consumer, or to a specific event venue.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 115-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

CS/CS/SB 1726 — Industrial Hemp Pilot Projects

by Appropriations Committee; Agriculture Committee; and Senators Montford and Powell

The bill provides the Department of Agriculture and Consumer Services (department) with authorization and oversight of the development of industrial hemp pilot projects at the University of Florida, the Florida Agricultural and Mechanical University, and any land grant university in the state that has a college of agriculture. These universities may develop pilot projects to cultivate, process, test, research, create, and market safe and effective commercial applications for industrial hemp in the agricultural sector in this state. The bill also requires:

- The department to adopt rules that address safety, compliance, accountability, and specified information required of universities within four months after the effective date of this act;
- Authorization from a university's board of trustees before the university may implement a pilot project;
- Universities that implement a pilot project to develop partnerships with qualified project partners to attract experts and investors experienced with agriculture and to develop partnerships with public, nonprofit, and private entities;
- The university research office to oversee the pilot project, ensure compliance with rules adopted by the department, identify a contact person who is responsible for oversight of the pilot project, and adopt procedures and guidelines to ensure the proper operation of the pilot project; and
- A report to be submitted to the Governor and the Legislature within two years after the pilot project's creation.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 32-0; House 108-6

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

HB 7035 — OGSR/Nonpublished Reports and Data/Dept. of Citrus

by Oversight, Transparency and Administration Subcommittee and Rep. Roth (SB 7014 by Agriculture Committee)

The bill continues the public records exemption for information contained in nonpublished reports or data related to studies or research that concerns citrus fruit, citrus fruit juices, and the products and byproducts that is conducted, caused to be conducted, or funded by the Department of Citrus. The bill removes the scheduled October 2, 2017, repeal date.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 36-0; House 112-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2500 — Appropriations

by Appropriations Committee

The General Appropriations Act for Fiscal Year 2017-2018 provides for a total budget of \$82.4 billion, including:

- General revenue (GR): \$30.9 billion
- Trust funds (TF): \$51.5 billion
- Full time equivalent positions (FTE): 112,806.57

Reserves

Total: \$3.2 billion

- Working Capital Fund - \$1.2 billion
- Budget Stabilization Fund - \$1.4 billion
- Lawton Chiles Endowment Fund - \$677.4 million

Major Issues

Education Capital Outlay

Total: \$506.4 million [\$341.8 million PECO TF; \$164.6 million GR]

- Public School Repairs and Maintenance - \$50 million
- Charter School Repairs and Maintenance - \$50 million
- Developmental Research Schools - \$5.8 million
- Public School Special Facilities - \$57.0 million
- Florida College System Repairs and Maintenance - \$38.1 million
- Florida College System Projects - \$83.5 million
- State University System Repairs and Maintenance - \$45.6 million
- State University System Projects - \$160.7 million
- School for the Deaf and Blind Repairs and Maintenance - \$2.2 million
- Public Broadcasting – Health and Safety Issues - \$3.2 million
- FSU Developmental Research School Arts & Sciences Building - \$7.5 million
- City of Hialeah Education Academy - \$1.8 million
- Flagler College – \$1.0 million

In addition: \$45 million in authorization for SUS Capital Improvement Student Fee Projects

Compensation and Benefits

Pay Issues (SB 7022) - Total \$183.1 million [\$109.7 million GR; \$73.4 million TF]

- State Employee Pay Increase - \$1,400 for under \$40,000; \$1,000 for over \$40,000
- Correctional Officers:

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- Minimum salary increase; current officers receive at least a \$2,500 increase.
- 10% Special Duty Pay Additive for certified officers assigned to mental health units
- \$1,000 hiring bonus for institutions with high vacancy rates
- State Law Enforcement Officers – 5% pay increase
- FHP Law Enforcement Officer minimum salary increase
- Judges, Elected State Attorneys and Public Defenders – 10% pay increase
- Criminal Conflict and Civil Regional Counsels - \$10,000 increase
- Other Pay Issues - Guardian ad Litem, Legal Affairs, DVA Nurses

Florida Retirement System (SB 7022)

- In line of duty death benefits for all members in the Investment Plan
- Renewed membership in the Investment Plan for reemployed retirees

Florida Retirement System - Total \$96.9 million [\$85.5 million GR; \$11.4 million TF]

(Normal Costs and Unfunded Actuarial Liability)

- State Agencies - \$15.4 million GR; \$11.4 million TF
- School Boards K-12 - \$54.1 million GR
- State Universities - \$11.1 million GR
- Community Colleges - \$4.9 million GR

Information Technology

Total - \$3.0 million [\$1.8 million GR; \$1.2 million TF]

Domestic Security

Total - \$41.2 million TF

State Match for Federally Declared Disasters

Total - \$45.1 million GR

Pre-K - 12 Education Appropriations

Total Appropriations: \$14.7 billion [\$11.5 billion GR; \$3.2 billion TF]

Total Funding - Including Local Revenues: \$23.7 billion [\$14.7 billion state funds; \$9 billion local funds][\[1\]](#)

Major Issues

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Early Learning Services

Total: \$1.06 billion [\$554 million GR; \$507.8 million TF]

- Voluntary Prekindergarten Program - \$396.8 million GR; including \$1.6 million for 549 additional students
- School Readiness Program - \$608.4 million [\$140.6 million GR; \$467.8 million TF]

Public Schools/K12 FEFP

Total Funding: \$20.4 billion [\$11.4 billion state funds; \$9 billion local funds]

- FEFP Total Funds Increase is \$241.4 million or 1.2%
- FEFP Increase in Total Funds per Student is \$24, a .34% increase [from \$7,196 to \$7,221]
- Enrollment Workload Increase of \$172 million for additional 23,919 students
- Property Tax Millage Reduction of .316 mills [Property Tax Relief of \$510 million]
- Federally Connected Student Supplement – total \$12.8 million
- ESE Guaranteed Allocation – workload increase of \$5.5 million
- Supplemental Academic Instruction – increase of \$5.5 million, including workload and \$52.5 million for the Extended Day Program for Intensive Reading for 300 low performing elementary schools
- Student Transportation - \$3.7 million increase for a total of \$438.9 million
- Instructional Materials - \$2 million increase for a total of \$230.7 million
- Digital Classrooms – \$80 million for computer hardware, devices, software and professional development

Public Schools/K12 Non-FEFP

- Mentoring Programs - \$16 million GR
- Gardiner Scholarships – \$73.3 million GR
- School District Matching Grants for school district foundations - \$4 million GR
- School and Instructional Enhancement Grants - \$32 million GR
- Exceptional Education Grants - \$6.1 million [\$3.8 million GR; \$2.3 million TF]
- Florida School for the Deaf & Blind - \$51.6 million [\$47 million GR; \$4.6 million TF]

State Board of Education

Total: \$237.4 million [\$85.3 million GR; \$152.1 million TF]

- Assessment and Evaluation - \$109.2 million [\$52.9 million GR; \$56.3 million TF]
- Transfer of \$2.7 million to State Board of Community Colleges [\$2.5 million GR and \$.2 million TF]
- Extra Hour of Reading Study \$500,000 GR

Higher Education Appropriations

Total Appropriations: \$7.9 billion [\$4.6 billion GR; \$3.3 billion TF]

Total Funding - Including Local Revenues: \$8.9 billion [\$5.9 billion state funds; \$3.0 billion local]

Major Issues

District Workforce

Total: \$520.4 million [\$293.4 million GR; \$183.6 million TF; \$43.3 million tuition/fees]

- Workforce Development - \$366.3 million [\$291.4 million GR, \$74.9 million TF]
- Perkins Career and Technical Education grants and Adult Education and Literacy funds – [\$108.7 million TF]
- No tuition increase

Florida College System

Total: \$2.2 billion [\$983.6 million GR; \$231.8 million TF; \$1 billion tuition/fees]

- Developmental Education Reduction – (\$30.2) million GR
- Restoration of nonrecurring EETF base funds - \$13.2 TF
- Performance Based Funding - \$60 million GR
 - \$30 million State Investment [GR]
 - \$30 million Institutional Investment
 - Reprioritization from the base of each institution
- CAPE Incentive Funds for Industry Certifications in Targeted Occupational Areas, including Health Science and Information Technology - \$10 million GR
- FRS adjustment - \$4.9 million GR
- No tuition increase

State University System

Total: \$5 billion [\$2.8 billion GR; \$262.8 million TF; \$2.0 billion tuition/fees]

- Performance Based Funding - \$520 million
 - \$245 million State Investment [GR]
 - \$275 million Institutional Investment
 - Reprioritized from the base of each institution
- World Class Faculty and Scholar Program - \$70.5 million GR
- State University Professional and Graduate Degree Excellence Program - \$50 million GR
- Additional Funds for Preeminent and Emerging Preeminent State Universities - \$52 million GR
- No tuition increase

Private Colleges

Total: \$167.3 million GR

- Effective Access to Student Education (EASE) Grants (formerly FRAG) – Increases student award amount from \$3,000 to \$3,300.
- ABLE Grant – Increases student award amount from \$1,500 to \$2,500.
- Historically Black Colleges and Universities Funding Increase - \$1.5 million

Student Financial Aid

Total: \$715.4 million [\$257.2 million GR, \$458.2 million TF]

- Bright Futures – Academic Scholars Award Increase and Textbook Stipend - \$151.9 million TF
- Bright Futures – Academic Scholars Summer Funding - \$39.5 million TF
- Florida Student Assistance Grants – Increase Need-Based Aid - \$120.95 million GR
- First Generation Matching Grant – Double State Match - \$5.3 million GR
- Florida Farmworker Scholarship Program - \$500,000 GR
- Benacquisto Scholarship Program – Workload and Expansion - \$1.4 million GR
- Children/Spouses of Deceased or Disabled Veterans Workload Increase - \$893,931 GR
- Need-based educational benefits to pay living expenses during semester breaks for active duty and honorably discharged members of the Armed Forces - \$1 million GR

Vocational Rehabilitation

Total: \$219.1 million [\$50.7 million GR, \$168.4 million TF]

- Adults with Disabilities funding - \$6.9 million GR

Health and Human Services Appropriations

Total Budget: \$34,165.0 million [\$9,410.8 million GR; \$24,754.2 million TF]; 31,437.32 positions

Major Issues***Agency for Health Care Administration***

Total: \$26,357.3 million [\$6,492.7 million GR; \$19,864.6 million TF]; 1,533.5 positions

- Medicaid Price Level and Workload - \$568.1 million [\$181.9 million GR; \$386.2 million TF]
- KidCare Workload - \$62.7 million [\$.7 million GR; \$1.6 million TF]
- Hospital Inpatient Diagnosis Related Group (DRG) Base Rate Reduction - (\$151.9) million [(\$58.3) million GR; (\$93.6) million TF]

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- Hospital Inpatient Exemption Reduction – (\$417.8) million [(\$160.3) million GR; (\$257.5) million TF]
- Hospital Outpatient Exemption Reduction – (\$81.7) million [(\$31.4) million GR; (\$50.3) million TF]
- Nonrecurring Restoration of Hospital Exemption Payments - \$130.3 million [\$50.0 million GR; \$80.3 million TF]
- DRG Rate Adjustors for Children’s Hospitals - \$24.5 million [\$8.6 million GR; \$15.1 million TF]
- Rural Inpatient Hospital Reimbursement Adjustment - \$6.5 million [\$2.5 million GR; \$4.0 million TF]
- Private Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) Rate Increase - \$2.6 million [\$1.0 million GR; \$1.6 million TF]

Agency for Persons with Disabilities

Total: \$1,287.6 million [\$526.1 million GR; \$761.5 million TF]; 2,702.5 positions

- Licensed Practical Nurse Rate Increase – \$3.4 million [\$1.3 million GR; \$2.1 million TF]
- Serve Additional Clients on the Home and Community Based Services Waiver (will serve approximately 341 individuals) – \$3.7 million [\$1.4 million GR; \$2.3 million TF]

Department of Children and Families

Total: \$3,155.2 million [\$1,714.2 million GR; \$1,441.0 million TF]; 11,975.5 positions

- State Mental Health Treatment Facilities Workload – 65.0 FTE; \$4.6 million GR
- Child Care Regulation Workload – 10.0 FTE; \$1.1 million [\$0.6 million GR; \$0.4 million TF]
- Prescription Drug Abuse Treatment Services– \$27.2 million TF (federal grant)
- Community Based Care Agencies’ Services – \$18 million [\$7.6 million GR; \$10.4 million TF]
- Community Substance Abuse and Mental Health Services – \$10 million [\$6.0 million GR; \$4.0 million TF]
- Children’s Mental Health Community Action (CAT) Teams (3) – \$2.3 million GR
- State Mental Health Treatment Facilities OPS Restoration – \$2.7 million GR
- Maintenance Adoption Subsidies – \$6.3 million [\$3.4 million GR; \$2.9 million TF]
- Nonrelative Caregiver Program – \$3.9 million TF
- Medicaid Eligibility System Technology Improvement Initiative – \$27.5 million TF
- Domestic Violence Services – \$1 million TF
- Sheriffs’ Child Protective Investigations – \$1 million GR

Department of Elder Affairs

Total: \$315.8 million [\$146.0 million GR; \$169.8 million TF]; 421.5 positions

- Alzheimer's Respite Care - 249 slots – \$3.0 million GR

- Community Care for the Elderly (CCE) Program - 495 slots – \$4.0 million GR
- Home Care for the Elderly (HCE) Program - 274 slots – \$1.0 million GR
- Public Guardianship Services - 285 slots – \$0.8 million GR
- Specialized Alzheimer's Day Care Center Rate Increase – \$1.0 million GR

Department of Health

Total: \$ 2,899.6 million [\$518.6 million GR; \$2,381.0 million TF]; 13,691.82 positions

- Epidemiology, Surveillance, and Outbreak Control Workload – \$1.9 million [\$1.0 million GR; \$0.9 million TF]
- Poison Control Centers – \$3.7 million GR
- Child Protection Teams – \$ 1.7 million GR
- Office of Compassionate Use Workload – 9.0 FTE; \$0.8 million TF

Department of Veterans Affairs

Total: \$149.5 million [\$13.1 million GR; \$136.4 million TF]; 1,112.5 FTE

- 7th State Veterans' Nursing Home – complete construction – \$38.7 million TF
- 8th State Veterans' Nursing Home – renovation/retrofit former Navy health facility – \$3 million GR; \$5.7 million TF
- Veterans' Benefits and Assistance Workload – 5.0 FTE; \$0.4 million GR
- Florida is For Veterans Training Grants - \$1.5 million GR

Criminal and Civil Justice Appropriations

Total Budget: \$4.993.6 billion [\$4.102.8 billion GR; \$890.8 million TF]; 45,614 positions

Major Issues

Attorney General/ Legal Affairs

Total: \$295.4 million [\$54.8 million GR; \$240.6 million TF]; 1,396.50 FTE

- Criminal appeals workload – 10 FTE and \$0.8 million GR
- Information Technology workload – 3 FTE and \$0.2 million TF
- Information Technology infrastructure improvements - \$0.6 million TF
- Statewide prosecution case management system - \$0.8 million TF
- Leased office space cost increase - \$0.3 million GR; \$0.2 million TF
- Increased cost of statewide prosecution - \$0.3 million TF

Department of Corrections

Total: \$2.42 billion [\$2.35 billion GR; \$74.5 million TF]; 24,238.00 FTE

- Funding the Department of Corrections health services deficit - \$18.0 million GR
- New residential mental health facility - \$14.4 million GR
- Motor vehicles - \$1 million GR
- Enhance education and training program - \$1 million GR
- Fixed capital outlay for repair and maintenance of DOC facilities - \$6.5 million GR

Florida Department of Law Enforcement (FDLE)

Total: \$299.5 million [\$110.0 million GR; \$189.5 million TF]; 1,890.00 FTE

- Sexual assault kit backlog reduction plan – 5 FTE and \$0.8 million GR
- Improve sexual offender and predator registry - \$1.9 million TF
- Increase trust fund authority for law enforcement training - \$2.2 million TF
- Increase sexual assault kit grants - \$0.4 million TF
- Enhance missing children response and investigations – 9 FTE and \$0.7 million TF
- Unsolved case website - \$0.2 million GR
- Funds final year of Computerized Criminal History (CCH) database - \$5.0 million TF

Department of Juvenile Justice

Total: \$564.8 million [\$408.7 million GR; \$156.1 million TF]; 3,269.50 FTE

- PACE Centers for Girls - \$2.8 million GR
- Funds state share of juvenile detention cost share – \$2.5 million GR
- Increases the number of juvenile residential commitment beds - \$5.2 million GR
- Funds enhanced evidence-based services for residential programs - \$5.3 million TF
- Funds the SNAP Program for young children - \$1.1 million TF
- Fixed capital outlay for repair and maintenance of department-owned facilities - \$4.2 million GR
- Funds Prodigy Program - \$1.0 million TF

State Court System

Total: \$514.7 million [\$423.2 million GR; \$91.4 million TF]; 4,304.50 FTE

- Address additional 3rd DCA courthouse costs - \$3.4 million GR
- Naltrexone injections to treat opioid- and alcohol-addicted offenders - \$2.5 million GR
- Veterans' Courts - \$0.8 million GR

Justice Administration

Total: \$884.2 million [\$745.8 million GR; \$138.5 million TF]; 10,383.50 FTE

- Increased due process funding for death penalty cases - \$1.3 million GR
- Regional Conflict Counsel workload - \$0.6 million in GR

Clerks of the Court

- Address clerk revenue deficits - \$7 million nonrecurring GR for CFY 2016-17 and a conforming bill that redirects \$10.4 million in recurring GR to the clerks.

Transportation, Tourism, and Economic Development Appropriations

Total Budget: \$12.9 billion [\$168.3 million GR; \$12.7 billion TF]; 13,163 positions

Major Issues

- Transportation Work Program - \$9.9 billion TF
- Affordable Housing Programs - \$250.0 million TF
- Economic Development Incentive Programs, Projects and Initiatives - \$83.4 million TF
- Economic Development Partners - \$135.8 million TF
- Library Grants and Initiatives - \$39.4 million GR
- Cultural and Museum Grants and Initiatives - \$24.2 million (TF & GR)
- Historic Preservation Grants and Initiatives - \$11.8 million (TF & GR)
- Motorist Modernization Project and Enterprise Data Infrastructure - \$17.5 million TF
- National Guard Tuition Assistance - \$4.5 million GR

Department of Economic Opportunity

Total: \$925.6 million [\$46.9 million GR; \$878.7 million TF]; 1,475.0 positions

- Economic Development Incentive Programs, Projects and Initiatives - \$77.6 million TF includes:
 - Economic Development Toolkit Payments and Initiatives - \$24.3 million TF
 - Payments for existing contracts
- Economic Development Partners - \$70.7 million [\$41.0 million GR; \$29.7 million TF] includes:
 - Florida Sports Foundation - \$4.7 million TF
 - Space Florida - \$19.5 million TF [\$12.5 million recurring; \$7 million nonrecurring]
 - Institute for the Commercialization of Public Research –\$5.5 million TF [\$1.0 million recurring; \$4.5 million nonrecurring]
 - Visit Florida, Inc.-\$25 million nonrecurring GR
 - Enterprise Florida, Inc.-\$16 million nonrecurring GR
- Workforce Development Programs, Projects, and Initiatives - \$23.6 million TF includes:
 - Quick Response Training Program - \$16.0 million TF
 - Workforce Development Projects and Initiatives – \$7.6 nonrecurring GR
- Affordable Housing Programs - \$250.0 million TF:
 - SHIP - \$150.0 million TF (allocated to local governments), includes:
 - More flexibility in the SHIP program regarding rent subsidies and rental assistance
 - \$5.2 million allocated for homeless Challenge Grants

- State Housing Programs - \$100.0 million TF includes:
 - At least 50 percent for the SAIL Program
 - \$10 million for competitive grant program for housing developments designed for persons with developmental disabilities
 - \$40 million for workforce housing to serve low-income persons and certain households in the Florida Keys
- Housing and Community Development Programs, Projects, and Initiatives - \$23.1 million TF

Department of State

Total: \$124.6 million [\$91.6 million GR; \$33.0 TF]; 408 positions

- State Aid to Libraries - \$25.2 million GR
- Libraries - \$5.1 million GR
 - Library Technology Grants - \$3.1 million nonrecurring GR
 - Library Cooperatives - \$2 million nonrecurring GR
- Cultural & Museum Program Support and Facilities Grants – \$26.8 million [\$25.3 million nonrecurring GR; \$1.5 million TF]
- Historic Small Matching and Facilities Grants – \$7.9 million nonrecurring GR

Department of Transportation

Total: \$10.9 billion TF; 6,299 positions

- Transportation Work Program - \$9.9 billion TF:-Major Categories include:
 - Highway and Bridge Construction - \$4.2 billion
 - Resurfacing and Maintenance - \$1.1 billion
 - Design and Engineering - \$1.2 billion
 - Right of Way Land Acquisition - \$739.1 million
 - Public Transit Development Grants - \$631.2 million
 - Rail Development Grants - \$233.7 million
 - County Transportation Programs:
 - Small County Road Assistance Program (SCRAP) - \$30.0 million
 - Small County Outreach Program (SCOP) - \$64.4 million (includes \$9 million for Small Cities)
 - Other County Transportation Programs - \$54.5 million
 - Aviation Development Grants - \$257.1 million
 - Seaport and Intermodal Development Grants - \$188.0 million
 - Local Transportation (“Road Fund”) Projects - \$81.5 million TF
- Transportation Disadvantaged Program Grants - \$54.1 million

Department of Military Affairs

Total: \$72.1 million [\$29.8 million GR; \$42.3 million TF; 453 positions]

- Armories – \$6.0 million GR
- Community Outreach Programs (Forward March and About Face) - \$1.7 million recurring GR
- Secure and Harden State Readiness Centers - \$2.0 million GR
- Tuition Assistance for Florida National Guard - \$3.5 million GR

Department of Highway Safety and Motor Vehicles

Total: \$467.0 million TF; 4,374 positions

- Florida Highway Patrol:
 - Replacement Of In-Car Digital Video Cameras- \$3.6 million TF
- Motorist Modernization Project - Phase I and II - \$14.0 million TF
- Enterprise Data Infrastructure – \$3.5 million TF
- Maintenance and Repairs of Facilities - \$550.0 million TF

Division of Emergency Management

Total: \$392.3 million TF; 154 positions

- Federally Declared Disaster Funding, excluding state match - \$310.5 million:
 - Communities - \$293.3 million
 - State Operations - \$17.2 million
- Statewide Notification and Alert System - \$3.5 million TF

The Environment and Natural Resources Appropriations

Total Budget: \$3.6 billion (\$395.2 million GR; \$723.4 million LATF; \$2.5 billion Other TF); 8,712 positions

Major Issues

Department of Agriculture & Consumer Services

Total: \$1.7 billion (\$198.8 million GR; \$723.4 million LATF; \$1.5 billion TF); 3,653 positions

- Wildfire Suppression Equipment \$4.9 million TF
- Florida Forest Service Grants for Endangered Species \$1.2 million TF
- Citrus Greening Research \$8 million TF
- Farm Share and Food Banks \$6.1 million GR
- Lake Okeechobee Agricultural Projects \$5.5 million GR
- Water Supply Planning and Conservation \$1.5 million TF
- Rural and Family Lands Protection Program \$10 million GR
- Agricultural Best Management Practices Partnership Agreements \$1.4 million TF

- Agriculture Education and Promotion Facilities \$2.6 million GR
- Citrus Health Response Program \$7.1 million TF
- Kissimmee Animal Diagnostic Lab \$4.1 million GR
- Critical Building Repairs and Maintenance \$3 million TF
- African Snail Eradication Program \$2.3 million TF
- Child Nutrition Program Grants \$99.2 million TF

Department of Citrus

Total: \$33.1 million (\$4.7 million GR, \$28.4 million TF); 41 positions

Department of Environmental Protection

Total: \$1.4 billion (\$175.7 million GR; \$528.9 million LATF; \$727.9 million TF); 2,899.5 positions

- Everglades Restoration \$167.7 million (\$11.6 million Gr; \$126.9 million LATF; \$29.2 million TF)
- Northern Everglades Restoration \$35.0 million (\$28.2 million LATF; \$6.8 million GR)
- St. John River/Keystone Heights Restoration, Public Access & Recreation \$13.3 million (\$7.8 million GR; \$5.5 million LATF)
- Florida Keys Area of Critical State Concern \$13.3 million (\$13.0 million GR; \$0.3 million LATF)
- Hurricane Recovery Beach Projects \$13.3 million GR
- Beach Management Funding Assistance \$50 million (\$29.5 million LATF; \$20.1 million GR)
- Springs Restoration \$50 million LATF (base funding)
- Water Projects \$55.6 million GR
- State Parks Maintenance and Repairs \$21.7 million TF
- Petroleum Tanks Cleanup Program \$115 million TF
- Total Maximum Daily Loads (TMDLs) \$7.4 million GR
- Drinking Water & Wastewater Revolving Loan Programs \$13.4 million GR; \$226.9 million TF
- Hazardous Waste/Site Cleanup \$8.5 million TF
- Small County Solid Waste Management Grants \$3.0 million TF
- Small County Wastewater Treatment Grants \$13 million TF
- Lake Apopka \$2 million GR
- Local Parks \$1.7 million GR
- Water Management Districts' Minimum Flows and Levels Support \$1.9 million LATF

Fish & Wildlife Conservation Commission

Total: \$370.5 million (\$35.5 million GR; \$101.3 million LATF; \$233.7 million TF); 2,118.5 positions

- Apollo Marine Fish Hatchery \$3.5 million TF
- Boating Infrastructure and Improvement Program \$5.7 million TF
- Artificial Fishing Reef Construction \$.6 million TF
- Derelict Vessel Removal \$1.5 million TF
- Black Bear Conflict Reduction \$.4 million GR
- Building Improvements \$1.2 million (\$0.5 million GR; \$0.7 million TF)

General Government Appropriations

Total Budget: \$2 billion [\$284.1 million GR; \$1.7 billion Other TFs]; 11,276 positions

Major Issues

Department of Business & Professional Regulation

Total: \$151.6 million [\$1.8 million GR; \$149.8 million TF]; 1,616 positions

- Legal Costs-Division of Alcoholic Beverages and Tobacco - \$.4 million GR
- Compulsive and Addictive Gambling Prevention - \$.3 million TF

Department of Financial Services

Total: \$370.0 million [\$22.2 million GR; \$347.8 million TF]; 2,607.50 positions

- Florida Planning, Accounting & Ledger Management (PALM) Project – \$24.9 million TF
- Florida Accounting & Information Resource (FLAIR) Staff Augmentation - \$1.2 million TF
- Fire College and Arson Lab Repairs and Maintenance - \$.4 million TF
- Workers' Compensation Insurance Fraud - \$.2 million TF; 3 positions
- Fire College Building Maintenance - \$.8 million TF
- Local Government Fire Services - \$7.1 million GR
- Increase Contracted Services Budget Authority - \$1.4 million TF
- Increase State Fire Marshall Grant Programs - \$1.8 million TF
- University of Miami – Sylvester Comprehensive Cancer Center – Florida Firefighter Cancer Research - \$1.0 million GR
- K-12 Public School Funding Transparency Website - \$.5 million GR

Department of the Lottery

Total: \$167.4 million TF; 418.5 positions

- Information Technology upgrades to software, hardware, and equipment - \$.9 million TF

Department of Management Services

Total Budget: \$587.7 million [\$49.6 million GR; \$538.1 million TF]; 858 positions

- Florida Facilities Pool - \$34.1 million [\$18.7 million GR; \$15.4 million TF]
- Dependent Eligibility Verification Services - \$1 million TF
- Florida Interoperability Network and Mutual Aid - \$2 million GR
- Statewide Law Enforcement Radio System (SLERS) Staff Augmentation, Equipment and Independent Verification and Validation Services - \$1.6 million TF
- Division of Retirement Information Technology Contract - \$2.1 million TF
- Fleet Management Information System - \$.5 million TF

Division of Administrative Hearings

Total Budget: \$26.1 million TF; 241 positions

Agency for State Technology

Total: \$66.7 million TF; 210 positions

- Department of Children and Families mainframe licenses - \$.3 million TF
- Security Training - \$.2 million TF

Public Service Commission

Total: \$24.6 million TF; 267 positions

- Replacement of Motor Vehicles - \$.1 million TF

Department of Revenue

Total: \$572.6 million [\$210.4 million GR; \$362.2 million TF]; 5,058 positions

- Fiscally Constrained Counties - \$26.2 million GR
- Aerial Photography - \$.2 million GR

If approved by the Governor, these provisions take effect on July 1, 2017, except where otherwise expressly provided.

[\[1\]](#) Local revenues include required and discretionary local effort for the public schools in the Florida Education Finance Program.

Vote: Senate 34-2; House 98-14

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2502 — Implementing the 2017-2018 General Appropriations Act
by Appropriations Committee

The bill implements the 2017-2018 General Appropriations Act, SB 2500, and makes the following substantive modifications for the 2017-2018 fiscal year.

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for Fiscal Year 2017-2018.

Section 2 incorporates the Florida Education Finance Program (FEFP) work papers by reference for the purpose of displaying the calculations used by the Legislature.

Section 3 provides that funds provided for instructional materials shall be released and expended as required in the proviso language attached to Specific Appropriation 91.

Section 4 authorizes the Dixie Middle School/High School special facilities project to exceed the cost per student station.

Section 5 amends s. 1008.46, F.S., to change the date for the Board of Governors annual accountability report from December 31 to March 15.

Section 6 amends s. 1004.345, F.S., to extend the date by which Florida Polytechnic University must meet statutory deadlines by one year.

Section 7 reenacts s. 1009.986, F.S., to authorize Florida ABLE, Inc., to determine whether to require residency as a condition of participation based on market research and estimated operating revenues and costs.

Section 8 reverts the language of s. 1009.986, F.S., to the text in effect on June 30, 2016.

Section 9 provides that the calculations of the Medicaid Disproportionate Share Hospital and hospital reimbursement programs for the 2017-2018 fiscal year contained in the document titled “Medicaid Hospital Funding Programs,” dated May 5, 2017, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of state law, in making appropriations for the Medicaid Disproportionate Share Hospital and hospital reimbursement programs.

Section 10 authorizes the Agency for Health Care Administration (AHCA) to submit a budget amendment to realign funding between the AHCA and the Department of Health, for the Children’s Medical Services (CMS) Network for the implementation of Statewide Medicaid Managed Care, to reflect actual enrollment changes due to the transition from fee-for-service into the capitated CMS Network.

Section 11 authorizes the Agency for Health Care Administration to seek federal authorization and intergovernmental transfer (IGTs) funds as state share funding for making cost-based reimbursement payments to cancer hospitals that meet specific requirements. Once federal authorization is granted and IGT funds are available, the Agency is to seek a budget amendment in order to implement this provision. That amendment must provide specified information.

Section 12 provides requirements to the Agency for Persons with Disabilities for setting iBudget amounts for clients receiving Home and Community-Based Waiver services. It also provides parameters under which a client's iBudget amount may be increased.

Section 13 directs the Agency for Persons with Disabilities to hire an independent consultant to examine the state's transportation disadvantaged services. It creates the Task Force on Transportation Disadvantaged Services to examine the design and use of transportation disadvantaged services.

Section 14 amends s. 893.055(17), F.S., to provide that, for the 2017-2018 fiscal year only, the Department of Health may use state funds appropriated in the 2017-2018 General Appropriations Act to administer the prescription drug monitoring program. It also provides that neither the state attorney general nor the department may use funds received as part of a settlement agreement to administer the program.

Section 15 amends s. 409.911, F.S., to provide that, notwithstanding the provisions of s. 409.911, F.S., for the 2016-2017 state fiscal year, the AHCA must distribute moneys to hospitals providing a disproportionate share of Medicaid or charity care services as provided in the 2017-2018 General Appropriations Act.

Section 16 amends s. 409.9113, F.S., to provide that, notwithstanding the provisions of s. 409.9113, F.S., for the 2017-2018 state fiscal year, the AHCA must make disproportionate share payments to teaching hospitals, as defined in s. 408.07, as provided in the 2017-2018 General Appropriations Act.

Section 17 amends s. 216.262, F.S., to allow the Executive Office of the Governor (EOG) to request additional positions and appropriations from unallocated general revenue funds during the 2017-2018 fiscal year for the Department of Corrections (DOC), if the actual inmate population of the DOC exceeds certain Criminal Justice Estimating Conference forecasts. The additional positions and appropriations may be used for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population, and are subject to Legislative Budget Commission review and approval.

Section 18 amends s. 215.18, F.S., to provide the Chief Justice the authority to request a trust fund loan.

Section 19 amends s. 932.7055, F.S., relating to the disbursement of proceeds from the sale of forfeited property, to extend for another year the authorization for a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.

Section 20 authorizes the Department of Corrections to transfer funds from categories other than fixed capital outlay into the Inmate Health Services category, subject to the notice, review, and objection procedures of s. 216.177, F.S.

Section 21 requires the Department of Juvenile Justice to ensure that counties are fulfilling their financial responsibilities and to report any deficiencies to the Department of Revenue. If the Department of Juvenile Justice determines that a county has not met its obligations, it must direct the Department of Revenue to deduct the amount owed to the Department of Juvenile Justice from shared revenue funds provided to the county under s. 218.23, F.S. The section also includes procedures to provide assurance to holders of bonds for which shared revenue fund distributions are pledged.

Section 22 prohibits the payment of reimbursement or application of credits to a nonfiscally constrained county for any previous overpayment of juvenile detention costs to offset detention share costs owed pursuant to s. 985.686, F.S., or any other law in Fiscal Year 2017-2018.

Section 23 amends s. 27.5304, F.S., to permit the Legislature to increase the statutory compensation limits for fees paid to court-appointed attorneys in two case categories: noncapital, nonlife felonies and life felonies. These changes allow the Legislature to increase flat fees paid to attorneys in these categories in the General Appropriations Act.

Section 24 permits the Justice Administrative Commission to provide funds to compensate the clerks of court for juror compensation, juror lodging and meals, and jury-related personnel costs.

Section 25 requires the Department of Management Services (DMS) and agencies to utilize a tenant broker to renegotiate private lease agreements, in excess of 2,000 square feet, expiring before June 30, 2020.

Section 26 amends s. 282.709, F.S., relating to the Joint Task Force on State Agency Law Enforcement Communications, by removing a representative from the Department of Transportation from the task force and maintaining a representative from the Department of Agriculture and Consumer Services.

Section 27 provides that the online procurement system transaction fee authorized in ss. 287.042(1)(h)1 and 287.057(22)(c), F.S., will remain at 0.7 percent for the 2017-2018 fiscal year only.

Section 28 prohibits an agency from transferring funds from a data processing category to any category other than another data processing category.

Section 29 provides that the EOG is authorized to transfer funds in the specific appropriation category “Data Processing Assessment - Agency for State Technology” between agencies, in order to align the budget authority granted with the Agency for State Technology estimated billing cycle and methodology.

Section 30 authorizes the EOG to transfer funds in the appropriation category “Special Categories-Risk Management Insurance” between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance.

Section 31 authorizes the EOG to transfer funds in the appropriation category “Special Categories - Transfer to DMS - Human Resources Services Purchased Per Statewide Contract” of the 2017-2018 General Appropriations Act between departments, in order to align the budget authority granted with the assessments that must be paid by each agency to the DMS for human resources management services.

Section 32 defines the components of the Florida Accounting Information Resource subsystem (FLAIR) and Cash Management System (CMS) included in the Department of Financial Services Planning Accounting and Ledger Management (PALM) system. This section also provides the executive steering committee (ESC) membership and the process for ESC meetings and decisions.

Section 33 directs the executive branch agencies and judicial branch agencies to collaborate with the EOG to implement a statewide travel management system and utilize the system.

Section 34 amends s. 216.181(11)(d), F.S., to authorize the Legislative Budget Commission to increase amounts appropriated to the Fish and Wildlife Conservation Commission or the DEP for fixed capital outlay projects. The increase in fixed capital outlay budget authority is authorized for funds provided to the state from the Gulf Environmental Benefit Fund administered by the National Fish and Wildlife Foundation, the Gulf Coast Restoration Trust Fund related to the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast Act of 2012 (RESTORE Act), or from British Petroleum Corporation (BP) for natural resources damage assessment early restoration projects. Any continuing commitment for future appropriations by the Legislature must be specifically identified.

Section 35 amends s. 215.18, F.S., to authorize the Governor to temporarily transfer moneys, from one or more of the trust funds in the State Treasury, to a land acquisition trust fund (LATF) within the Department of Agriculture and Consumer Services, the DEP, the Department of State, or the Fish and Wildlife Conservation Commission, whenever there is a deficiency that would render the LATF temporarily insufficient to meet its just requirements, including the timely payment of appropriations from that trust fund. These funds must be expended solely and exclusively in accordance with Art. X, s. 28 of the Florida Constitution. This transfer is a

temporary loan and the funds must be repaid to the trust funds from which the moneys were loaned by the end of the 2017-2018 fiscal year. Any action proposed pursuant to this subsection is subject to the notice, review, and objection procedures of s. 216.177, F.S., and the Governor shall provide notice of such action at least seven days before the effective date of the transfer of trust funds.

Section 36 provides that, in order to implement specific appropriations from the land acquisition trust funds within the Department of Agriculture and Consumer Services, the DEP, the Fish and Wildlife Conservation Commission, and the Department of State, the DEP will transfer a proportionate share of revenues in the Land Acquisition Trust Fund within the DEP on a monthly basis, after subtracting required debt service payments, to each agency and retain a proportionate share within the Land Acquisition Trust Fund within the DEP. Total distributions to a land acquisition trust fund within the other agencies may not exceed the total appropriations for the fiscal year. The section further provides that DEP may advance funds from the beginning unobligated fund balance in the Land Acquisition Trust Fund to LATF within the Fish and Wildlife Conservation Commission for cash flow purposes.

Section 37 amends s. 375.041, F.S., to reduce funding from the Land Acquisition Trust Fund for restoration of Lake Apopka for the 2017-2018 fiscal year.

Section 38 amends s. 373.470, F.S. to amend match requirements of the South Florida Water Management District for Everglades Restoration funded from the Save Our Everglades Trust Fund. This section will require the match from SFWMD for Everglades Restoration to be funded from the Land Acquisition Trust Fund.

Section 39 provides that the amendment of s. 373.470, F.S., expires July 1, 2018, and shall revert to that in existence on June 30, 2017.

Section 40 amends s. 216.181, F.S., to authorize the Legislative Budget Commission to increase amounts appropriated to the Department of Environmental Protection for fixed capital outlay projects. The increase is authorized for funds provided to the state from the Trustee of the Environmental Mitigation Trust administered by Wilmington Trust for violation of the Clean Air Act by Volkswagen.

Section 41 amends s. 339.135, F.S., to make an exception to the work program amendment approval process for certain projects when an emergency exists.

Section 42 provides that the amendment of s. 339.135, F.S., expires July 1, 2018, and shall revert to that in existence on June 30, 2017.

Section 43 requires the Department of Highway Safety and Motor Vehicles to continue to contract with Prison Rehabilitation Industries and Diversified Enterprises, Inc., (PRIDE) for manufacturing license plates, provided that the cost is the same as that paid by the department during fiscal year 2013-2014.

Section 44 creates the Law Enforcement Workgroup within the Department of Highway Safety and Motor Vehicles and requires the workgroup to review the Florida Highway Patrol's (FHP) response to calls for service and the resources available for these services. The workgroup is also required to compare FHP resources to those of local law enforcement entities and other state highway patrol agencies to determine whether additional resources are necessary to improve response times.

Section 45 creates s. 316.0898, F.S., to require the Department of Transportation (DOT) to create a Smart Cities Grant program to provide funds to applicants who submit projects that demonstrate and document the adoption of emerging technologies and their impact on the transportation system.

Section 46 creates the Affordable Housing Workgroup within the Florida Housing Finance Corporation. The workgroup is required to develop recommendations for addressing the state's affordable housing needs. The recommendations shall include a review of: market rate developments; housing developments; land use for affordable housing developments; building codes for affordable housing developments; the state's implementation of the low-income housing tax credit; private and public sector development and construction industries; the rental market for assisted rental housing; and development of strategies and pathways for low-income housing.

Section 47 amends s. 427.013, F.S., to authorize the Commission for the Transportation Disadvantaged to make distributions, during Fiscal Year 2017-2018, to community transportation coordinators that do not receive federal Urbanized Area Formula Funds to provide transportation disadvantaged services; and as competitive grants to support transportation projects, to enhance access to specified activities, to assist in development of transportation systems in nonurbanized areas, to promote efficient coordination of services, to support inner-city bus transportation, and to encourage private transportation providers to participate.

Section 48 amends s. 321.04, F.S., to provide that for the 2017-2018 fiscal year, the Department of Highway Safety and Motor Vehicles may assign a patrol officer to the Lieutenant Governor, at his or her discretion, and to a Cabinet member if the department deems such assignment appropriate or in response to a threat, if requested by such Cabinet member.

Section 49 amends s. 311.07, F.S., to exempt seaport projects added by a specific appropriation from matching and eligibility requirements provided in s. 311.07, F.S.

Section 50 amends s. 339.135, F.S., to require the Department of Transportation to reduce all work program items identified as a reserve box in order to fund specific appropriations added to the work program in the 2017-2018 General Appropriations Act.

Section 51 amends s. 216.292(2)(a), F.S., to grant broader legislative review of any "five percent" budget transfers. For the 2017-2018 fiscal year, the legislature is authorized to object to a proposed action that exceeds delegated authority or is contrary to legislative policy and intent.

Section 52 provides that no state agency may initiate a competitive solicitation for a product or service if the completion of such competitive solicitation would require a change in law or require a change to the agency's budget other than a transfer authorized in s. 216.292(2) or (3), F.S., unless the initiation of such competitive solicitation is specifically authorized in law or in the General Appropriations Act or by the Legislative Budget Commission.

Section 53 amends s. 112.24, F.S., to provide that the reassignment of an employee of a state agency may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the Senate and House budget committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after receiving notice of the action, pursuant to s. 216.177, F.S. This requirement applies to state employee reassignments regardless of which agency (sending or receiving) is responsible for pay and benefits of the assigned employee.

Section 54 maintains legislative salaries at the July 1, 2010, level.

Section 55 amends s. 215.32(2)(b), F.S., in order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2017-2018 General Appropriations Act.

Section 56 reverts the language of s. 215.32(2)(b), F.S., to the text in effect on June 30, 2016.

Section 57 provides that funds appropriated for travel by state employees be limited to travel for activities that are critical to each state agency's mission. The section prohibits funds from being used to travel to foreign countries, other states, conferences, staff-training, or other administrative functions unless the agency head approves in writing. The agency head is required to consider the use of teleconferencing and electronic communication to meet needs of activity before approving travel.

Section 58 provides that, notwithstanding s. 112.061, F.S., costs for lodging associated with a meeting, conference, or convention organized or sponsored in whole or in part by a state agency or the judicial branch may not exceed 150 dollars per day. An employee may expend his or her own funds for any lodging expenses in excess of 150 dollars.

Section 59 provides that a state agency may not enter into a contract containing a nondisclosure clause that prohibits a contractor from disclosing to members or staff of the Legislature information relevant to the performance of the contract.

Section 60 specifies that no section of the bill shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 61 provides that a permanent change made by another law to any of the same statutes amended by this bill will take precedence over the provision in this bill.

Section 62 provides a severability clause.

Section 63 provides an effective date.

If approved by the Governor, these provisions take effect July 1, 2017, except where otherwise expressly provided.

Vote: Senate 34-4; House 98-13

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2504 — Collective Bargaining

by Appropriations Committee

The bill resolves the collective bargaining issues at impasse between the State of Florida and the bargaining representatives for state employees for the 2017-2018 fiscal year that have not been resolved in the General Appropriations Act or other legislation.

The bill does not change substantive law.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-0; House 110-2

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2506 — Clerks of the Court

by Appropriations Committee

The bill provides for the following:

Section 1 amends 11.90, F.S., to remove the Legislative Budget Commission from the process of reviewing and approving the clerks' budgets and the Florida Clerks of Court Operations Corporation's (corporation) budget.

Section 2 amends s. 28.241, F.S., to redirect the \$295 fee paid by a party who files a pleading for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint from the General Revenue Fund to the clerk's fine and forfeiture fund.

Section 3 amends s. 28.36, F.S., to require the corporation to approve the clerks' budgets and prepare an annual report on the operations and activities of the corporation. It also requires the corporation to detail the budget development for the clerks and reconcile actual versus projected expenditures for each clerk. The combined budgets of the clerks may not exceed the revenue estimates established by the Revenue Estimating Conference.

Section 4 amends 28.36, F.S., to permit the corporation to improve increases and decreases to the clerks' individual budgets.

Section 5 amends 28.37, F.S. to direct certain court-related fines to the clerks' fine and forfeiture fund in a similar manner to other remittances of fines, fees, and service charges in statutes rather than to the Public Records Modernization Trust Fund.

Section 6 creates s. 40.29(5), F.S., to allow the clerk to receive reimbursement for juror costs appropriated in the General Appropriations Act.

Section 7 amends s. 45.035(3), F.S. to modify clerk service charge structure for certain judicial sales conducted by electronic means.

Section 8 amends s. C775.083(1), F.S., which directs fine revenue for fines imposed when adjudication is withheld to the clerks.

Section 9 provides that the act shall take effect upon becoming law.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 35-0; House 108-2

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2508 — Division of State Group Insurance
by Appropriations Committee

The bill permits the Department of Management Services (department) to contract with a vendor to conduct a dependent eligibility verification audit. The department is required to put all enrollees of the State Group Health Insurance Plan on notice regarding the eligibility requirements for dependents. Through the next open enrollment period for the plan, enrollees can remove dependents who are no longer eligible for coverage. Beginning in December 2017, a contractor will begin the eligibility audits, requesting and reviewing documents on each dependent to ensure eligibility requirements have been met. The documents submitted for this audit must be retained until June 30, 2019. After that date, the documents are no longer useful and may be destroyed.

The bill also updates the current statutory provisions relating to the State Employees Prescription Drug Program. The current copayment structure is codified so that it does not revert to the December 31, 2010, copayment levels each year. The current copayments of \$7 for generic drugs, \$30 for preferred brand name drugs, and \$50 for nonpreferred brand name drugs continue, rather than reverting to \$10 for generic drugs, \$25 for preferred brand name drugs, and \$40 for nonpreferred brand name drugs.

The fiscal impact of this bill is indeterminate. However, the department anticipates that significant costs may be avoided by eliminating ineligible dependents.

If approved by the Governor, these provisions take effect July 1, 2017.
Vote: Senate 37-0; House 110-2

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2510 — Public Records/Dependent Eligibility Verification Services
by Appropriations Committee

The bill makes confidential and exempt from public inspection and copying most documents submitted to the Department of Management Services (department) or its vendor providing dependent eligibility verification services. If a document is collected by the department for another purpose and is not exempt in that situation, that same document submitted for dependent eligibility verification purposes will not be exempt from public inspection and copying.

The bill includes a constitutionally-required public necessity statement. The exemption will stand repealed on October 2, 2022, pursuant to the Open Government Sunset Review Act, unless it is reenacted.

The bill has no fiscal impact.

If approved by the Governor, these provisions take effect on the same date that SB 2508 takes effect, which is July 1, 2017.

Vote: Senate 38-0; House 110-2

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2512 — Capitol Complex Advisory Council

by Appropriations Committee

The bill creates a Capitol Complex Advisory Council within the legislative branch. The five-member council may make recommendations on:

- The operation, maintenance, preservation, and protection of the structures and the grounds of the Capitol Complex;
- The design, development, or location of any monuments or temporary installations within the Capitol Complex;
- Security updates and security improvements to the Capitol Complex; and
- Budgetary needs to support the recommendations of the council.

These recommendations will be submitted to the Governor, the presiding officers of the Legislature, the secretary of the Department of Management Services (DMS), and the executive director of the Department of Law Enforcement.

The DMS is directed to brief the council periodically on actions to be undertaken regarding the Capitol Complex.

For purposes of this bill, the Capitol Complex is limited to the downtown area of Tallahassee and does not include the State Capital Circle Office Complex.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 110-2

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2514 — Health Care
by Appropriations Committee

The bill provides for the following:

Section 1 amends s. 210.20(2)(c), F.S., relating to the distribution of cigarette tax revenue for biomedical research purposes, to redirect the cigarette tax distribution funds that would otherwise be used for the Sanford Burnham Prebys Medical Discovery Institute to National Cancer Institute research entities under s. 381.915, F.S. The funding is for advancement of cures for cancers impacting pediatric populations through basic or applied research, including but not limited to clinical trials and nontoxic drug discovery.

Section 2 amends s. 381.922 (2), F.S., relating to the Bankhead-Coley Cancer Research Program, and specifically grants thereunder, to stipulate that efforts to improve both research and treatment through greater participation in clinical trials networks shall include identifying ways to increase pediatric and adult enrollment in clinical trials. In addition, the Live Like Bella Initiative is created within the Bankhead-Coley Program to advance progress toward curing pediatric cancer by awarding grants according to the peer-reviewed, competitive process established under subsection (3) of this section. The implementation of this new initiative is subject to an annual appropriation.

Section 3 amends s. 394.9082(10)(a), F.S., relating to behavioral health managing entities and the related acute care services utilization database, to revert the statute back to the reporting requirements in place when the database was initially created in 2015, and also require the Department of Children and Families to post the data on its website.

Section 4 amends s. 395.602, F.S., relating to rural hospitals, to provide that a hospital classified as a sole community hospital is included in the definition of “rural hospital” regardless of its bed size.

Section 5, effective October 1, 2018, amends s. 400.179(2), F.S., relating to liability for Medicaid underpayments and overpayments, to authorize use of leasehold trust fund revenues as enhanced payments to nursing homes as may be specified in the General Appropriations Act as part of nursing home prospective payment transition.

Section 6 amends s. 409.904(11), F.S., to expand optional payments for eligible persons in Medicaid, to add as a person for whom Medicaid payment may be made someone who meets the following criteria: a person who is diagnosed with acquired immune deficiency syndrome (AIDS); who has an AIDS-related opportunistic infection and is at risk of hospitalization; and whose income is at or below 300 percent of the federal benefit rate.

Section 7 amends s. 409.906(13)(b), F.S., relating to optional Medicaid services, and specifically home and community based services, to delete reference to a series of waivers that are or will be obsolete once the waiver enrollees complete their transition into long-term care managed care.

Section 8 amends s. 409.908(2), F.S., relating to reimbursement of Medicaid providers, and more specifically nursing homes, to transition from a cost based reimbursement methodology to a prospective payment reimbursement methodology effective October 1, 2018. The parameters for the prospective payment system are specified. Beginning October 1, 2018, and ending September 30, 2021, the Agency for Health Care Administration (AHCA) shall reimburse nursing home providers the greater of their September 2016 cost-based reimbursement rate or their prospective payment rate. Effective October 1, 2021, the AHCA shall reimburse providers the greater of 95 percent of their cost-based rate or their rebased prospective rate, using the most recently audited cost report for each facility. Pediatric, Florida Department of Veterans Affairs, and government-owned facilities are exempt from this new pricing model. Related provisions are modified to keep in place applicable rate-setting ceilings and targets for those facilities that remain on cost-based reimbursement. Changes are made for calculations of direct care costs, and other patient care costs. Prospective rates are to be rebased every four years, and direct care supplemental payments may be made under specified circumstances.

Section 9 amends s. 409.908, F.S., relating to Medicaid reimbursement, to delete outdated language relating to ambulatory surgical center reimbursement.

This section specifies that Medicaid reimbursement will be provided for deductibles and coinsurance for Medicare Part B services provided for mobile x-ray services rendered to a person who is Medicare and Medicaid dually eligible when such services are delivered in an assisted living facility or a home, just as such reimbursement is presently provided for a nursing home resident.

This section is further amended to indicate that base rate reimbursement for hospital services will be specified in the General Appropriations Act, with inpatient services based on a diagnosis-related group payment methodology and hospital outpatient services based on an enhanced ambulatory payment group methodology.

In addition, a new subsection (26) is added which authorizes the use of funds from specified entities for making special exception payments under Medicaid, including federal matching funds. Local government funds may be certified as state match under federal authority as authorized in the General Appropriations Act. Stipulations are provided regarding timelines and requirements for letters of agreements with local governments for securing these funds.

Section 10 effective July 1, 2018, amends s. 409.9082(4), F.S., relating to the uses of revenue generated by the quality assessment on nursing home facilities, to authorize as a use the partial funding of the quality incentive program for nursing facilities that exceed quality benchmarks under the prospective payment system, in lieu of use for that portion for the facilities' rate not

otherwise addressed by the subsection provisions relating to rate reduction and assessment amounts.

Section 11 amends s. 409.909, F.S., to modify the Statewide Medicaid Residency Program such that a qualifying institution, as defined under the program, may receive the same types of program payments as hospitals. Under the program, a qualifying institution is defined as a Federally Qualified Health Center which holds an Accreditation Council for Graduate Medical Education institutional accreditation. References are also incorporated which reflect the hospital outpatient enhanced ambulatory payment group rate.

Section 12 amends s. 409.911(2)(a), F.S., relating to the Regular Disproportionate Share Program, to require the AHCA to use the average of the 2009, 2010, and 2011 audited disproportionate share hospital (DSH) data to determine each hospital's Medicaid days and charity care for the 2017-2018 fiscal year.

Section 13 amends s. 409.9119, F.S., relating to the disproportionate share program for specialty children's hospitals, to modify the specialty children's hospitals that qualify for funds under this section to include those that have a specific federal certification number, and meet Medicare and Medicaid day criteria. There is an update of the fiscal year referenced for fund distribution purposes.

Section 14 amends s. 409.913(36), F.S., relating to oversight of the integrity of the Medicaid program and the sharing of explanation of medical benefits with service recipients, to authorize that such documents be shared with recipients on a sampling basis rather than to all recipients, other than the exemptions already provided from such distributions.

Section 15 amends s. 409.975(1)(e), F.S., relating to managed care plan accountability, to make optional, rather than mandatory, that Medicaid managed care plans offer a network contract to each home medical equipment and supplies vendor in the plan's region, provided the vendor meets established standards.

Section 16 amends s. 409.979(1) and (2), F.S., relating to eligibility for the Long-term Care Managed Care program, to include those who meet hospital level of care for individuals with cystic fibrosis. In addition, this section specifies that those individuals enrolled in the Traumatic Brain and Spinal Cord Injury Waiver, the Adult Cystic Fibrosis Waiver, and the Project AIDS Care Waiver who meet all applicable criteria shall be transitioned to Long-term Care Managed Care program by January 1, 2018. Once all such persons have been transitioned out of their waiver, the AHCA may seek federal authorization to terminate these waivers.

Section 17, effective October 1, 2018, amends s. 409.983(6), F.S., relating to long-term care managed care plan payment, to eliminate language requiring plans to reimburse nursing homes based on facility costs adjusted for inflation and other factors. (This is consistent with the transition to the nursing home prospective payment system.)

Section 18 amends s. 409.901(27), F.S., to modify the definition of “third party” as that term is used in the Florida Medicaid program.

Section 19 amends s. 409.910, F.S., relating to responsibility for payments on behalf of Medicaid-eligible persons when other parties are liable, and addresses federal compliance issues in the current statute. Specifically addressed are applicable federal law limits on recoveries, evidentiary standards, applicability to third party payers, and payment response requirements. Outdated provisions are deleted from the statute.

Section 20, notwithstanding section 27 of chapter 2016-65, Florida Statutes, directs the AHCA, subject to federal approval to become a PACE site, to contract with a not-for-profit organization formed by a partnership with a not-for-profit hospital, not-for-profit agency serving seniors, and a not-for-profit hospice in Leon County. The organization is authorized to serve eligible enrollees in Leon, Jefferson, Gadsden, and Wakulla counties. The AHCA, in conjunction with the Department of Elder Affairs and subject to a subsequent appropriation, shall approve up to 300 initial enrollees in this PACE program.

Section 21 amends section 17 of chapter 2011-61, Laws of Florida, to authorize the existing PACE provider in Palm Beach County to expand services to eligible enrollees in Martin, St. Lucie, Okeechobee, and Indian River Counties. The initial 150 enrollees were residents of Palm Beach County, and the enrollment in Martin County can be up to 150 persons.

Section 22 amends section 29 of chapter 2016-65, Laws of Florida, to authorize the Lake County hospice-based PACE provider to expand services into the Orlando area with an initial enrollment of 150 persons.

Section 23 amends s. 391.055(3), F.S., relating to Children’s Medical Services delivery systems, to incorporate conforming cross-references.

Section 24 amends s. 393.0661(7), F.S., relating to home and community based services, to incorporate conforming cross-references.

Section 25 amends s. 409.968(4)(a), F.S., relating to managed care plan payments, to incorporate conforming cross-references.

Section 26 amends s. 427.0135(3), F.S., relating to purchasing agencies, to incorporate conforming cross-references.

Section 27 amends s. 1011.70(1) and (5), F.S., relating to Medicaid certified school refinancing, to incorporate conforming cross-references.

Section 28 creates an undesignated section of law to provide Fiscal Year 2017-2018 funding authorization for the Low Income Pool program in the AHCA, as reserved funds, in the amount of \$1.5 billion. Subject to federal approval of special terms and conditions for the program, the

AHCA is directed to submit a budget amendment for release of the reserved funds via a 14-day consultation review period. As part of the proposed amendment submission, the AHCA is directed to provide specified supporting documentation. Payments are contingent upon the non-federal share of funding being made available through intergovernmental transfers. If funds are not available, the state is not obligated to make payments. This section expires July 1, 2018.

Section 29 creates an undesignated section of law to provide Fiscal Year 2017-2018 funding authorization, to continue medical school faculty physician supplemental payments by the AHCA, as reserved funds in the amount of \$246.0 million. Funds recipients and means of payment are specified. Subject to federal approval to continue these supplemental payments, the AHCA is directed to submit a budget amendment for release of the reserved funds via a 14-day consultation review period. Payments are contingent upon the nonfederal share of funding being made available through intergovernmental transfers. If funds are not available, the state is not obligated to make payments. This section expires July 1, 2018.

If approved by the Governor, these provisions take effect July 1, 2017, except where otherwise provided.

Vote: Senate 37-0; House 109-3

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5203 — Prescription Drug Monitoring Program

by Appropriations Committee and Rep. Brodeur

The bill permits the use of state funds appropriated in the General Appropriations Act to administer the prescription drug monitoring program (PDMP). The bill removes the requirement relating to implementation of the PDMP being contingent on receipt of nonstate funding.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 108-2

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5205 — Department of Veterans' Affairs

by Appropriations Committee and Rep. Brodeur

The bill revises the personal needs allowance from \$35 to \$105 per month for residents of a state veteran domiciliary or nursing home. The increased allowance makes it possible for residents of these state veterans' homes who receive a pension, compensation, or gratuity from the U.S. Government or any other income to retain up to \$105 per month for his or her personal needs before contributing to his or her home maintenance and support assessment.

The bill terminates the State Homes for Veterans Trust Fund (trust fund) and, in so doing, provides for the disposition of balances in, revenues of, and all outstanding appropriations of the trust fund; and prescribes procedures for the termination of the trust fund.

The bill provides that all proceeds of the terminated trust fund be transferred to the Operations and Maintenance Trust Fund, and incorporates conforming revisions to related statutes to reflect this change.

The bill expands the allowable uses of funds within the Operations and Maintenance Trust Fund to include supporting program operations that benefit veterans or the operations, maintenance, or construction of nursing homes.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 108-2

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5301 — State Agency Information Technology Reorganization

by Government Operations and Technology Appropriations Subcommittee and Rep. Ingoglia

The bill revises the experience required for the Agency for State Technology (AST) executive director, data center director, and chief information security officer and deletes the following positions: deputy executive director, chief planning officer, chief operations officer, and chief technology officer. Additionally, some technology definitions are added, revised, and deleted.

Changes to agency duties

The bill revises the AST's duties related to project oversight to review and provide recommendations to the Governor, President, and Speaker. The AST will review project oversight deliverables and provide recommendations for state agencies' projects costing over \$10 million and for cabinet agencies' projects costing over \$25 million. The AST, with the Department of Management Services, will establish best practices for the procurement of cloud computing services. The AST's current duties to review technology purchases over \$250,000 and to develop data center standards are eliminated.

Eliminates expired requirements

The bill deletes expired language that authorizes the Agency for State Technology (AST) to transfer funds, after notice, for technology migrations to cloud computing services in Fiscal Year 2015-2016 only, deletes intent language for data center consolidation, and deletes the expired state agency data center consolidation schedule and requirements.

Technology Policy modification

The bill directs the State Data Center to provide services on premise or through a third party cloud computing provider based on the best cost and service, verified by the customer, and directs the state data center to use third party cloud computing services instead of utilizing existing infrastructure when costs are reduced and services are the same or improved. The AST state data center must submit a biennial report on cloud computing usage.

Impact to State Agencies

The bill directs state agencies to submit an annual plan to the Governor, President, and Speaker by November 1 that includes an inventory of the applications supported by the state data center, identifies applications that can migrate to a third party cloud computing service, and requires a project plan and estimated costs. The cloud computing service shall meet or exceed the applicable state and federal standards for security.

Creates a Task Force

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The bill creates the Florida Cybersecurity Task Force consisting of six members from the Department of Law Enforcement (FDLE), Agency for State Technology, Department of Management Services, Division of Emergency Management in the Office of the Governor, and the Chief Inspector General in the Office of the Governor. The task force shall recommend:

- Methods to improve security for the state's network system and data;
- Improvements to threat detection;
- Process to assess cybersecurity infrastructure and identify gaps;
- Improvements in emergency management and disaster response; and
- Improvements in response to cybersecurity attacks.

The task force final report is due by November 1, 2018, to the Governor, President and Speaker. The FDLE is appropriated \$100,000 nonrecurring General Revenue to support the task force.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 109-2

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5401 — Pesticide Registration

by Agriculture and Natural Resources Appropriations Subcommittee and Rep. Clemons

The bill eliminates the supplemental biennial registration fee for each registered brand of pesticide that contains an active ingredient for which the United States Environmental Protection Agency has established a food tolerance limit. The fee was created to defray the expense of the chemical residue laboratory within the Department of Agriculture and Consumer Services. The Fiscal Year 2016-2017 General Appropriations Act provided \$1,801,131 in recurring funds from the General Revenue Fund to support the chemical residue laboratory.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 109-3

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5403 — Trust Funds/Termination/Environmental Laboratory Trust Fund/DEP

by Agriculture and Natural Resources Appropriations Subcommittee and Rep. Harrison

The Environmental Laboratory Trust Fund is administered by the Department of Environmental Protection (DEP). Over the past two fiscal years, all of the budget authority in this fund has been transferred to other DEP trust funds. Therefore, there is no longer a need for the DEP to keep the fund active. The bill terminates the Environmental Laboratory Trust Fund and transfers any balances in the fund to the DEP Grants and Donations Trust Fund.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 110-2

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5501 — Economic Programs

by Transportation and Tourism Appropriations Subcommittee and Rep. Ingram

The bill:

- Eliminates the Displaced Homemaker Program.
- Terminates the Displaced Homemaker Trust Fund.
- Reduces the surcharge on marriage license applications by \$7.50.
- Institutes comprehensive transparency and accountability measures on Visit Florida.
- Institutes comprehensive transparency and accountability measures on Enterprise Florida.
- Redirects \$75 million of revenue from the State Economic Enhancement and Development Trust Fund to the General Revenue Fund.
- Provides a \$25 million recurring appropriation for Visit Florida.
- Provides a \$16 million recurring appropriation for Enterprise Florida.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 29-8; House 74-34

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 7099 — Corporate Income Tax

by Ways and Means Committee and Rep. Cortes, B. (CS/SB 1156 by Appropriations Committee and Senator Stargel)

The bill updates the Florida Income Tax Code to adopt the Federal Internal Revenue Code in effect on January 1, 2017. The legislation changes Florida's extension period to file a corporate income tax return to match a similar federal time period, and it requires estimated payments that are due on the last Saturday or Sunday in June to be paid by the last Friday in June.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 35-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 7109 — Taxation

by Ways and Means Committee and Rep. Boyd and others

The bill contains the following provisions:

- Provides a 3-day “back-to-school” holiday (August 4-6, 2017) for clothing and footwear costing \$60 or less, school supplies costing \$15 or less, and for computers with a sales price of \$750 or less.
- Provides a 3-day disaster preparedness sales tax holiday (June 2-4, 2017) for certain first-aid kits, tie-down kits, fuel tanks, batteries, food storage coolers, self-powered lights and radios, portable generators, and reusable ice.
- Reduces the state sales tax rate on the rental of commercial real estate from 6.0 percent to 5.8 percent.
- Exempts from sales tax feminine hygiene products.
- Exempts from sales tax the purchase of building materials used in new buildings constructed in Rural Areas of Opportunity.
- Exempts from sales tax health products for livestock, poultry and aquaculture.
- Exempts from sales tax property used to construct and equip a large capacity data center.
- Exempts from sales tax purchases made by certain municipally owned golf course operators.
- Exempts from sales tax fingerprint services that are part of the application to obtain a concealed weapons and concealed firearms license. This simply codifies the current administrative treatment.
- Makes permanent the Community Contribution Tax Credit program and provides a limit of \$14.0 million in credits each year.
- Increases the Contaminated Site Rehabilitation Tax Credit program annual tax credit limit from \$5 million to \$10 million.
- Increases the limit on Research and Development Corporate Tax Credits from \$9 million to \$16.5 million for calendar year 2018.
- Provides a 50 percent discount in property taxes to certain multifamily projects that provide affordable housing to low income persons and families.
- Exempts charitable 501(c)(3) Assisted Living Facilities from property tax.
- Extends until 2053 the distribution of cigarette tax receipts to the Moffitt Cancer Center set to end in 2033.
- Clarifies the requirements for granting a property tax exemption for property leased to a charter school.
- Extends the deadline for charter schools to apply for a property tax exemption.
- Allows low-income residents of homes for the aged to prove their income by providing an affidavit to the property appraiser.
- Exempts marine boat trailers used by charitable organizations from motor vehicle registration fees.
- Authorizes the use of tourist development taxes for publicly owned auditoriums operated by charitable organizations.

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- Provides guidance for determining whether certain heavy construction and agricultural equipment returned to the dealer under a rent-to-purchase option is inventory and exempt from property tax.
- Sets forth procedures for resellers of admissions to receive a refund of taxes paid when they make a sale to a tax-exempt person, effective January 1, 2018.
- Extends the Corporate Income Tax filing extension period from 5 months to 6 months for certain corporate taxpayers to conform with federal changes.
- Redefines “beer” for purposes of the beverage law and liquor taxes.
- Preserves the Enterprise Zone boundaries in existence before December 31, 2015, for the purpose of allowing local governments to administer local incentive programs for a limited time period.
- Repeals several small license taxes and registration fees administered by the Department of Revenue.
- Simplifies administrative requirements for vending machines.
- Requires local motor fuel taxes to be renewed before July 1 to be effective on September 1 of the year they expire.
- Deletes a requirement that circuit courts provide estate administration information to the Department of Revenue.
- Changes the due date for Reemployment Assistance Tax returns and allows the Department of Revenue to waive penalties for late filing in certain circumstances.
- Repeals obsolete emergency rulemaking authority for the Department of Revenue.

If approved by the Governor, these provisions take effect July 1, 2017, except where otherwise expressly provided.

Vote: Senate 34-4; House 109-3

Committee on Appropriations Subcommittee on Finance and Tax

CS/HJR 21 — Limitations on Property Tax Assessments

by Ways and Means Committee; Rep. Burton and others (CS/SJR 76 by Appropriations Committee and Senators Lee, Garcia, and Perry)

This joint resolution proposes an amendment to the Florida Constitution to remove the scheduled January 1, 2019, repeal of the 10-percent assessment limitation on non-homestead property.

If approved by the electors, this provision will take effect January 1, 2019.

Vote: Senate 35-0; House 110-3

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/HB 221 — Transportation Network Companies

by Government Accountability Committee; and Reps. Sprowls, Grant, J., and others (CS/CS/SB 340 by Judiciary Committee; Banking and Insurance Committee; and Senators Brandes, Galvano, Simpson, Artiles, Young, and Bracy)

The bill (Chapter 2017-12, L.O.F.) creates statewide requirements for transportation network companies (TNCs). Transportation network companies use smartphone technology to connect individuals who want to ride with private drivers for a fee. The bill preempts any local ordinances or rules on TNCs and provides that state law will regulate TNCs. The bill prohibits local governments from imposing taxes, licensing requirements, or other restrictions on TNCs.

The bill provides minimum insurance requirements for TNCs and TNC drivers. When a TNC driver is logged onto the digital network but not engaged in a prearranged ride, the bill requires:

- Primary automobile liability coverage of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage;
- Personal injury protection (PIP) benefits that meet the minimum coverage amounts required under the Florida Motor Vehicle No-Fault Law; and
- Uninsured and underinsured vehicle coverage as required by law.

When a TNC driver is engaged in a prearranged ride the bill requires:

- Primary automobile liability coverage of at least \$1 million for death, bodily injury, and property damage;
- PIP benefits that meet the minimum coverage amounts required of a limousine under Florida Motor Vehicle No-Fault Law; and
- Uninsured and underinsured vehicle coverage as required by law.

The bill authorizes an automobile insurer not providing TNC insurance to exclude coverage provided to an owner or operator of a TNC vehicle while driving that vehicle if logged on to the digital network or providing a prearranged ride.

The bill requires the TNC to conduct, or have a private third party conduct, a local and national criminal background check on its drivers every 3 years, and a driving record check once when the person applies as a TNC driver. The bill prohibits the TNC from hiring a person as a TNC driver if he or she has been convicted of certain crimes or a certain number of moving violations. To ensure that the TNC has complied with the requirement of background checks, the bill requires the TNC to submit an examination report prepared by an independent certified public accountant to the Department of Financial Services and provides for penalties if the TNC fails to comply with the background check requirements.

The bill requires a TNC to implement a zero tolerance policy on the use of drugs and alcohol by its drivers, and to suspend a driver during the length of an investigation, if a rider registers a

complaint of drug or alcohol use. All TNCs must adopt policies on nondiscrimination and disability access. In addition, the bill:

- Requires a TNC to maintain an agent for service of process;
- Requires a TNC to disclose information on fares to riders before the beginning of prearranged rides;
- Requires a TNC driver to carry proof of insurance;
- Requires a TNC's digital network to display a photograph of the TNC driver and the license plate number of the TNC vehicle;
- Provides that TNC drivers are independent contractors if certain conditions are met;
- Prohibits TNC drivers from accepting rides for compensation outside of the TNC's digital network and from soliciting or accepting street hails; and
- Requires TNCs to maintain records on riders and TNC drivers.

These provisions were approved by the Governor and take effect July 1, 2017.

Vote: Senate 36-1; House 115-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

HB 243 — Public Records/Nonsworn Investigative Personnel of OFR's Bureau of Financial Investigations

by Rep. Raulerson and others (SB 248 by Senators Broxson and Passidomo)

The bill exempts from public inspection and disclosure certain personal identifying information of nonsworn investigative employees of the Office of Financial Regulation. The exemption applies to all current or former employees as well as their spouses and children. The exemption also covers an employee's spouse's place of employment and his or her child's school or day care facility.

The provisions of the bill are subject to the Open Government Sunset Review Act and will be repealed on October 2, 2022, unless reenacted by the Legislature.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 31-0; House 114-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/HB 307 — Florida Life and Health Insurance Guaranty Association

by Insurance and Banking Subcommittee and Rep. Drake (CS/SB 814 by Appropriations Committee and Senator Broxson)

The bill revises coverage provisions relating to the Florida Life and Health Insurance Guaranty Association (association). In 1979, the Legislature created the association to protect policyholders against failure in the performance of contractual obligations under life and health insurance policies and annuity contracts due to the impairment or insolvency of the member insurer that issued the policies or contracts.

Effective January 1, 2020, the bill increases the coverage limits for basic hospital expense health insurance policies, basic medical-surgical health insurance policies, and major medical expense health insurance policies from \$300,000 to \$500,000 for any one person. Further, the bill expands the association's scope of coverage to include annuities issued by an insurer pursuant to an individual retirement annuity and annuities issued by an insurer and held by a third party custodian or trustee pursuant to an individual retirement account.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/HB 339 — Motor Vehicle Service Agreement Companies

by Insurance and Banking Subcommittee and Rep. White (CS/SB 794 by Banking and Insurance Committee and Senator Brandes)

The bill expands the methods by which a motor vehicle service agreement company may insure its ability to pay out on its warranty claims by allowing the company to procure insurance to cover its motor vehicle service agreement claim exposure from a risk retention group that is authorized to do business in Florida. The risk retention group or insurer covering the claims exposure of a motor vehicle service agreement company must maintain a surplus of at least \$15 million. For insurers current law requires a surplus of \$4 million. The bill also allows a motor vehicle service agreement company that provides vehicle protection expenses to obtain insurance coverage on its warranty claims from an insurer that is affiliated with the company. Lastly, the bill provides that cancellation of a motor vehicle service agreement by a lender, finance company, or creditor is valid only if those entities are authorized to do so in the underlying service agreement.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/HB 359 — Regulation of Insurance Companies

by Commerce Committee and Rep. Santiago (CS/CS/SB 454 by Appropriations Committee; Banking and Insurance Committee; and Senator Brandes)

The bill makes several changes relating to the regulation of insurance companies. The bill:

- Deletes the future repeal of the exemption of medical malpractice insurance premiums from the Florida Hurricane Catastrophe Fund assessments. Under current law, the exemption is repealed May 31, 2019.
- Allows an insurer issuing only renter's insurance, tenant's coverage or cooperative unit owners insurance to maintain a surplus of \$10 million to do business in the state.
- Removes the requirement that all members of an audit committee for an insurer must be free of any relationships that could interfere with the member's independent judgement.
- Allows Florida Workers' Compensation Insurance Guaranty Association surcharges to be counted as insurer assets if those surcharges are paid to the Association before the surcharges are collected from the insureds.
- Removes the requirement on insurers writing certain lines of medical malpractice insurance to make a full rate filing annually; these insurers will have the option to certify their rates with the Office of Insurance Regulation.
- Renames "owners and encumbrance" reports to "property information" report and clarifies such reports are not title insurance.
- Allows electronic checks and drafts as acceptable methods of payment for specified lines of insurance and allows insurers to charge a \$15 insufficient funds fee.
- Specifies display requirements for the electronic delivery of documents.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/HB 421 — Public Housing Authority Insurance

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Shaw (CS/SB 850 by Banking and Insurance Committee and Senator Rouson)

The bill allows a for-profit or not-for-profit corporation, limited liability company, or other similar business entity in which a public housing authority holds an ownership interest or participates in its governance under s. 421.08(8), F.S., to join a self-insurance fund formed under s. 624.46226, F.S., in which the public housing authority participates. The entity may join the self-insurance fund solely to insure risks related to public housing.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/HB 435 — International Financial Institutions

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Raulerson and others (CS/CS/SB 736 by Appropriations Committee; Banking and Insurance Committee; and Senators Mayfield and Steube)

The bill modernizes the regulatory framework of international financial services subject to regulation by the Office of Financial Regulation (OFR), which will promote the growth of international financial services market in Florida. The bill revises provisions relating to the regulation of international banking corporations and international trust company representative offices (ITCROs) of international trust entities and creates a regulatory framework for qualified limited service affiliates (QLSAs). An ITCRO may conduct any nonfiduciary activities that are ancillary to the fiduciary business of its international trust entity (ITE), such as marketing and soliciting for fiduciary business on behalf of the ITE. The QLSAs are marketing and liaison offices that engage in permissible activities for the benefit of an ITE and are qualified by the OFR. An ITE is an international trust company, an international business, an international business organization, or an affiliated or subsidiary entities that is licensed, chartered, or similarly permitted to conduct trust business in a foreign country or countries under the laws of which it is organized and supervised. The bill provides the following changes:

- Establishes oversight of qualified limited service affiliates and offices of ITEs.
- Provides an abbreviated application process to establish additional locations of an entity that meets certain conditions.
- Authorizes the OFR to implement a risk-based approach for capital requirements, which will allow the OFR to calculate capital requirements that reflect an entity's business model and its particular inherent risk profile.
- Provides the OFR with discretion to allow an after-the-fact licensure process of an entity in the event of an acquisition, merger, or consolidation, which would allow continuity of operations.
- Clarifies permissible activities of entities regulated under chapter 663, Florida Statutes.

If approved by the Governor, these provisions take effect January 1, 2018, except as otherwise provided.

Vote: Senate 36-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/HB 437 — Public Records/International Financial Institutions

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Raulerson (CS/CS/CS/SB 738 by Appropriations Committee; Governmental Oversight and Accountability Committee; Banking and Insurance Committee; and Senators Mayfield and Steube)

The bill makes certain records related to international trust entities and qualified limited service affiliates confidential and exempt from public inspection and copying. The Office of Financial Regulation (OFR) must hold the following information confidential and exempt:

- Personal identifying information of the customer or prospective customers of affiliated international trust entities that appear in regulatory records of an international trust company representative office or a qualified limited services affiliate;
- The names of shareholders or members of an affiliated international trust entity or a qualified limited services affiliate; and
- Information received by the OFR from a person from another state or country or the Federal Government that is confidential, or exempt pursuant to the laws of that state or country or pursuant to federal law.

The bill authorizes the OFR to disclose otherwise confidential and exempt information in specified circumstances.

The bill also revises the public records exemption for OFR records and information related to investigations and examinations of financial institutions, and confidential documents supplied by other state and federal agencies, to specify that such records are exempt from section 24(a), Article I of the Florida Constitution. The revision is necessary because CS/CS/HB 435 expands the definition of “financial institution” to include an “international trust entity” and “qualified limited services affiliate,” thus expanding the existing public records exemption.

The public records exemptions created and amended by this bill are subject to the Open Government Sunset Review Act and repeal on October 2, 2022, unless the Legislature reviews and saves them from repeal through reenactment.

If approved by the Governor, these provisions take effect on the same date that CS/CS/HB 435 or similar legislation takes effect, if such legislation is adopted in this legislative session and becomes a law.

Vote: Senate 35-0; House 118-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/HB 465 — Firefighters

by Government Accountability Committee; Local, Federal and Veterans Affairs Subcommittee; and Rep. Raburn and others (CS/SB 1084 by Banking and Insurance Committee and Senators Stargel and Artiles)

The bill creates a Lifetime Firefighter designation for firefighters and volunteer firefighters. Specifically, the bill:

- Provides that a firefighter or volunteer firefighter who has been employed by a fire service provider, is recorded on the fire service provider's roster in the division's electronic database, or who was previously certified as a firefighter or volunteer firefighter may apply for the designation if the individual has at least 20 years of service and is in good standing with his or her most recent fire service provider and has not been convicted of a felony or had another type of disqualifying event;
- Allows a firefighter or volunteer firefighter to have his or her Certificate of Compliance or Certificate of Completion placed in the Lifetime Firefighter designation at the time the person is required to renew the Certificate of Compliance or Completion;
- Requires the division to issue the Lifetime Firefighter designation in its online electronic database after a firefighter's 4-year period;
- Specifies that if a firefighter's Firefighter Certificate of Completion or Volunteer Firefighter Certificate of Completion is current upon the approval of a Lifetime Firefighter designation, and he or she applies to renew the certification within the first 4 years after the date of approval, he or she must successfully complete the Minimum Standards Course examination for firefighters and the requisite course examinations for volunteer firefighters;
- Provides that if the Firefighter Certificate of Completion or Volunteer Firefighter Certificate of Completion has expired upon the Lifetime Firefighter designation, and he or she wants to perform firefighting services, the person must complete the Minimum Standards Course examination for firefighters and the requisite course examinations for volunteer firefighters;
- Requires the Lifetime Firefighter designation to be revoked for certain reasons and authorizes the division to investigate and take necessary actions; and
- Authorizes the Division of the State Fire Marshal to adopt rules.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 118-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/HB 577 — Discount Plan Organizations

by Health Innovation Subcommittee and Rep. Pigman (CS/CS/SB 430 by Appropriations Committee; Banking and Insurance Committee; and Senators Bean and Flores)

The bill amends part II of ch. 636, F.S., relating to Discount Medical Plan Organization.

The bill:

- Changes the term “discount medical plan” to “discount plan,” changes the term “discount medical plan organization” to “discount plan organization,” and allows old terms to be used until June 30, 2018;
- Exempts from licensure plans that do not charge a fee to plan members;
- Requires discount plans to retain member records for 5 years after a member agreement ends and subjects such records to inspection by the OIR at any time;
- Requires a member to receive a reimbursement of charges if the member cancels a plan in compliance with the rules of an open enrollment period or at any time within 30 days of written notice;
- Allows discount plans to make disclosures to those required by statute;
- Removes requirements that all discount plan charges must be submitted to the Office of Insurance Regulation (OIR), and that charges greater than \$30 per month and \$360 per year may only be charged if approved by OIR;
- Removes a standard that charges bear a reasonable relation to the benefits received;
- Removes the requirement that forms must be submitted to the OIR for approval;
- Allows a discount plan organization to delegate functions to its marketers;
- Allows a marketer or discount plan organization to commingle medical services and other services on a single page of forms, advertisements, marketing materials or brochures;
- Removes the requirement that the fees for the discount medical plan must be provided in writing to the member when a marketer or discount plan organization sells a discount medical plan together with any other product and the fees exceed \$30.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 118-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/SB 800 — Medication Synchronization

by Appropriations Committee; Banking and Insurance Committee; and Senators Broxson and Mayfield

The bill establishes coverage and payment requirements relating to medication synchronization. Medication synchronization is a process where a pharmacist coordinates or synchronizes refills for a patient who is taking multiple covered prescriptions, allowing them to be filled on the same day each month. Partial fills for less than the standard refill amount are often required in order to align all patient medications to the same refill date. Medication synchronization can be used to increase medication adherence.

The bill requires health insurers and health maintenance organizations (HMOs) that provide prescription drug coverage to offer insureds or members the option to align the refill dates of their prescription drugs through a network pharmacy at least once during the plan year. Controlled substances, prescription drugs dispensed in an unbreakable package, or a multidose unit of a prescription may not be partially filled for the purpose of aligning refill dates.

The bill requires health insurers and HMOs to pay a full dispensing fee to the network pharmacy unless otherwise agreed to by the plan and the network pharmacy. The health insurer or HMO must prorate cost-sharing obligations of the insured for each partial refill of a covered prescription drug dispensed to align refill dates. Notwithstanding these requirements for a medication synchronization process, the bill deems certain existing medication synchronization programs, which provide for early refills, refill overrides, and access on the insurer or HMO's website to information about the program as complying with the bill's requirements.

If approved by the Governor, these provisions take effect January 1, 2018.

Vote: Senate 36-0; House 120-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/HB 805 — Insurance Policy Transfers

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Ingoglia (CS/CS/SB 812 by Rules Committee; Banking and Insurance Committee; and Senators Perry and Gibson)

The bill (Chapter 2017-19, L.O.F.) allows the transfer of a personal lines residential or commercial residential policy as a renewal if the authorized insurer to which the policy is being transferred:

- Is admitted in this state and other states;
- Is writing residential property insurance in multiple states;
- Is not converting the policy to a surplus lines policy; and
- Has been determined by the Office of Insurance Regulation to have the same or better financial strength than the transferring insurer.

The policyholder of the policy being transferred must be selected on a nondiscriminatory basis. The authorized insurer to which the policy is being transferred must provide a notice of change in policy terms to the policyholder. The notice must include notice of the policy transfer and the authorized insurer's financial rating and must be provided to the insured at least 60 days before the effective date of the transfer.

The transfer must result in substantially similar coverage and the Office of Insurance Regulation must approve the transfer.

Prior to the passage of the bill, insurance companies that write personal lines residential and commercial residential policies, except for certain farmowners policies, could not transfer renewal policies. Such insurers had to first cancel, nonrenew, or terminate residential policies, providing 120 days notice pursuant to state law.

These provisions were approved by the Governor and take effect July 1, 2017.

Vote: Senate 38-0; House 113-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/HB 813 — Flood Insurance

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Lee (CS/CS/SB 420
by Community Affairs Committee; Banking and Insurance Committee; and Senator Brandes)

The bill extends to October 1, 2025, existing law that allows insurers offering private market flood insurance under s. 627.715, F.S., to make rate filings that are not required to be reviewed by the Office of Insurance Regulation (OIR) before implementation of the rate (“file and use” review) or shortly after implementation of the rate (“use and file” review). The bill generally applies s. 627.715, F.S., to excess flood insurance.

Excess coverage is exempted from the requirement of s. 627.715(1), F.S., to offer flood insurance on a standard, preferred, customized, flexible, or supplemental basis.

Until July 1, 2019, or upon the OIR commissioner determining there is an adequate admitted market, the bill allows flood policies to be placed with a surplus lines insurer without the agent first receiving one declination from an admitted insurer. If there are fewer than three admitted insurers after July 1, 2019, the number of declination shall equal the number of authorized insurers providing flood coverage.

The bill increases the interval for the Florida Commission on Hurricane Loss Projection Methodology to revise the criteria used in calculating flood loss projection models to 4 years. Lastly, the bill requires an insured currently covered under the National Flood Insurance Program (NFIP) to sign an acknowledgement before being placed with a private insurers informing them of the risk of being charged a higher rate should they choose to return to the NFIP at a later date.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 31-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/HB 837 — Insurer Insolvency

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Raburn (CS/CS/SB 730 by Rules Committee; Banking and Insurance Committee; and Senator Passidomo)

The bill amends Florida’s Insurers Rehabilitation and Liquidation Act to include various provisions from the National Association of Insurance Commissioners’ “Insurer Receivership

Model Act.” The bill:

- Provides that notices of hearings pertaining to the insolvency of a member insurer shall be delivered to the Florida Health Maintenance Organization Consumer Assistance Plan;
- Provides exclusive jurisdiction to the circuit court in Leon County over all assets and property of an insurer in receivership, whether or not such assets or property are located outside of Florida;
- Creates deadlines for written responses from an insurer subject to an order to show cause and establishes a deadline for commencement of a hearing to determine whether cause exists for the Department of Financial Services (DFS) to be appointed receiver;
- Exempts the Office of Insurance Regulation from the automatic stay provisions;
- Provides that the DFS may assume or reject unexpired leases or executory contracts of an insurer and pay expenses during the pendency of a receivership under contracts, leases, and other arrangements entered by insurers before commencement of the receivership;
- Provides that officers, directors, and managers, of a liquidated insurer are discharged of authority except as may be delegated by the DFS;
- Limits certain defenses which may be raised by third parties in actions brought by or against the DFS in its capacity as receiver;
- Limits third parties from asserting or raising obligations, claims, and defenses which were not recorded in the records of the insurer in receivership, with certain exceptions;
- Allows the court more flexibility in approving procedures for the “deemed filing” of claims, or claims where the DFS deems a claim filed and can distribute funds, such as a refund of unearned premium, to the claimant without the need of a formal claim;
- Allows the court to set a deadline for the filing of claims;
- Disallows claims for post-judgment interest accrued after the liquidation date;
- Creates a process for administering large deductible workers’ compensation policies and the collateral for large deductible workers’ compensation policies;
- Adds all costs and expenses related to administrative supervision to Class 1 of the priority of claims to be paid in distribution;
- Adds claims related to healthcare coverage by physicians, hospitals, and other providers of a health insurer or HMO and claims of residents which arise out of a continuing care contract to Class 2 of the priority of claims to be paid in a distribution; and
- Removes certain notice requirements related to early access distributions to guaranty associations.

If approved by the Governor, these provisions take effect July 1, 2017.

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.
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Vote: Senate 36-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/HB 911 — Insurance Adjusters

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Shaw (CS/CS/SB 922 by Appropriations Committee; Banking and Insurance Committee; and Senator Garcia)

The bill amends various statutes relating to insurance adjusters. The bill eliminates licensure for public adjuster apprentices and requires a public adjuster apprentice to be licensed as an all-lines adjuster and appointed as a public adjuster apprentice. In addition, the bill:

- Eliminates the temporary license, which is not currently used;
- Revises the requirements for public adjusters to expressly prohibit unlicensed public adjusting that is done directly or indirectly;
- Deletes a provision of law relating to solicitation by public adjusters;
- Excludes deductibles from the calculation of an adjuster's fee; and
- Reduces the time a public adjuster apprentice must be supervised before becoming eligible for licensure as a public adjuster.

If approved by the Governor, these provisions take effect January 1, 2018.

Vote: Senate 38-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/HB 925 — Department of Financial Services

by Commerce Committee; Insurance and Banking Subcommittee; and Reps. Miller, M., Plakon, and others (CS/CS/SB 986 by Appropriations Committee; Banking and Insurance Committee; and Senator Stargel)

The bill makes various changes to statutes relating to the Department of Financial Services (DFS). The bill addresses issues at the DFS within the Divisions of Treasury, Accounting and Auditing, State Fire Marshal, Agent and Agency Services, and Risk Management. The bill:

- Replaces the Treasury Investment Committee with the Treasury Investment Council within the Division of Treasury and provides for the duties of the Council;
- Applies certain requirements relating to payments, warrants, and invoices to payments made in relation to certain agreements funded with federal or state assistance;
- Updates the 1991 Boiler Safety Act as to installation requirements, qualifications of inspectors of boilers in public assembly locations, continuing education requirements for inspectors, and criminal penalties to administrative fines for violations;
- Authorizes the Department the authority to use appropriated funds for the purpose of professional development and training courses;
- Allows licensed individuals who are active participants in specified insurance associations to annually earn continuing education credits;
- Provides that the Division of Agent and Agency Services may not issue a license until an applicant with a criminal history has paid all fines, restitution, and court costs;
- Provides that the Division of Agent and Agency Services is not required to issue licenses to persons who have received executive pardons or had civil rights restored;
- Allows an additional adjuster certification process to be used by applicants for an all-lines adjuster license;
- Allows insurance agents and adjusters to claim 2 hours of elected continuing education credit for membership in specified associations;
- Removes the statute of limitations for actions relating to the Holocaust Victims Assistance Program;
- Allows for the use of firefighter's confidential information for the purposes of certain studies; and
- Removes a requirement for an individual to send a written notice of claim or serve a summons on the DFS for an action against a county.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-0; House 118-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/CS/HB 1007 — Prohibited Insurance Acts

by Commerce Committee; Government Operations and Technology Appropriations Subcommittee; Insurance and Banking Subcommittee; and Reps. Raschein, Diamond, and others (CS/CS/SB 1012 by Appropriations Committee; Banking and Insurance Committee; and Senators Brandes and Young)

The bill creates new requirements for insurance companies relating to insurance fraud prevention and reporting. The bill requires all insurers to adopt an anti-fraud plan and to establish and maintain a designated anti-fraud unit within the company to investigate possible fraudulent insurance acts or contract with others to investigate fraudulent insurance acts. The insurer must electronically file with the Department of Financial Services (DFS) a detailed description of the designated anti-fraud unit or a copy of the contract with the company that investigates fraudulent insurance acts for the insurer and a copy of the anti-fraud plan. This filing must be made annually on or before December 1, starting in 2017.

The anti-fraud plan must include:

- An acknowledgment that the insurer has established procedures for detecting possible fraudulent insurance acts;
- An acknowledgment that the insurer has established procedures for reporting such acts to the DFS;
- An acknowledgement that the insurer provides required anti-fraud education to employees;
- A description of the anti-fraud education;
- A description of the insurer's anti-fraud unit; and
- The rationale for staffing levels and resources provided to the anti-fraud unit.

Beginning in 2019, the bill requires every insurer to annually submit anti-fraud statistics to the DFS by March 1 for the lines of business written by that insurer for the calendar year. The statistics must include:

- The number of policies in effect;
- The amount of premiums written for policies;
- The number of claims received;
- The number of claims referred to the anti-fraud investigative unit;
- The number of other insurance fraud matters referred to the anti-fraud investigative unit that were not claim related;
- The number of claims investigated or accepted by the anti-fraud investigative unit;
- The number of other insurance fraud matters investigated or accepted by the anti-fraud investigative unit that were not claim related;
- The number of cases referred to the DFS;
- The number of cases referred to other law enforcement agencies;
- The number of cases referred to other entities; and
- The estimated dollar amount of damages in cases referred to the DFS or other agencies.

Current law only requires statistical reporting from workers' compensation insurers. This bill requires all insurers to provide reports. The bill modifies reporting requirements for workers' compensation insurers.

The bill requires the DFS to create a report detailing best practices for the detection, investigation, prevention, and reporting of insurance fraud and other fraudulent insurance acts. The report must be updated at least every two years. The bill requires the DFS to collect data from each state attorney office that receives appropriations to fund prosecutor positions to prosecute insurance fraud cases. The state attorneys must provide specified data to the DFS each quarter and the DFS is required to report to the Executive Office of the Governor, President of the Senate, and Speaker of the House of Representatives each year.

The bill provides that a health maintenance organization authorized to exclusively market, sell, or offer to sell Medicare Advantage plans shall be actively engaged in managed care with 24 months after licensure in order to maintain its certificate of authority. The Office of Insurance Regulation (OIR) may extend the period upon written request.

The bill makes stranger-originated life insurance (STOLI) contracts void and unenforceable and allows a life insurer to contest a policy obtained through a STOLI practice, notwithstanding that life insurance contracts cannot be contested two years after issuance. A stranger-originated life insurance practice is an act, practice, arrangement or agreement to initiate a life insurance policy for the benefit of a third party investor who has no insurable interest in the insured at policy origination.

The bill makes void and unenforceable viatical settlement contracts subject to a loan secured by an interest in the insurance policy within five years from the issuance of the underlying insurance policy. This is referred to as the contestability period of the viatical settlement contract. The bill otherwise retains the existing two year contestability period under current law. Current law provides conditions that, if met, allow the execution of a viatical settlement contract during the contestability period. The bill modifies the process for doing so. The viator must provide a sworn affidavit and accompanying independent evidentiary documentation to a viatical settlement provider certifying that the viator has met a statutory exception that allows viatication of a policy during the contestability period. Current law does not require the viator to execute a sworn affidavit with documentation evidencing that the exception applies. The bill also revises and clarifies some of the conditions that allow viatication during the contestability period.

The bill adds as prohibited practices under the Viatical Settlement Act:

- Engaging in a fraudulent viatical settlement act;
- Engaging in a STOLI practice;
- Knowingly entering into a viatical settlement contract before the application for or issuance of a life insurance policy that is the subject of the viatical settlement contract or within a contestability period unless the viator complied with s. 626.99287, F.S.; and
- Knowingly issuing, soliciting, marketing, or promoting the purchase of a life insurance policy for the purpose of, or with an emphasis on selling the property to a third party.

Violations are third-degree felonies if the insurance policy has a value less than \$20,000; second degree felonies if the insurance policy has a value of \$20,000 or more but less than \$100,000; and first-degree felonies if the insurance policy has a value of \$100,000 or more.

The bill allows motor vehicle insurers an exemption from the requirement that they inspect each private passenger motor vehicle before issuing an insurance policy that provides coverage for physical damage. The inspection requirement only applies in counties with a 1988 population of 500,000 or greater. The bill requires insurers using the exemption to file a manual rule with the OIR and allows an insurer to file with the OIR their own preinsurance inspection requirements before insuring a private passenger motor vehicle.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 33-0; House 116-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/HB 1009 — Public Records/Insurance Fraud Information/DFS

by Insurance and Banking Subcommittee and Rep. Raschein (CS/SB 1014 by Banking and Insurance Committee and Senator Brandes)

The bill creates a public records exemption for certain information submitted to the Department of Financial Services (DFS) by insurers to comply with insurance fraud prevention and reporting requirements. The bill provides that the following information is exempt from public inspection and copying:

- The description of the insurer's required anti-fraud education and training;
- The description or chart of the insurer's anti-fraud investigative unit;
- The rationale for the level of staffing and resources provided to the insurer's anti-fraud investigative unit;
- The number of claims referred to the anti-fraud investigative unit;
- The number of other insurance fraud matters referred to the anti-fraud investigative unit that were not claim related;
- The number of claims investigated or accepted by the anti-fraud investigative unit;
- The number of other insurance fraud matters investigated or accepted by the anti-fraud investigative unit that were not claim related; and
- The estimated dollar amount or range of damages on cases referred to the DFS's Division of Investigative and Forensic Services or other agencies.

The bill provides that the exemption applies to records held on, before, or after the effective date.

The bill provides that the public records exemption is subject to the Open Government Sunset Review Act and will expire October 2, 2022, unless saved from repeal by the Legislature.

If approved by the Governor, these provisions take effect on the same date that CS/HB 1007 or similar legislation takes effect, if such legislation is adopted in this legislative session and becomes a law.

Vote: Senate 37-0; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/HB 1107 — Public Records/Workers' Compensation

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Albritton (CS/CS/SB 1008 by Rules Committee; Banking and Insurance Committee; and Senators Perry and Bradley)

The bill creates a public records exemption for personal identifying information of an injured or deceased employee contained in reports, notices, records, or supporting documentation held by the Department of Financial Services (DFS) pursuant to ch. 440, F.S. "Personal identifying information," means the injured or deceased employee's name, date of birth, home, mailing, or e-mail address, or telephone number. The bill authorizes the DFS to disclose personal identifying information made confidential and exempt only:

- To the injured employee, to the spouse or a dependent of the deceased employee, to the spouse or a dependent of the injured employee if authorized by the injured employee, or to the legal representative of the deceased employee's estate;
- To a party litigant, or his or her authorized representative, in matters pending before the Office of the Judges of Compensation Claims;
- To a carrier or an employer for the purpose of investigating the compensability of a claim or for the purpose of administering its anti-fraud investigative unit established pursuant to s. 626.9891, F.S.;
- In an aggregate reporting format that does not reveal the personal identifying information of any employee;
- Pursuant to a court order or subpoena;
- To an agency for administering its anti-fraud investigative function or in furtherance of the agency's official duties and responsibilities; or
- To a federal governmental entity in the furtherance of the entity's official duties and responsibilities.

The bill provides that a person who willfully and knowingly discloses personal identifying information made confidential and exempt by this bill to an unauthorized person or entity commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S.

The public records exemption created by this bill is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 120-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/SB 1108 — Public Records/Firefighters and their Spouses and Children
by Governmental Oversight and Accountability Committee and Senator Steube

The bill expands an existing public records exemption in s. 119.071(4)(d)2.b., F.S., for the personal identifying information of current firefighters, their spouses, and children. The expansion will extend the public records exemption to former firefighters and their families. The records exempted are the names of the spouses and children, home addresses, telephone numbers, dates of birth, photographs, places of employment, and the names and locations of schools and day care facilities attended by the children of firefighters.

The public records exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S. The exemption will stand repealed on October 2, 2022, unless the Legislature reviews the exemption and saves it from repeal through reenactment.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 37-0; House 120-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/HB 1347 — Application of the Florida Deceptive and Unfair Trade Practices Act to Credit Unions

by Insurance and Banking Subcommittee and Rep. Jones (SB 1620 by Senator Powell)

The bill exempts credit unions licensed under ch. 657, F.S., from part II of ch. 501, F.S., known as the Florida Deceptive and Unfair Trade Practices Act. Other entities currently exempt from the act include licensed banks and savings and loans associations.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 114-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

HB 7045 — OGSR/Reports of Unclaimed Property

by Oversight, Transparency and Administration Subcommittee and Rep. Raulerson (SB 7026 by Banking and Insurance Committee)

The bill continues the existing public records exemption for social security numbers and property identifiers held by the Division of Unclaimed Property at the Department of Financial Services by removing the October 2, 2017, repeal date.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 35-0; House 113-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

HB 7067 — A Review Under the Open Government Sunset Review Act

by Oversight, Transparency and Administration Subcommittee and Rep. Rommel (CS/SB 7024
by Rules Committee and Banking and Insurance Committee)

Title insurers and title insurance agencies are required to submit data identified by the Office of Insurance Regulation (OIR) to assist in the analysis of premium rates, title search costs, and the condition of Florida's title insurance industry. Proprietary business information provided to OIR by a title insurance agency or insurer is confidential and exempt from public record requirements until such information is otherwise publicly available or is no longer treated by the title insurance agency or insurer as proprietary business information.

The Open Government Sunset Review Act requires the Legislature to review each public record and each public meeting exemption 5 years after enactment. The public record exemption for proprietary business information will repeal on October 2, 2017. This bill saves the exemption from repeal. It also limits the categories of records that are exempt from the public records requirements.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 36-0; House 112-0

Committee on Children, Families, and Elder Affairs

CS/SB 60 — Children Obtaining Driver Licenses

by Children, Families, and Elder Affairs Committee; and Senators Bean, Rodriguez, and Stargel

CS/SB 60 (Chapter 2017-8, L.O.F.) addresses children in foster care obtaining driver licenses. Such children in the foster care system often face barriers to participating in everyday life experiences common to other young people their age. These life experiences are a part of how all children are prepared for the responsibilities they will assume as adults. Florida law supports the participation of children in out-of-home care in age-appropriate activities.

The bill removes the pilot status of the program that provides funding to pay the cost for driver education, licensure, and motor vehicle insurance for children in out-of-home care and expands eligibility for the program to children who are in relative and non-relative placements. In addition, it allows children to continue receiving benefits for up to six months after having achieved permanency or turning 18 years of age.

The bill requires the child's transition plan and the court to address the issue of a child in care being able to obtain a driver license.

The bill also provides that a guardian ad litem, when authorized by a minor's caregiver, may sign for the minor's learner's driver license and not assume any obligation or liability for damages caused by the minor.

The current program is funded with a recurring appropriation of \$800,000 and should require no additional resources for the proposed expansion.

These provisions were approved by the Governor on May 1, 2017 and take effect upon becoming a law.

Vote: Senate 37-0; House 116-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Children, Families, and Elder Affairs

CS/HB 329 — Child Protection

by Health and Human Services Committee and Reps. Harrell and others (SB 762 by Senator Baxley)

CS/HB 329 relates to child visitation where a parent resides in a recovery residence, or sober home, because of a drug or alcohol addiction. The bill provides that in such cases, a court-ordered time-sharing plan may not require a minor child to visit a parent between the hours of 9 p.m. and 7 a.m. if that parent lives in a recovery residence. The bill provides as a condition of certification by the Department of Children and Families that a recovery residence may not allow a child to visit a resident parent during those hours. The bill also prohibits court-ordered visitation of a minor child to a recovery residence where a sexual predator or sexual offender resides.

The bill is intended to clarify that a minor child cannot be required by a court, through a time-sharing plan, to visit overnight with a parent that resides in a substance abuse recovery residence.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 117-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 397 — Public Records/Victim of Alleged Sexual Harassment/Identifying Information

by Government Accountability Committee; Oversight, Transparency and Administration Subcommittee; and Rep. Raschein and others (CS/CS/SB 492 by Governmental Oversight and Accountability Committee; Children, Families, and Elder Affairs Committee; and Senator Young)

CS/CS HB 397 creates a public records exemption for identifying information contained in state agency investigations of employee sexual harassment. It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. The bill provides legislative findings that protecting personal identifying information of alleged victims is a public necessity because disclosure of such information could place them at risk of further harassment and retaliation and that the disclosure of identifying information could discourage alleged victims from reporting instances of alleged harassment.

The exemption is subject to the Open Government Sunset Review Act and unless reviewed and saved from repeal through reenactment by the Legislature, shall be repealed on October 2, 2022.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 114-0

Committee on Children, Families, and Elder Affairs

CS/HB 399 — Guardianship

by Civil Justice and Claims Subcommittee and Reps. Diamond and Spano (CS/CS/SB 172 by Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senators Passidomo, Mayfield, and Powell)

CS/HB 399 (Chapter 2017-16, L.O.F.) revises several aspects of Florida's guardianship statutes relating to the determination of a person's incapacity. The bill allows certain parties to challenge a report filed by an examining committee member; allows a guardian's annual report on the incapacitated person over whom he or she has responsibility to be filed within a certain timeframe; allows a court to grant extraordinary authority for a guardian to initiate a ward's divorce without the spouse's consent; and removes the \$6,000 cap on the amount a guardian may spend on a ward's funeral and related expenses.

This bill is, in part, based on a court ruling from the Florida 4th District Court of Appeals, addressing the introduction of examining committee reports into evidence without a member of the examining committee available to testify to the contents of the report. The bill allows certain parties time to review the examining committee reports and, if no challenge to the reports is filed with the court, then the report may be introduced into evidence. If a challenge to a report is timely filed with the court, then an examining committee member must attend the hearing to testify about the contents of the report.

These provisions became law upon approval by the Governor on May 9, 2017.

Vote: Senate 39-0; House 93-22

Committee on Children, Families, and Elder Affairs

CS/CS/SB 590 — Child Support and Parenting Time Plans

by Appropriations Committee; Judiciary Committee; and Senators Brandes, Stargel, Gibson, and Campbell

CS/CS/SB 590 authorizes the Department of Revenue (DOR) to establish parenting time plans to which both parents have agreed in Title IV-D child support actions. Parenting time plans are documents that set out the time a child or children will spend with a custodial and non-custodial parent. Title IV-D child support cases are administrative matters delegated to the DOR by the Legislature. The majority of child support cases handled by the DOR are for parents that have a child or children together but have never married.

Under the bill, the DOR is required to provide parents parenting time plans with a proposed administrative support order. The bill also creates a standard parenting time plan that may be used by parents. In the event the parents cannot agree on a plan, they will be referred to the circuit court for the establishment of a plan. In these instances, parents will not pay a fee to file a petition to determine a parenting time plan.

Both parents must sign a parenting time plan before the plan may be incorporated into an administrative child support order. The Title IV-D Standard Parenting Time Plan provides the non-custodial parent that is paying child support a minimum amount of parenting time with his or her child.

The bill contains a nonrecurring appropriation of \$690,650 and a recurring appropriation of \$350,476 in general revenue to the DOR to implement the bill.

If approved by the Governor, the law will take effect January 1, 2018.

Vote: Senate 37-0; House 82-33

Committee on Children, Families, and Elder Affairs

CS/CS/SB 886 — Public Records/Substance Abuse Impaired Persons

by Governmental Oversight and Accountability Committee; Children, Families, and Elder Affairs Committee; and Senator Powell

CS/CS/SB 886 creates a public records exemption for petitions for involuntary assessment and stabilization of a substance abuse impaired person filed pursuant to s. 397.6815, F.S. The bill provides for a retroactive application of the public records exemption.

The bill aligns the protection of court documents under the Marchman Act (involuntary assessment for substance abuse) with the Baker Act (involuntary assessment for mental health disorders). The bill provides legislative findings that making such petitions, orders, records, and identifying information confidential and exempt from disclosure will protect such persons from the release of sensitive, personal information which could damage their and their families' reputations, and that protecting such information is a public necessity.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 39-0; House 117-0

Committee on Children, Families, and Elder Affairs

CS/HB 899 — Comprehensive Transitional Education Programs

by Children, Families and Seniors Subcommittee and Rep. Stevenson (CS/SB 714 by Appropriations Committee and Senator Garcia)

The bill authorizes the Agency for Persons with Disabilities to petition a court for the appointment of a receiver for a comprehensive transitional education program (CTEP) under certain circumstances that already apply to receivership for residential habilitation centers and group home facilities owned and operated by a corporation or partnership.

Pursuant to s. 393.18, F.S., a CTEP serves individuals who have developmental disabilities, severe maladaptive behaviors, severe maladaptive behaviors and co-occurring complex medical conditions, or a dual diagnosis of developmental disabilities and mental illness. In Florida, there are only two CTEPs licensed by Agency for Persons with Disabilities.

If approved by the Governor, this bill takes effect upon becoming law.

Vote: Senate 36-0; House 118-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Children, Families, and Elder Affairs

CS/CS/HB 981 — Pub. Rec./Department of Elderly Affairs

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Rep. Gonzalez (SB 1408 by Senator Broxson)

CS/CS/HB 981 creates a public records exemption for certain information held by the Department of Elder Affairs in connection with a complaint filed against or an investigation of a professional guardian. Legislation passed in 2016 (Chapter 2016-40, Laws of Florida) directed the Office of Public and Professional Guardians within the Department of Elder Affairs to establish standards of practice for public and professional guardians, receive and investigate complaints, establish procedures for disciplinary oversight, conduct hearings, and take administrative action pursuant to ch. 120, F.S.

The investigative information that is confidential and exempt under the bill includes the names and identifying information of a ward and complainant; the ward's personal health and financial records; and all photographs and video recordings. This information is confidential and exempt from public disclosure indefinitely. The bill provides legislative findings that making such information exempt from public records during the course of an investigation is a public necessity. All information held by Department of Elder Affairs not expressly exempted indefinitely in this legislation is confidential and exempt until the investigation is complete or ceases to be active unless otherwise ordered by the court.

The exemption is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2022 unless reviewed and saved by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 115-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Children, Families, and Elder Affairs

HB 1051 — Forensic Hospital Diversion Pilot Program

by Rep. Ponder and others (SB 1094 by Senator Gainer)

HB 1051 authorizes the Department of Children and Families to implement a Forensic Hospital Diversion Pilot Program in Okaloosa County in conjunction with the First Judicial Circuit. The purpose of the program is to provide competency-restoration and community-reintegration services in either a locked residential treatment facility when appropriate or a community-based facility based on consideration of public safety, the needs of the individual, and available resources.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 117-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 1121 — Child Welfare

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Reps. Stevenson; Harrell, and others (CS/CS/CS/SB 1044 Appropriations Committee; Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senators Garcia and Campbell)

Chapters 39 and 409, F.S., contain provisions relating to Florida's child welfare system to protect and provide services to children who are either at risk of maltreatment or who have been abused, abandoned or neglected. The Department of Children and Families (DCF) Office of Child Welfare works in partnership with Community Based Care lead agencies (CBCs) and the courts to ensure the safety, timely permanency and well-being of children.

DCF's child welfare practice model standardizes the approach to risk assessment and decision making used to determine a child's safety. The model emphasizes parent engagement and empowerment as well as the training and support of child welfare professionals to assess child safety and emphasizes a family-centered practice with the goal of keeping children in their homes whenever possible.

CS/CS/HB 1121 makes a number of revisions to current law to improve the care of children in the child welfare system. Most of these changes are recommended by DCF and seek to better ensure child safety. Specifically, the bill:

- Requires the state to identify a child's father earlier in the legal process to allow for more placement options and family involvement when a child is removed from his or her family by DCF.
- Allows DCF to return an abused or neglected child to his or her home with an in-home safety plan when the conditions that caused the child to be removed are resolved rather than when the parents have substantially completed their case plan.
- Requires DCF to consider the safety of any new children added to the home of a family after a child abuse investigation has begun.
- Requires a parent to be assessed for substance abuse and complete treatment when there is evidence of harm to a child as a result of substance abuse.
- Allows DCF to terminate parental rights when a child has been placed in out-of-home care in any jurisdiction three or more times.
- Requires DCF to develop, in collaboration with the Florida Institute for Child Welfare, service providers, and other community stakeholders, a statewide quality accountability system for providers of residential group care that promotes high quality in services and accommodations. CBCs must implement the quality accountability system by July 1, 2022. DCF must submit a report to the Governor and Legislature on October 1, 2017, and by October 1 of each year thereafter.
- Requires DCF to convene a workgroup on increasing the number of high-quality foster homes and report to the Governor and Legislature by November 15, 2017.
- Allows the dependency court to order a case plan with a permanency goal of "maintain and strengthen" in the child's home by adding "maintain and strengthen" to the list of

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permanency options that a court may order and revises the definition of “permanency goal” by removing language duplicated in substantive law.

- Extends the jurisdiction of the dependency court over young adults with a disability until the age of 22, requires that a child’s transition plan must be approved by the court before a child’s 18th birthday regardless of whether the child is leaving care at 18 and requires that the transition plan must be attached to the case plan and updated before each judicial review.
- Requires the appropriate CBC or subcontracted agency to establish a multi-disciplinary team to determine appropriate placement of a child after gathering customized data and information on the child.
- Requires DCF to collect data on out-of-home placements, post the data on its website, and update the website twice a year.
- Establishes a shared family care residential services pilot program to facilitate the temporary placement of substance-exposed newborns and their families in the home of trained volunteer families for the purpose of mentoring and receiving treatment and services.
- Makes additional changes such as prohibiting payments under the Relative Caregiver Program when the parent is living with the relative along with the dependent child, allowing the release of medical records by hospitals and physicians for child abuse cases, and using child abuse records to screen employees of group homes for foster children.

The bill also makes a number of changes to laws related to children who are not involved with the child welfare system. Specifically, the bill:

- Allows certain children services councils, as independent special districts having taxing authority, to remain in existence without additional voter approval in 2020 if they were reapproved for a second time since 2005.
- Prohibits the use of state-appropriated funds to pay the salary of a CBC administrative employee in an amount that exceeds 150% of the salary paid to the secretary of DCF.
- Addresses issues related to the needs of unaccompanied homeless youth by clarifying eligibility for college and university tuition exemptions and current law relating to being able to obtain medical care without parental permission.
- Requires the initiation of an involuntary mental health examination under the Baker Act of a minor within 12 hours of arriving at a facility. The bill creates a task force within DCF to address the issue of involuntary examinations of children age 17 and younger.
- Establishes a technical advisory panel within the Agency for Health Care Administration for the purpose of developing procedures and standards for measuring outcomes of pediatric cardiac catheterization programs and pediatric open-heart surgery programs. The bill specifies the duties and composition of the panel.

If approved by the Governor, the bill takes effect July 1, 2017, except for the provisions relating to the assessment of a child removed from his or her home and placed in out-of-home care, which takes effect January 1, 2018.

Vote: Senate 38-0; House 117-0

Committee on Children, Families, and Elder Affairs

CS/HB 1269 — Child Protection

by Health Quality Subcommittee and Rep. Harrell (CS/SBs 1318 and 1454 by Children, Families, and Elder Affairs Committee; and Senators Garcia and Broxson)

CS/HB 1269 makes a number of changes to provisions relating to child protection teams (CPT). A CPT is a medically directed, multidisciplinary team in the Department of Health (DOH) that supplements the child protective investigation efforts of the Department of Children and Families (DCF) and local sheriffs' offices in cases of child abuse and neglect. CPTs provide expertise in evaluating alleged child abuse and neglect, assess risk and protective factors, and provide recommendations for interventions.

The bill:

- Allows a board-certified physician in family medicine to be hired as a CPT medical director. Physicians employed as CPT medical directors must, within two years after their date of employment, obtain either a subspecialty certification in child abuse from the American Board of Pediatrics or meet the minimum requirements established by a third-party credentialing entity recognizing a demonstrated specialized competence in child abuse pediatrics pursuant to s. 39.303(2)(d), F.S.
- Requires the State Surgeon General and Deputy Secretary for Children's Medical Services to consult with the Statewide Medical Director for Child Protection on decisions regarding screening, employment, and termination of child protection team medical directors at headquarters and within all circuits statewide.
- Revises the group of persons authorized to complete the required review of all suspected abuse and neglect reports submitted to the DCF Florida Abuse Hotline, to determine if a face-to-face medical evaluation by a child protection team is necessary.
- Changes CPT districts to circuits to align the CPT and the DCF service areas.
- Codifies the requirements for Sexual Abuse Treatment Programs that provide children alleged to have been sexually abused, their siblings, and their non-offending caretakers with specialized therapeutic treatment to assist in recovery from sexual abuse.
- Requires Children's Medical Services to convene a task force to develop a standardized protocol for forensic interviewing for children suspected of having been abused and to provide staff to support the task force, as needed. The task force must include various representatives from the disciplines of law enforcement, child welfare, and mental health treatment. The DOH must provide the protocol to the Legislature by January 1, 2018.
- Expands the cases in which an expert witness certificate may be used, to include cases involving abandonment, dependency, and sexual abuse.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 118-0

Committee on Children, Families, and Elder Affairs

HB 7073 — Ratification of a Department of Elder Affairs Rule and a Department of Health Rule

by Children, Families and Seniors Subcommittee; and Representative Grant, M. (CS/SB 7020 by Rules Committee and Children, Families, and Elder Affairs Committee)

HB 7073 ratifies Rule 58M-2.009, Florida Administrative Code (F.A.C.), adopted by the Department of Elder Affairs. The adopted rule establishes standards of practice to provide a level of accountability for professional guardians while avoiding the imposition of unnecessary regulations on the guardians. The ratification of this rule allows for the oversight of professional guardians by the Office of Public and Professional Guardians in the Department of Elder Affairs.

The bill also ratifies Rule 64B8-9.009, F.A.C., adopted by the Department of Health and the Board of Medicine for the Standard of Care for Office Surgery. This adopted rule requires two additional drugs be maintained in the office when performing Level I office surgery. These drugs will be available to counteract any overdoses from sedation medication. Level I office surgery includes minor procedures with minimal sedation or topical or local anesthesia where the chances of complication requiring hospitalization are remote.

The Statement of Estimated Regulatory Costs developed by each department determined that the proposed rules will likely increase regulatory costs on the regulated entities by more than \$1 million in the aggregate over the next five years. Pursuant to s. 120.541, F.S., such rules must be ratified by the Legislature before they may go into effect.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 35-0; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/CS/HB 169 — Fictitious Name Registration

by Commerce Committee; Careers and Competition Subcommittee; and Rep. White
(CS/CS/CS/SB 346 by Rules Committee; Governmental Oversight and Accountability
Committee; Commerce and Tourism Committee; and Senator Stargel)

The bill updates the Florida Fictitious Name Act, s. 865.09, F.S., which requires any person or business entity doing business in Florida under a name other than their legal name to register a fictitious name with the Division of Corporations of the Department of State. The bill:

- Defines the term “registrant” to clarify and standardize who is required to file a fictitious name;
- Clarifies that foreign business entities must be in active status with the Division of Corporations to file a fictitious name;
- Updates the process for cancellation, registration, and renewal of a fictitious name, including clarifying the term of registration;
- Standardizes language to include varied business entities, rather than just corporations;
- Changes the penalty for failure to comply with the Fictitious Name Act from a misdemeanor to a noncriminal violation; and
- Makes technical and conforming changes.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 113-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/CS/HB 467 — Department of Agriculture and Consumer Services

by Commerce Committee; Agriculture and Property Rights Subcommittee; and Rep. Raburn and others (CS/CS/CS/SB 498 by Appropriations Committee; Judiciary Committee; Commerce and Tourism Committee; and Senator Young)

The bill modifies various areas of law relating to the authority of the Department of Agriculture and Consumer Services (department).

The bill modifies provisions relating to the Division of Licensing within the department to:

- Allow private investigative agency managers to manage multiple agencies or branches;
- Clarify fingerprint retention policies for specific partners and corporate officers of ch. 493, F.S., licensees;
- Remove inconsistent language regarding the terms of renewals for licensure under ch. 493, F.S.;
- Permit the Florida Department of Law Enforcement to share mental health and substance abuse data from its Mental Competency database with the department for the purposes of determining eligibility of Class “G” and “K” applicants and licensees;
- Require ch. 493, F.S., licensees to reveal if they have been arrested to their employer within three days of the arrest, and grant the department authority to discipline licensees who fail to do so;
- Mandate that statewide firearm licensees complete training for each type of firearm carried in the course of his or her licensed duties;
- Create a temporary suspension process for Class “G” or “K” licensees who are arrested for or formally charged with a firearms-related crime; and for ch. 493, F.S., licensees who are arrested for or formally charged with a forcible felony;
- Allow the department to grant concealed weapon or firearm licenses to persons who have been granted relief from firearms disabilities; and
- Reduce the concealed weapon or firearm license and renewal fees by five dollars.

The bill modifies provisions relating to the Division of Consumer Services within the department and its regulation of surveyors and mappers, health studios, interstate household movers, Bureau of Standards, and the Florida Do Not Call Program. The bill:

- Provides an exemption from regulation for certain contractors under the supervision of a registered surveyor and mapper;
- Broadens the prerequisite course of education requirements;
- Authorizes the Professional Board of Surveyors and Mappers to establish criteria for the carryover of continuing education requirements;
- Revises the surveyor and mapper intern qualifications;
- Clarifies provisions relating to the recordkeeping of elevation certificates;
- Creates consistent penalties against intrastate household movers for failure to maintain motor vehicle and liability insurance;
- Exempts company gyms from registration as a health studio with the department;

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- Removes taximeters and transportation measuring systems from the definition of a weight and measure; and
- Updates the Florida Do Not Call Program to make subscriptions indefinite, rather than for five years.

The bill also:

- Clarifies that dealers licensed pursuant to part VII of ch. 379, F.S., are not required to obtain certification of registration as an aquiculture producer;
- Removes fees for the registration of a livestock mark or brand, and increases the term of registration for such marks or brands from 5 to 10 years;
- Repeals the requirement that individuals re-mark or rebrand recently purchased cattle;
- Provides an exemption from registration for agricultural dealers who pay for their purchases with a credit card; and
- Makes technical changes and deletes outdated language.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 35-1; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

HB 671 — Reemployment Assistance Fraud

by Rep. La Rosa (SB 372 by Senator Stargel)

The bill authorizes the Department of Highway Safety and Motor Vehicles to provide driver license images to the Department of Economic Opportunity in order to facilitate the detection of fraudulent reemployment assistance claims.

These provisions were approved by the Governor and take effect on July 1, 2017.

Vote: Senate 39-0; House 111-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

HB 7077 — Gulf Coast Economic Corridor

by Select Committee on Triumph Gulf Coast and Rep. Trumbull (CS/CS/SB 364 by Appropriations Committee; Commerce and Tourism Committee; and Senators Gainer, Broxson, and Montford)

The bill establishes a mechanism for 75 percent of the settlement funds received by the state, pursuant to Florida's claims for economic damages caused by the Deepwater Horizon oil spill, to be appropriated to Triumph Gulf Coast, Inc. (Triumph Gulf Coast). The bill also amends provisions related to the operation of Triumph Gulf Coast. The bill:

- Requires 75 percent of the settlement funds currently held in General Revenue to be immediately transferred to the trust account established by Triumph Gulf Coast, and 40 percent of those funds must be allocated by Triumph Gulf Coast to awards within each of the disproportionately affected counties, so that projects and programs within each county are awarded at least 5 percent of the allocated funds;
- Requires 75 percent of the subsequent settlement payments to be transferred to the Triumph Gulf Coast Trust Fund and released to the trust account established by Triumph Gulf Coast within 30 days of the transfer, and 32 percent of those funds must be allocated by Triumph Gulf Coast to awards within each of the disproportionately affected counties, so that projects and programs within each county are awarded at least 4 percent of the allocated funds;
- Provides that the board of county commissioners of each disproportionately affected county must solicit other elected local government boards for projects and programs within their county;
- Requires each board of county commissioners to provide Triumph Gulf Coast with a list of proposed projects and programs within their county, including those submitted by other local governing boards, and those recommended by the board of county commissioners;
- Adds two members to the board of directors of Triumph Gulf Coast, with the Senate President and the Speaker of the House of Representatives each appointing an individual from one of the lesser populated counties within the disproportionately affected counties;
- Provides that Triumph Gulf Coast may invest surplus funds in the Local Government Surplus Funds Trust Fund, and requires the interest earned net of fees to be transferred monthly into the Triumph Gulf Coast Trust Fund;
- Limits the allowable cost of administrative fees to 0.75 percent of the funds available for use by Triumph Gulf Coast;
- Limits the annual salary of any employee or contracted staff of Triumph Gulf Coast to \$130,000, and provides that associated benefits may not exceed 35 percent of the salary;
- Requires Triumph Gulf Coast board members appointed on or after July 1, 2017, to refrain from having any direct interest in awards made by Triumph Gulf Coast for a duration of 6 years after serving on the board of directors;
- Requires Triumph Gulf Coast to publish on a website its intent to approve an award and a project summary at least 14 calendar days prior to approving an award;

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- Clarifies awards may be made for ad valorem tax rate reduction and public infrastructure projects for construction, expansion, or maintenance;
- Amends the types of projects that are eligible for award funding and the factors for prioritizing the projects; and
- Provides that an award may supplement but not supplant existing funding sources.

For Fiscal Year 2016-2017, the bill transfers approximately \$300 million from the General Revenue Fund to the Triumph Gulf Coast Trust Fund and releases those funds to Triumph Gulf Coast.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 35-0; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

HB 7079 — Trust Funds/Creation/Triumph Gulf Coast Trust Fund/DEO
by Select Committee on Triumph Gulf Coast and Rep. Trumbull (SB 2518 by Appropriations Committee)

The bill creates the Triumph Gulf Coast Trust Fund within the Department of Economic Opportunity. The trust fund is established as a depository for the settlement funds received by the state for the economic damages caused by the Deepwater Horizon oil spill and transferred pursuant to s. 288.8013, F.S.

If approved by the Governor, these provisions take effect on the same date that HB 7077 or similar legislation takes effect, if such legislation is adopted in this legislative session and becomes law.

Vote: Senate 37-0; House 112-0

Committee on Communications, Energy, and Public Utilities

CS/SB 90 — Renewable Energy Source Devices

by Community Affairs Committee and Senators Brandes, Stewart, and Gibson

The bill implements the renewable energy tax exemption constitutional amendment. It limits the exemption from real property taxes for nonresidential real property to 80 percent of the just value of the property attributable to a renewable energy source device. It applies the real property tax exemption prospectively only.

The bill also exempts 80 percent of the assessed value of a renewable energy source device from tangible personal property tax for all applicants, residential and nonresidential. The exemption is prospective only, with two exceptions:

- A device installed to supply a municipal electric utility located entirely within a consolidated government; or
- A device installed after August 30, 2016, on municipal land as part of a project incorporating other renewable energy source devices under common ownership on municipal land for the sole purpose of supplying a municipal electric utility with at least 2 megawatts and no more than 5 megawatts of alternating current power when the renewable energy source devices in the project are used together.

The bill creates an exception from both tax exemptions for a device installed as part of a project planned for a location in a fiscally constrained county for which an application for a comprehensive plan amendment or planned unit development zoning has been filed with the county on or before December 31, 2017.

Notwithstanding these provisions, 80 percent of the assessed value of a renewable energy source device which is affixed to property owned or leased by the U.S. Department of Defense for the military is exempt from ad valorem taxation, including, but not limited to, the tangible personal property tax.

All of these provisions expire on December 31, 2037.

The bill also creates distributed energy generation system sales provisions for systems that are leased or sold pursuant to a retail installment contract, including the following:

- A seller who installs a distributed energy generation system must comply with applicable safety standards established by the Department of Business and Professional Regulation pursuant to ch. 489 and part IV of ch. 553, F.S.
- Each agreement governing the sale or lease of a distributed energy system must include specified disclosures, including disclosures.
- The Department of Business and Professional Regulation is required to adopt rules to implement and enforce these provisions, including creation of standard disclosure forms.
- Any seller who willfully and intentionally violates any of these provisions commits a noncriminal violation, punishable by a fine not to exceed the cost of the system.
- These provisions do not apply to:

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- A person or company that markets, sells, or enters into an agreement for the sale or financing of a distributed energy generation system as part of a transaction involving the sale or transfer of the real property on which the system is or will be affixed.
- A transaction involving the sale or transfer of the real property on which a distributed energy generation system is located.
- A third party, including a local government, that enters into an agreement for the financing of a distributed energy generation system.
- The sale or lease of a distributed energy generation system that will be installed on nonresidential real property.
- The sale of a distributed energy generation system pursuant to an agreement that requires full payment of the system from the buyer to the seller no later than the date the system is installed by the seller or is delivered from the seller to the buyer or a third party for installation.
- A person, other than the seller or lessor, who installs a distributed energy generation system on residential property.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 33-0; House 118-0

Committee on Communications, Energy, and Public Utilities

CS/CS/HB 687 — Utilities

by Commerce Committee; Energy and Utilities Subcommittee; and Rep. La Rosa and others (CS/CS/CS/SB 596 by Rules Committee; Governmental Oversight and Accountability Committee; Communications, Energy, and Public Utilities Committee; and Senators Hutson, Young, and Broxson)

The bill creates the Advanced Wireless Infrastructure Deployment Act (Act), which provides for the collocation of small wireless facilities on an authority utility pole. An authority is a county or municipality having jurisdiction and control of the rights-of-way of any public road. A utility pole is not a utility pole in the sense of a municipal electric utility pole, but rather is a pole or similar structure that is used to provide lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights, but does not include any horizontal structures upon which traffic control devices are attached. It does not include any pole or similar structure 15 feet in height or less.

An authority may adopt by ordinance reasonable and nondiscriminatory provisions for registration, permitting, insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, authority liability, or authority warranties. The collocation process begins with a wireless service provider filing an application for a permit with an authority. An authority must issue permits subject to the following restrictions or requirements:

- An authority may not require placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole.
- An authority may not limit the placement of small wireless facilities by minimum separation distances, but may request that the proposed location of a small wireless facility be moved to another location in the right-of-way, placed upon an alternative authority utility pole or support structure, or placed upon a new utility pole.
- A small wireless facility can be no higher than 10 feet above the utility pole or structure upon which the facility is to be collocated. A new utility pole can be no higher than the tallest existing utility pole located in the right-of-way within 500 feet of the proposed location, or, if there is no utility pole within 500 feet, no higher than 50 feet.
- An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority may file a consolidated application and receive a single permit for the collocation of no more than 30 small wireless facilities.
- An authority has 14 days after receiving an application to determine whether the application is complete and notify the applicant by electronic mail. If an authority deems an application incomplete, the authority must specifically identify the missing information. If the authority fails to provide notification to the applicant within the 14 days, the application is deemed complete.
- If the authority fails to approve or deny a complete application within 60 days after receipt of the application, the application is deemed approved.
- The authority must approve a complete application unless it does not meet the authority's applicable codes.

An applicant may request a waiver of these design standards upon a showing that the design standards are not reasonably compatible for the particular location of a small wireless facility or that the design standards impose an excessive expense, and the waiver must be granted or denied within 45 days after the date of the waiver request. If an authority denies an application, the authority must specify in writing the basis for denial, including the specific code provisions on which the denial was based, and the applicant has 30 days after notice of the denial to cure the identified deficiencies and resubmit the application. The authority must approve or deny the revised application within 30 days after receipt or the application will be deemed approved.

The collocation fee cannot exceed \$150 per year.

The Act does not authorize a person to collocate small wireless facilities, to attach micro wireless facilities, or to put up a wireless support structure in the right-of-way located within a retirement community, a municipality located on a coastal barrier island, or a homeowners' association; with criteria specified for each type of location.

Vote: Senate 33-1; House 110-3

Committee on Communications, Energy, and Public Utilities

CS/CS/HB 1021 — Construction

by Commerce Committee; Appropriations Committee; and Rep. Avila (CS/CS/SB 1312 by Appropriations Committee; Community Affairs Committee; and Senators Perry and Campbell)

The bill authorizes the manufacture or sale of solar energy systems in Florida if they either meet the standards established by the Florida Solar Energy Center and display accepted results of approved performance tests as prescribed by the Center, or are certified by an engineer licensed pursuant to ch. 471, F.S., using the standards contained in the most recent version of the Florida Building Code. It exempts employees of municipal gas utilities performing construction, maintenance, or development work from the contractor licensing requirements of part I of ch. 489, F.S.

The bill prohibits a political subdivision of the state from adopting or enforcing any ordinance or imposing any building permit or other development order requirement under certain circumstances. The prohibition applies retroactively, and all such ordinances and requirements are preempted and superseded by general law. The prohibition does not affect any requirement for design and construction in the Florida Building Code, and does not apply to property located in a designated historic district.

The bill creates an internship path for certification as a building code inspector or plans examiner. It requires the Florida Building Code Administrators and Inspectors Board to issue a provisional certificate to any building code inspector or plans examiner who meets certain eligibility requirements. Furthermore, a person may perform the duties of a plan examiner or building code inspector for 120 days if he or she submits a provisional certificate application and is under the direct supervision of a certified building code administrator. The bill prohibits independent districts and special districts from requiring at any time, including at the time of application for a permit, the payment of any additional fees, charges, or expenses associated specified activities.

The bill requires the Florida Building Commission (commission) to use the International Code Council, the National Electric Code (NFPA), or other nationally adopted model codes and standards for updates to the Florida Building Code. The commission must adopt an updated Florida Building Code every three years through reviews of the International Building Code, the International Fuel Gas Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code. At a minimum, the commission must adopt any updates to such codes as are necessary to maintain eligibility for federal funding from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development. The commission is also required to review and adopt updates based substantially on the International Energy Conservation Code; however, the commission must maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction pursuant to s. 553.901, F.S. The commission must adopt the Florida Building Code, and amendments thereto, by at least a two-thirds vote of the members present at a meeting. The commission is required to amend the Florida Building Code-Energy Conservation

to either eliminate duplicative commissioning reporting requirements or authorize commissioning reports to be provided by specified professionals and to prohibit the adoption of American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 9.4.1.1(g).

The bill prohibits a county, municipality, special taxing district, public utility, or private utility from requiring an impact fee or payment for a separate water connection for a one-family or two-family dwelling fire sprinkler system if the capacity required is hydraulically available at the property line. The bill imposes certain requirements on accountholders and utilities with respect to separate water connections for family dwelling fire sprinkling systems.

The bill prohibits a local government from requiring an owner of a residence to obtain a permit to paint such residence, regardless of whether the residence is owned by a limited liability company.

The Department of Education, in conjunction with the Department of Economic Opportunity, is required to develop a plan to implement the recommendations of the Construction Industry Workforce Task Force Report dated January 20, 2017. The Department of Education shall provide the plan to the Construction Industry Workforce Task Force on or before July 1, 2018.

CareerSource Florida, Inc., is required to develop and submit a plan to the Construction Industry Workforce Taskforce of the potential opportunities for training programs to implement the recommendations of the Construction Industry Workforce Taskforce Report dated January 20, 2017, using existing federal funds awarded to the corporation and using the previous statewide Florida ReBuilds program as an implementation model for such programs. CareerSource Florida, Inc., must provide the plan to the Construction Industry Workforce Taskforce on or before July 1, 2018.

The Florida Building Commission is required to adopt an amendment to the Florida Building Code-Residential, relating to Door Components, to provide that, relating to substitution of door components, such components must either:

- Comply with ANSI/WMA 100; or
- Be evaluated by an approved product evaluation entity, certification agency, testing laboratory, or engineer and may be interchangeable in exterior door assemblies if the components provide equal or greater structural performance as demonstrated by accepted engineering practices.

The bill allows a certified electrical or alarm system contractor to act as a prime contractor when the majority of the work to be performed under the contract is within the scope of his or her license and to subcontract to other licensed contractors any remaining work that is part of the project contracted.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 34-2; House 116-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/HB 599 — Public Works Projects

by Government Accountability Committee; Oversight, Transparency and Administration Subcommittee; and Rep. Williamson and others (CS/CS/SB 534 by Governmental Oversight and Accountability Committee; Community Affairs Committee; and Senator Perry)

Contracts for construction services that are projected to cost more than a specified threshold must be competitively awarded. Specifically, state contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid. Counties, municipalities, special districts, or other political subdivisions seeking to construct or improve a public building must competitively bid the project if the estimated cost exceeds \$300,000. The solicitation of competitive bids or proposals must be publicly advertised in the Florida Administrative Register.

The bill prohibits the state and its political subdivisions that contract for public works projects from imposing restrictive conditions on certain contractors, subcontractors, or material suppliers or carriers, except as otherwise required by federal or state law. Specifically, the state or political subdivision that contracts for a public works project may not require that a contractor, subcontractor, or material supplier or carrier engaged in the project:

- Pay employees a predetermined amount of wages or prescribe any wage rate;
- Provide employees a specified type, amount, or rate of employee benefits;
- Control, limit, or expand staffing; or
- Recruit, train, or hire employees from a designated, restricted, or single source.

Public works projects include only those projects for which 50 percent or more of the cost will be paid from state-appropriated funds.

The bill also prohibits the state or a political subdivision from restricting a qualified contractor, subcontractor, or material supplier or carrier from submitting a bid on any public works project or being awarded any contract, subcontract, material order, or carrying order. However, the prohibition does not apply to discriminatory vendors or those that have committed a public entity crime.

The bill does not apply to contracts executed by the Department of Transportation under ch. 337, F.S.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 20-17; House 77-40

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/SB 1634 — Residential Elevators

by Rules Committee and Senator Steube

The Legislature enacted the Erik “Max” Grablin Act in 2016. The act requires that the underside of the platform of an elevator car be equipped with a device that, if the platform of the elevator car is obstructed anywhere on its underside in its downward travel, interrupts the electric power to the driving machine motor and brake and stops the elevator car's downward motion within two inches. The downward motion can only be resumed after the elevator has been manually reset.

The bill removes the requirement that the underside of the platform of an elevator car be equipped with a device that, if the platform of the elevator car is obstructed anywhere on its underside in its downward travel, interrupts the electric power to the driving machine motor and brake and stops the elevator car's downward motion. The bill replaces the current requirement with a new requirement that all new elevator controllers in private residences must:

- Monitor the closed and locked contacts of the hoistway door locking device.
- Cut off any power to the elevator motor and brake if the closed and locked contacts of the landing locks are open while the elevator car is not in the unlocking zone for the hoistway door.
- Not allow the elevator car to restart until the owner or the owner’s agent has checked for obstructions above and below the elevator car, returned the hoistway door locking device contacts to normal operating position, and manually reset the elevator controller with the master elevator key.

The bill provides that a visual indicator must be visible at all landings until the hoistway door locking device has been returned to the normal operating position and the elevator has been manually reset.

The bill also requires the Florida Building Commission to adopt a provision for a hoistway door space guard.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 35-0; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

HJR 7105 — Increased Homestead Property Tax Exemption

by Ways and Means Committee and Reps. La Rosa, Jacquet, and others (SJR 1774 by Senator Lee)

Currently, every person having legal and equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts. An additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000. This exemption does not apply to ad valorem taxes levied by school districts.

HJR 7105 proposes an amendment to the Florida Constitution to provide a homestead exemption, for all levies other than school district levies, on the assessed value greater than \$100,000 and up to \$125,000.

The amendment will take effect January 1, 2019, if approved by the electors at the November 2018 general election.

Vote: Senate 28-10; House 83-35

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

HB 7107 — Homestead Exemption Implementation

by Ways and Means Committee and Rep. La Rosa

HB 7107 provides the statutory implementing language for the amendment to Article VII, Section 6(a) of the State Constitution, proposed in HJR 7105. HJR 7105 provides an additional homestead property tax exemption from all taxes, other than school district taxes, of up to \$25,000, by exempting assessed value greater than \$100,000 and up to \$125,000.

The bill amends s. 196.031, F.S., to provide the dollar threshold for the additional homestead exemption in the constitutional amendment. Additionally, the bill provides that the rolled back rate used by local governments in Fiscal Year 2019-2020 must be calculated as if the tax base had not been reduced by the increased homestead exemption. This provision also applies to the calculation of higher millage rates that may be levied with either a two-thirds or unanimous vote by a local governing board.

The bill directs the Legislature to appropriate funds to offset ad valorem tax revenue losses in fiscally constrained counties, as defined in s. 218.67(1), F.S., attributable to the reduction in the property tax base caused by the increased homestead exemption. There are presently 29 fiscally constrained counties.

If approved by the Governor, the bill takes effect on the same day that the constitutional amendment in HJR 7105 takes effect, which is January 1, 2019.

Vote: Senate 28-9; House 90-24

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

HB 7113 — OGSR/Donor or Prospective Donor/Publicly Owned Performing Arts Center

by Government Accountability Committee and Rep. Willhite (SB 7002 by Community Affairs Committee)

HB 7113 eliminates the scheduled repeal of the current public records exemption for identifying information provided by a donor or a prospective donor to a publicly owned performing arts center if the donor or prospective donor wishes to remain anonymous. Such information includes the name, address, or telephone number of the donor or prospective donor.

The Senate Committee on Community Affairs sent out 18 surveys. The surveys revealed that publicly owned performing arts centers normally received requests for anonymity at the time of donation and that donors and prospective donors had chosen anonymity on several occasions. Most publicly owned performing arts centers appeared to collect only contact information from the donors and prospective donors such as their name, address, or phone number. One publicly owned performing arts center defined a donor as “one who is making or has made a contribution” and a prospective donor as “one who is or has been identified as one with the potential to make a contribution.”

Each of the publicly owned performing arts centers that responded to the survey believed that the exemption encouraged donations by ensuring the information provided by the donor or prospective donor remained confidential and exempt and stated that the public records exemption should be reenacted.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 37-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 39 — Autism Awareness Training for Law Enforcement Officers

by Justice Appropriations Subcommittee; Criminal Justice Subcommittee; and Reps. Jenne, Stafford, and others (CS/CS/SB 154 by Appropriations Committee; Criminal Justice Committee; and Senators Thurston and Garcia)

The bill requires the Florida Department of Law Enforcement to establish continued employment training relating to autism spectrum disorder. Instruction must include, but is not limited to, instruction on the recognition of the symptoms and characteristics of an individual on the autism disorder spectrum and appropriate responses to a person exhibiting such symptoms and idiosyncrasies. Completion of the training may count toward the 40 hours of required instruction for continued employment or appointment as a law enforcement officer.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 38-0; House 115-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/CS/HB 107 — Criminal Offenses Involving Tombs and Memorials

by Judiciary Committee; Local, Federal and Veterans Affairs Subcommittee; Criminal Justice Subcommittee; and Rep. Cortes, B. and others (CS/CS/SB 844 by Appropriations Committee; Criminal Justice Committee; and Senators Simmons and Baxley)

The bill:

- Provides an exception for cemeteries exempt under ch. 497, F.S., from the criminal penalties in s. 872.02, F.S.;
- Clarifies elements of the offense of disturbing the contents of a grave or tomb;
- Provides that anyone performing routine maintenance and upkeep is exempt from the penalties associated with willfully destroying, mutilating, removing, cutting, breaking, or injuring any tree, shrub, or plant placed or being within any enclosure for the burial of the dead;
- Allows a cemetery to remove or relocate the contents of a grave or tomb in response to a natural disaster;
- Specifies the criteria that an exempt cemetery must meet to relocate the contents of a grave or tomb;
- Requires a public notice to be posted if a legally authorized person cannot be located after a reasonable search or if 75 years or more have elapsed since the date of entombment, interment, or inurnment;
- Allows a cemetery to proceed with the relocation of a grave or tomb if a legally authorized person does not object within 30 days from the last date of publication of the public notice;
- Provides a public hearing process if a legally authorized person refuses to sign a written authorization or objects to the relocation of a grave or tomb; and
- Requires the public hearing to be held before the applicable city council or county commission.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 37-0; House 118-1

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 111 — Public Records/Identity of Witness to a Murder

by Judiciary Committee; Criminal Justice Subcommittee; and Reps. Stafford, McGhee, and others (CS/CS/SB 550 by Judiciary Committee; Criminal Justice Committee; and Senators Bracy and Campbell)

The bill (Chapter 2017-11, L.O.F.) designates “criminal intelligence or investigative information that reveals the personal identifying information of a witness to a murder” as confidential and exempt from the disclosure requirements under the public records laws. Therefore, if a person submits a public records request for records containing this information to a state agency, the agency may not provide access to or disclose the information.

This confidentiality survives the information entering a court file. The confidential and exempt status of these records applies for a period of two years following the commission of the murder observed by the witness. This means that even if the state provided a witness’ identity to the defendant during discovery, the information would not be public for a two-year window from the date the witness observed the murder.

As exceptions to the general prohibition on disclosing these murder witness records, a state agency may disclose these records:

- In the furtherance of its official duties and responsibilities;
- To assist in locating or identifying the witness if the witness is believed to be missing or endangered;
- To another governmental agency for use in the performance of its official duties and responsibilities; or
- To the parties in a pending criminal prosecution as required by law.

The bill also provides a statement of public necessity as required by the Florida Constitution. This statement includes the following findings:

- The judicial system cannot function without the participation of witnesses.
- Complete cooperation and truthful testimony of witnesses are essential to the determination of the facts of a case.
- The public disclosure of personal identifying information of a witness to a murder could have a chilling effect on persons stepping forward and providing their accounts of a murder that has been witnessed.
- A witness to a murder may be unwilling to cooperate fully with law enforcement officers if the witness knows his or her personal identifying information can be made publicly available.
- A witness may be less likely to call a law enforcement officer and report a murder if his or her personal identifying information is made available in connection with the murder that is being reported or under investigation.
- A witness could become the subject of intimidation tactics or threats by the perpetrator of the murder if the witness’s personal identifying information is publicly available.

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The bill is subject to the Open Government Sunset Review Act, and therefore stands repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

These provisions were approved by the Governor and take effect July 1, 2017.

Vote: Senate 34-3; House 113-3

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

SB 280 — Sentencing for Capital Felonies

by Senators Bracy and Bradley

The bill (Chapter 2017-1, L.O.F.) amends the death penalty sentencing statutes to require jury unanimity in death penalty sentencing procedures.

In October 2016, the Florida Supreme Court determined in *Hurst v. State*, 202 So. 3d 40 (Fla. 2016), that in order for the death penalty to be lawfully imposed the sentencing phase jury must vote unanimously for a death sentence.

The *Hurst* ruling was applied to Chapter 2016-13, L.O.F., the death penalty sentencing statutes challenged in *Perry v. State*, 41 Fla. L. Weekly S 449 (Fla. 2016). The court concluded that the 2016 statutes could not be applied in pending prosecutions “because the Act requires that only ten jurors, rather than all twelve, recommend a final sentence of death for death to be imposed.” *Perry v. State*, 41 Fla. L. Weekly S 449 (Fla. 2016).

The bill amends ss. 921.141 and 921.142, F.S., to require unanimity in the jury vote for death in order to bring death penalty sentencing procedures into conformity with the constitutional requirements announced by the court in the *Hurst* and *Perry* opinions.

These provisions were approved by the Governor and take effect March 13, 2017.
Vote: Senate 37-0; House 112-3

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 305 — Law Enforcement Body Cameras

by Judiciary Committee and Rep. Harrison and others (CS/CS/SB 624 by Judiciary Committee; Criminal Justice Committee; and Senators Steube and Young)

The bill (Chapter 2017-15, L.O.F.) requires law enforcement agencies that use body cameras to specify in their body camera policies and procedures the instances in which a law enforcement officer may review the body camera footage.

Section 943.1718, F.S., currently requires a law enforcement agency using body cameras to record an incident to establish policies and procedures on their use. However, Florida law does not require agencies to use body cameras or address whether a law enforcement officer may review body camera footage prior to writing a report or making a statement about a recorded incident.

The bill authorizes a law enforcement officer using a body camera to review the body camera footage before:

- Writing a report; or
- Providing a statement regarding an event arising within the scope of his or her official duties.

However, the authorization to review body camera footage does not apply to an officer's inherent duty to immediately disclose information necessary to secure an active crime scene or to identify suspects or witnesses.

These provisions were approved by the Governor and take effect July 1, 2017.

Vote: Senate 38-0; House 116-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 312 — Eyewitness Identification

by Criminal Justice Committee and Senator Baxley

The bill creates s. 92.70, F.S., relating to eyewitness identifications in criminal cases. Suspect lineups are conducted when law enforcement has developed a suspect in a criminal investigation. A live lineup includes the suspect in a group of individuals who should look similar to the suspect, and the witness or victim views the lineup to see if he or she recognizes the suspect. The same is true of photographic lineups where a group of photos including the suspect is shown to the witness or victim for identification purposes.

The bill sets forth specific procedures that state, county, municipal, or other law enforcement agencies must implement when conducting lineups in Florida, as follows.

Prior to the lineup, officers are required to give the eyewitness specified instructions. The lineup must be conducted by an independent administrator. This approach is sometimes referred to as “blind” administration. The independent administrator does not know the identity of the suspect.

In the case of photo lineups, the bill provides that an alternative method may be used in lieu of an independent administrator. Two required features of any alternative method are: achieving neutral administration and preventing the administrator from knowing which photograph is being presented to the eyewitness. The alternative photo lineup procedures should help eliminate staffing issues that otherwise could arise in smaller agencies if using an independent administrator were the only statutorily approved procedure.

The bill also provides judicial remedies should the requirements of the lineup procedure not be followed.

The bill requires the Criminal Justice Standards and Training Commission, in consultation with the Florida Department of Law Enforcement, to develop educational materials and conduct training programs for law enforcement on the eyewitness identification procedures set forth in the bill.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 37-0; House 117-1

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 343 — Payment Card Offenses

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Asencio and others
(CS/CS/SB 766 by Appropriations Committee; Criminal Justice Committee; and Senators
Rodriguez, Young, Farmer, Stewart, and Powell)

The bill primarily addresses the unlawful practice of “skimming,” which involves obtaining private information from someone’s payment card by use of a device called a “skimming device,” which the bill defines.

The bill modifies the offense of fraudulent use of a scanning device to also punish fraudulent use of a skimming device. Fraudulent use of a skimming device is ranked in Level 4 of the Criminal Punishment Code offense severity ranking chart. The bill also modifies this offense to reflect technological advancements in payment cards such as the incorporation of computer chips in payment cards. Similar changes are made to the offense of fraudulent use of a reencoder.

Finally, the bill provides that it is a third degree felony to knowingly possess, sell, or deliver a skimming device. This offense is ranked in Level 4 of the Criminal Punishment Code offense severity ranking chart and is also subject to the Florida Contraband Forfeiture Act. The bill provides that the offense does not apply to certain persons, such as law enforcement officers, acting within the scope of their official duties.

If approved by the Governor, these provisions take effect October 1, 2017.
Vote: Senate 38-0; House 118-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 457 — Terrorism and Terrorist Activities

by Judiciary Committee and Rep. Gonzalez and others (CS/SB 476 by Criminal Justice Committee and Senator Bean)

The bill addresses terrorism by creating a crime of terrorism and related crimes. A person who violates any listed statute or statutory provision in furtherance of intimidating or coercing the policy of a government, or in furtherance of affecting the conduct of a government by mass destruction, assassination, or kidnapping, commits the crime of terrorism, a first degree felony (or a life felony if there is a death or serious bodily injury).

The bill also provides that it is:

- A second degree felony (or a first degree felony if there is a death or serious bodily injury) to receive military-type training from a designated foreign terrorist organization and use that training to unlawfully harm another person or damage a critical infrastructure facility;
- A first degree felony (or a life felony if there is a death or serious bodily injury) to:
 - Provide material support or resources, knowing or intending that the support or resources are to be used to commit a specified crime, or
 - Knowingly provide material support or resources to a designated foreign terrorist organization;
- A second degree felony to become a member of a designated foreign terrorist organization and serve under the direction or control of the organization with the intent to further the illegal acts of the organization; and
- A second degree felony (or a life felony if there is a death or serious bodily injury) to engage in agroterrorism, which is the intentional dissemination or spreading of a contagious, communicable, or infectious disease among crops, poultry, livestock, or other animals.

The bill also:

- Defines key terms and specifies that the meaning of “terrorism” and “terroristic activity” are the same;
- Excludes the terrorism-related crimes created by the bill from s. 775.31, F.S., which reclassifies the felony or misdemeanor of a crime if the commission of that crime facilitated or furthered an act of terrorism;
- Specifies what constitutes providing material support or resources by providing personnel;
- Provides exceptions from prosecution for the material support crimes;
- Requires the material support crimes be interpreted in a manner consistent with federal law;
- Requires the Florida Department of Law Enforcement, in consultation with the Attorney General, to create guidelines for law enforcement investigations to ensure the protection of privacy rights, civil rights, and civil liberties;

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- Provides that a medically recognized procedure or legitimate, professional scientific research is an affirmative defense to a charge of agroterrorism;
- References the terrorism-related crimes created by the bill in provisions of s. 782.04, F.S., applicable to felony murder; and
- Ranks terrorism-related crimes created by the bill in the Criminal Punishment Code offense severity ranking chart.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 37-0; House 118-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 477 — Controlled Substances

by Criminal Justice Subcommittee and Rep. Boyd and others (CS/CS/CS/SB 150 by Appropriations Committee; Judiciary Committee; Criminal Justice Committee; and Senators Steube, Baxley, Passidomo, Artiles, and Mayfield)

The bill addresses scheduling for controlled substances and punishment for controlled substance offenses. Specifically, the bill:

- Provides that a person 18 years of age or older commits felony murder if he or she unlawfully distributes any specified controlled substance, including a specified fentanyl-related substance, and the distribution is proven to be the proximate cause of death of the user;
- Includes in Schedule I of the controlled substance schedules a class of fentanyl derivatives and five substances that were originally developed for legitimate research but that have now emerged in the illicit drug market;
- Provides that it is a first degree felony to unlawfully possess 10 grams or more of certain Schedule II substances, including certain fentanyl-related substances;
- Adds codeine, an isomer of hydrocodone, to a current provision punishing trafficking in hydrocodone, and adds additional phenethylamines and phencyclidines to current provisions punishing trafficking in phencyclidine and phenethylamine;
- Punishes trafficking in fentanyl, synthetic cannabinoids, and n-benzyl phenethylamines, including mandatory minimum terms of imprisonment and mandatory fines;
- Ranks new trafficking offenses (first degree felonies) in the offense severity ranking chart of the Criminal Punishment Code;
- Authorizes certain crime laboratory personnel to possess, store, and administer emergency opioid antagonists used to treat opioid overdoses; and
- Provides that cross-references throughout the Florida Statutes to the Florida Comprehensive Drug Abuse Prevention and Control Act (ch. 893, F.S.), or any portion thereof, include all subsequent amendments to the act.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 31-7; House 118-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 494 — Compensation of Victims of Wrongful Incarceration

by Judiciary Committee and Senator Bradley

The Victims of Wrongful Incarceration Compensation Act has been in effect since July 1, 2008. The law establishes an administrative process for a person to petition the original sentencing court for an order finding the petitioner to have been wrongfully incarcerated and eligible for compensation.

The Department of Legal Affairs administers the eligible person's application process and verifies the validity of the claim. The Chief Financial Officer arranges for payment of the claim by securing an annuity or annuities payable to the claimant over at least 10 years, calculated at a rate of \$50,000 for each year of wrongful incarceration up to a total of \$2 million.

Under current law, a person is not eligible for compensation for wrongful incarceration if he or she:

- Has a criminal history that includes any felony;
- Commits a felony while imprisoned; or
- Commits a felony while on community supervision or parole for the offense for which he or she was wrongfully incarcerated.

This is commonly known as the “clean hands” provision of Florida's wrongful incarceration compensation law.

The bill amends ch. 961, F.S., to provide that a person who otherwise meets the statutory criteria for compensation is no longer ineligible due to a single:

- Prior nonviolent felony;
- Nonviolent felony committed while wrongfully incarcerated; or
- Nonviolent felony committed while on parole or community supervision.

These changes apply to any persons who are wrongfully incarcerated on or after October 1, 2017.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 38-0; House 118-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 505 — Florida Comprehensive Drug Abuse Prevention and Control Act

by Criminal Justice Subcommittee and Rep. Trumbull and others (CS/SB 1002 by Criminal Justice Committee and Senators Perry, Rouson, and Bradley)

The bill amends Florida's controlled substance schedules to provide that ioflupane I 123, a radiopharmaceutical used in the diagnosis of Parkinsonian syndromes, is not a Schedule II controlled substance. Without this change, ioflupane I 123 would be a Schedule II controlled substance because it is derived from cocaine via ecgonine, both of which are Schedule II controlled substances.

The bill also provides that cross-references throughout the Florida Statutes to the Florida Comprehensive Drug Abuse Prevention and Control Act (ch. 893, F.S.), or any portion thereof, include all subsequent amendments to the act.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 112-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HCR 631 — Groveland Four

by Judiciary Committee and Reps. DuBose, Fischer, and others (CS/SCR 920 by Rules Committee and Senators Farmer, Torres, Bracy, Perry, Rouson, Rodriguez, Thurston, Book, Montford, Galvano, Powell, Stewart, Campbell, Braynon, Clemens, Rader, Gibson, Young, Mayfield, Negron, Baxley, Bean, Benacquisto, Bradley, Brandes, Broxson, Flores, Gainer, Garcia, Grimsley, Hutson, Latvala, Lee, Passidomo, Simmons, Simpson, Stargel, Steube, and Hukill)

The concurrent resolution acknowledges that Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas, the men who came to be known as the “Groveland Four,” were the victims of gross injustices and that their abhorrent treatment by the criminal justice system is a shameful chapter in this state’s history. The Legislature extends a heartfelt apology to the families of Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas for the enduring sorrow caused by the criminal justice system’s failure to protect their basic constitutional rights. Lastly, the Legislature urges the Governor and Cabinet to expedite review of the cases of Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas as part of their constitutional authority to grant clemency, including granting full pardons.

The concurrent resolution requires a copy of the resolution to be provided to the Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, and the families of the Groveland Four as a tangible token of the sentiments expressed therein.

Effective upon adoption on April 27, 2017.

Vote: Senate 0-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 699 — Internet Identifiers

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Mariano and others (CS/SB 684 by Criminal Justice Committee and Senator Baxley)

The bill revises provisions requiring registered sexual predators and sexual offenders to report Internet identifiers. These revisions include modifying the definition of the term “Internet identifier” and defining the connected terms “social Internet communication” and “application software.”

“Internet identifier” is defined as any designation, moniker, screen name, username, or other name used for self-identification to send or receive social Internet communication. This definition does not include a date of birth, social security number, personal identification number, or password. A sexual offender or sexual predator waives this disclosure exemption if he or she uses an Internet identifier that discloses any of this excluded information or other information that would reveal his or her identity.

The bill also requires a sexual predator and sexual offender to report each Internet identifier’s corresponding website homepage or application software name. Finally, the bill expands third degree felony offenses involving failure to report certain information to include failure to report each Internet identifier’s corresponding website homepage or application software name.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 807 — Practices of Substance Abuse Service Providers

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Reps. Hager, Harrell, and others (CS/CS/SB 788 by Appropriations Committee; Criminal Justice Committee; and Senator Clemens)

The bill takes a comprehensive approach to the problem of fraudulent patient brokering and deceptive marketing practices in the business of substance use addiction services, particularly related to the economic relationship between service providers and “recovery residences.”

The bill requires entities providing substance abuse marketing services to be licensed by the Department of Agriculture and Consumer Services under the Florida Telemarketing Act.

The bill strengthens the Department of Children and Families’ (DCF) substance abuse treatment provider licensure program and improves the regulation of service providers. The DCF must draft rules on minimum licensure standards and require that certain providers be accredited. The bill also expands DCF’s authority to take action against a service provider for violations on a tier-based system that also includes the imposition of fines.

The bill creates new and amends existing criminal offenses (prohibited acts) related to patient brokering and marketing practices that create or increase fines and potential prison sentences. These offenses are added to the Criminal Punishment Code ranking chart for purposes of assigning sentencing points.

The bill provides assistance to law enforcement and prosecutors by:

- Extending the jurisdiction of the Office of the Statewide Prosecutor to investigate and prosecute patient brokering offenses;
- Adding patient brokering to the list of predicate offenses that may be prosecuted as RICO offenses which could result in higher penalties; and
- Adopting federal law with regard to the timing of law enforcement giving notice to a patient regarding obtaining the patient’s records pursuant to a court order.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 115-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/SB 852 — Human Trafficking

by Appropriations Committee; Criminal Justice Committee; and Senators Garcia, Benacquisto, Flores, Campbell, Braynon, Latvala, Hukill, and Torres

The bill amends multiple statutes to include the term “commercial sexual exploitation.” The term emphasizes the fact that sex is exchanged for money, goods, or services and better defines the victims served by the Department of Children and Families (DCF), sheriff’s offices conducting child abuse investigations, and community-based care agencies.

The bill:

- Defines the term “commercial sexual exploitation” to mean the use of any person under the age of 18 for sexual purposes in exchange for, or the promise of, money, goods, or services;
- Changes the date of the annual report by the DCF on commercial sex trafficking of minors from December 1st to October 1st;
- Requires the DCF to maintain data specifying certain services that are available for verified victims of commercial sexual exploitation;
- Adds the crime of “human trafficking involving commercial sexual activity” to the list of crimes where the defendant’s confession is admissible during specified situations in trial;
- Amends various sections of statute to remove references to the outdated definition of “sexually exploited child” and replaces it with references to “commercial sexual exploitation”;
- Clarifies procedures for conducting a multidisciplinary staffing for alleged or verified victims of commercial sexual exploitation who are not eligible for relief or benefits under the federal Trafficking Victims Protection Act;
- Requires that the multidisciplinary staffing develop a service plan for any child victims suspected or verified as victims of commercial sexual exploitation and that the plan identify the victim’s needs and local services;
- Specifies that services provided in the service plan be in the least restrictive environment and identifies types of services that may be included in the service plan;
- Requires the DCF or the sheriff’s office to follow up with the verified victims of commercial sexual exploitation within six months;
- Requires a person licensed or certified under ch. 464, part 1, F.S., relating to nursing, to complete a two-hour course on human trafficking as part of the continuing education currently required (for license renewals on or after January 1, 2019); and
- Adds “human trafficking” to the list of crimes considered dangerous for which the court may not grant nonmonetary pretrial release at first appearance.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 39-0; House 116-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 879 — Unlawful Acquisition of Utility Services

by Justice Appropriations Subcommittee and Rep. Burgess and others (CS/CS/SB 776 by Communications, Energy, and Public Utilities Committee; Criminal Justice Committee; and Senator Baxley)

The bill revises provisions relating to utility theft as follows:

- Requires a court to include certain specified amounts in its order for civil damages or restitution related to the theft and labor costs.
- Allows the state to make a prima facie showing of the estimated losses of unlawfully obtained electric services based on any methodology reasonably relied upon by utilities.
- Allows the methodology to consider the estimated start date of the theft and the estimated daily or hourly use of electricity.
- Provides specified criteria to determine the estimated start date of the theft and the estimated daily or hourly use of electricity.
- Requires that once the state has made a prima facie showing the burden shifts to the defendant to demonstrate that the loss is something other than that claimed by the utility.
- Allows the court to order a defendant to pay restitution for damages to the property of a utility or for the theft of electricity for criminal offenses that are causally connected to the utility theft.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 38-0; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 1027 — Unmanned Devices

by Transportation and Infrastructure Subcommittee and Rep. Yarborough and others (CS/CS/SB 832 by Rules Committee; Criminal Justice Committee; and Senator Young)

Personal Delivery Devices

The bill establishes a regulatory framework for personal delivery devices (PDDs), creating definitions and approved operating parameters in ch. 316, F.S., the Florida Uniform Traffic Control Law.

The bill amends s. 316.008, F.S., to authorize PDD operation in the absence of a local prohibition and authorizes local governmental entities to regulate operation of PDDs within county or municipal jurisdictions under certain conditions.

PDDs are treated like pedestrians by the bill and are specifically excluded from the definition of motor vehicles and the attendant registration and insurance requirements in ch. 320, F.S. The bill also amends ss. 324.021(1) and 324.022(2)(a), F.S., to provide that PDDs are not motor vehicles for purposes of the Motor Vehicle Financial Responsibility Law.

The bill requires a person who owns and operates a PDD to maintain an insurance policy, on behalf of himself or herself and his or her agents, that provides general liability coverage of at least \$100,000 for damages arising from PDD operation.

Drones

The bill also creates s. 330.41, F.S., the “Unmanned Aircraft Systems Act.” It preempts local governments from regulating the operation of unmanned aircraft systems, but does allow them to enact or enforce local ordinances relating to illegal acts arising from the use of unmanned aircraft systems if the ordinances are not specifically related to the use of a drone for the commission of the illegal acts.

The bill protects critical infrastructure facilities, as defined in the bill, by prohibiting any person from knowingly or willfully:

- Operating a drone over a critical infrastructure facility, unless the drone is in transit for commercial purposes and is in compliance with Federal Aviation Administration regulations;
- Allowing a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or
- Allowing a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.

The bill creates exemptions to these prohibitions, including for persons acting under the direction of a government or drones operating in transit for commercial purposes. A first violation of a

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prohibition is a second degree misdemeanor and a second or subsequent violation is a first degree misdemeanor. It is anticipated that the Federal Aviation Administration will adopt a process for seeking a designation as a fixed site facility, and this portion of the bill will sunset 60 days after the effective date of such process.

Section 330.411, F.S., is created by the bill to prohibit a person from possessing or using a weaponized drone.

The bill also amends s. 934.50, F.S., to authorize the use of a drone by a communications service provider or a contractor for a communications service provider for routing, siting, installation, maintenance, or inspection of facilities used to provide communications services.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 35-0; House 115-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 1031 — Marine Turtle Protection

by Rep. Altman and others (SB 1228 by Senators Gainer and Hutson)

The bill amends the offense severity ranking chart provided in s. 921.0022(3), F.S., to:

- Update the cross-reference to s. 379.2431(1)(e)7., F.S., relating to soliciting or conspiring to commit a violation of the Marine Turtle Protection Act; and
- Add s. 379.2431(1)(e)6., F.S., relating to the possession of a marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species.

Under the bill, both offenses are Level 3 offenses.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-2; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 1201 — Department of Corrections

by Justice Appropriations Subcommittee; Criminal Justice Subcommittee; and Rep. Gonzalez (CS/CS/SB 1604 by Governmental Oversight and Accountability Committee; Criminal Justice Committee; and Senator Bracy)

The bill authorizes the Florida Department of Law Enforcement, when conducting an investigation or assisting in the investigation of an injury to or death of an inmate under the custody or control of the Department of Corrections (DOC), to serve a demand for production of the inmate's protected health information, medical records, or mental health records on the DOC.

The bill also makes the following changes:

- Revises the duties of the security review committee and the Secretary of Corrections;
- Authorizes the DOC to receive documents electronically for inmate admission;
- Allows all inmates who are recommended and otherwise eligible to be granted a one-time award of 60 additional days of incentive gain-time;
- Revises training requirements for prisoner transport company employees;
- Exempts employees of contracted community correctional centers from health testing regulations for administering urine screen drug tests on inmates and releasees; and
- Aligns the age limits for housing youthful offenders with the federal Prison Rape Elimination Act by reducing the maximum age from 19 to 18 years of age when designating separate institutions and programs for youthful offenders, and makes conforming changes.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 1203 — Public Records/Department of Corrections/Health Information
by Rep. Gonzalez (CS/SB 1526 by Rules Committee and Senator Bracy)

The bill amends s. 945.10, F.S., to include protected health information of inmates and information related to HIV testing held by the Department of Corrections as records that are confidential and exempt from public disclosure in accordance with the federal Health Insurance Portability and Accountability Act (HIPAA).

The bill aligns Florida law with the exemptions established in the HIPAA Privacy Rule by authorizing the release of protected health information and mental health, medical, and substance abuse records to other agencies, including law enforcement agencies, for legitimate state purposes.

The bill provides that the exemptions for protected health information of an inmate and identity of an inmate upon whom an HIV test has been performed are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

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

If approved by the Governor, these provisions take effect on the same date that CS/CS/HB 1201 or similar legislation takes effect, if such legislation becomes a law.

Vote: Senate 37-0; House 115-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 1239 — School Bus Safety

by Rep. Eagle and others (SB 1622 by Senators Passidomo and Torres)

The bill creates the “Cameron Mayhew Act” to require a driver who illegally passes a stopped school bus resulting in death or serious bodily injury of another person to serve 120 community service hours in a trauma center or hospital and to participate in a victim’s impact panel or attend a Department of Highway Safety and Motor Vehicles approved driver improvement course that relates to the rights of vulnerable road users relative to vehicles on the roadway.

The bill also imposes a \$1,500 fine; a 1-year driver license suspension; and two additional points, for a total of 6 points added to a person’s driver license for drivers who illegally pass a stopped school bus resulting in death or serious bodily injury of another person.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 28-6; House 118-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 1379 — Department of Legal Affairs

by Civil Justice and Claims Subcommittee and Rep. Diaz, J. (CS/SB 1626 by Criminal Justice Committee and Senator Bradley)

The bill amends current law with respect to the Attorney General's duties and responsibilities.

The bill:

- Gives the Statewide Council on Human Trafficking the authority to apply for and accept grants, funds, gifts, and services from the state, the federal government, and other sources for the purpose of defraying the cost of the council's annual summit;
- Provides that the Attorney General may request the assignment of one or more Florida Highway Patrol officers to the Office of the Attorney General for security services;
- Amends dates to keep Florida's Deceptive and Unfair Trade Practices Act current with applicable federal law and rules;
- Provides a definition of "virtual currency" and amends the term "monetary instruments" to include "virtual currency" in the Florida Money Laundering Act;
- Amends the Florida Trust Code, related to charitable trusts, to allow the Attorney General to take over for the 20 state attorneys in matters involving oversight of charitable trusts, to require delivery of notice, and to give legal standing to the Attorney General under circumstances where a trustee of a charitable trust seeks to modify the status of the trust or its beneficiaries; and
- Creates s. 960.201, F.S., providing for compensation awards for loss of support to surviving family members of an emergency responder who dies in the line of duty while answering a call for service.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 118-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 1385 — Domestic Violence

by Rep. Nuñez and others (SB 1564 by Senator Garcia)

The bill amends s. 741.283, F.S., to increase the penalties for both first-time and subsequent domestic violence offenders who intentionally cause bodily harm to another person and are adjudicated guilty. The bill requires a court to order a defendant to serve the following time in a county jail:

- 10 days for a first offense;
- 15 days for a second offense; and
- 20 days for a third or subsequent offense.

The bill also enhances the penalties if the domestic violence offense took place in front of a child, under 16 years of age, who is a family or household member of the victim or the perpetrator. The bill requires a court to order a defendant to serve the following time in a county jail:

- 15 days for a first offense;
- 20 days for a second offense; and
- 30 days for a third or subsequent offense.

Section 775.08435, F.S., is amended to add an additional circumstance in which a court is prohibited from withholding the adjudication of a defendant. The bill prohibits a court from withholding adjudication for a third degree felony that is a crime of domestic violence unless certain conditions are met.

The bill clarifies that a court must order the defendant to both attend ***and complete*** a batterer's intervention program as a condition of probation. A failure to complete a batterer's intervention program may result in a violation of probation.

The bill creates s. 741.30(1)(g), F.S., to prohibit attorney's fees from being awarded in any injunction proceeding for protection against domestic violence.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 37-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 1694 — Support for Parental Victims of Child Domestic Violence

by Rules Committee and Senator Torres

The bill requires the Department of Juvenile Justice, in collaboration with organizations that provide expertise, training, and advocacy in the areas of family and domestic violence, to develop materials detailing the resources and services available for parents and legal guardians who are victims of domestic violence. The materials must include the resources available for a child who has committed acts of domestic violence or who has demonstrated behaviors that may escalate to domestic violence.

The bill specifies which resources and services need to be included in the materials and that the Department of Juvenile Justice must post the materials on its website. The materials must also be available to certified domestic violence centers and other specified entities.

The bill requires the issues involved in child-to-parent domestic violence cases to be included in the domestic violence portion of a law enforcement officer's basic skills course for his or her initial certification.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 35-0; House 120-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 7059 — Juvenile Justice

by Judiciary Committee; Justice Appropriations Subcommittee; Criminal Justice Subcommittee; and Rep. Grant, J. and others (CS/SB 1670 by Appropriations Committee and Senator Latvala)

The bill makes numerous changes that increase the use of secure detention for juveniles. Specifically, the bill:

- Creates the designation of a “prolific juvenile offender”;
- Requires that children who meet the criteria for the designation of “prolific juvenile offender” be held in detention until disposition;
- Requires the court to place a child who is adjudicated and awaiting placement in a commitment program in secure detention until the child is placed in a commitment program;
- Requires that the period for detention be tolled on the date the Department of Juvenile Justice alleges the child has violated a condition of his or her detention until the court enters a ruling on the violation;
- Requires a “prolific juvenile offender’s” adjudicatory hearing be held within 45 days after the child is taken into custody;
- Waives the fees the Department of Health charges for certified birth certificates for juvenile offenders in the custody of the Department of Juvenile Justice;
- Creates an exception to allow a person who has an adjudication of delinquency for a felony offense and has his or her criminal history record expunged pursuant to s. 943.0515(1)(b), F.S., to qualify to lawfully possess a firearm;
- Specifies that the bill fulfills an important state interest; and
- Appropriates, for Fiscal Year 2017-2018, \$2,978,012 in recurring funds and \$2,978,012 in nonrecurring funds from the General Revenue Fund to the Department of Juvenile Justice for the purpose of implementing the bill.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 34-1; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 7091 — Probation and Community Control

by Criminal Justice Subcommittee and Rep. Altman (CS/CS/SB 790 by Appropriations Committee; Criminal Justice Committee; and Senator Brandes)

The bill amends s. 948.06, F.S., to address the recent court decision in *Mobley v. State*, 197 So. 3d 572 (4th DCA 2016). The court in *Mobley* held that a warrant issued under s. 901.02, F.S., does not toll an offender's supervision unless the warrant was for a new crime, not just a violation of the conditions of supervision. A probation term is not currently tolled for a technical violation under s. 948.06(1)(f), F.S. This allows the term of probation to expire prior to resolution of any technical violation. The bill removes the reference to s. 901.02, F.S., in s. 948.06(1)(f), F.S., to clarify that a warrant tolling supervision may be issued for a violation of the terms and conditions of the supervision, and that a crime need not be committed for tolling to occur.

The bill revises various sections of ch. 948, F.S., to clarify and update provisions in order to conform to current law and current practices of the Department of Corrections. These revisions include:

- Specifying that after October 1, 2017, individuals convicted of sexual felony offenses under ss. 775.21 or 943.0435, F.S., are ineligible for administrative probation.
- Clarifies that community control is the department's "home confinement" program.
- Authorizes home confinement for any new law violation, not just misdemeanors, as an alternative to jail or prison for courts to sentence offenders for new law violations.

If approved by the Governor, these provisions take effect on July 1, 2017, except where otherwise provided.

Vote: Senate 35-0; House 115-0

Committee on Education

CS/CS/CS/HB 15 — Educational Options

by Education Committee; PreK-12 Appropriations Subcommittee; PreK-12 Innovation Subcommittee; and Reps. Sullivan, Fischer, and others (CS/CS/SB 902 by Appropriations Committee; Education Committee; and Senator Simmons) (CS/CS/SB 1314 by Appropriations Committee; Education Committee; and Senators Grimsley and Mayfield)

The bill modifies the Gardiner Scholarship Program (GSP) and the Florida Tax Credit Scholarship Program. Specifically, regarding the GSP, the bill:

- Expands the definition of disability, for purposes of the GSP, to include a child:
 - Diagnosed with a rare disease or condition, which affects patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders.
 - Diagnosed as anaphylaxis; deaf; visually impaired; dual sensory impaired; traumatic brain injured; or hospital or homebound, as defined by rules of the State Board of Education (SBE) and evidenced by reports from local school districts.
- Modifies the definition of IEP used to qualify for the GSP, to mean an individual education plan, regardless of whether the plan has been reviewed or revised within the last 12 months.
- Revises program eligibility to allow a student to qualify for the scholarship if the student has an IEP written in accordance with the applicable rules of another state or the student has received a diagnosis of a disability from a physician who holds an active license issued by another state, and the student also meets the other eligibility requirements for the scholarship.
- Authorizes the use of GSP funds to procure services provided:
 - By a hospital in Florida which is selected by a parent,
 - By a certified music therapist or art therapist,
 - At a center that is a member of the Professional Association of Therapeutic Horsemanship International.
- Specifies that a parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services paid through Gardiner Scholarship funds.
- Provides that if a private school is unable to meet the requirements in law or has consecutive years of material exceptions listed in its agreed-upon procedures reports, there is a basis for the ineligibility of the private school to participate in the program, as determined by the Commissioner of Education.
- Adds a condition for closing a student's scholarship account and reverting remaining funds to the state if the account has been inactive for three consecutive fiscal years. The bill defines inactive to mean that eligible expenditures have not been made from a student's scholarship account.
- Specifies that if a parent does not procure the necessary educational services for the student and the student's account has been inactive for 2 consecutive fiscal years, the

student is ineligible for additional scholarship payments until the scholarship-funding organization (SFO) verifies that expenditures have occurred from the account.

Regarding the Florida Tax Credit Scholarship Program (FTC), the bill:

- Requires the Florida Department of Revenue to provide an SFO a copy of its letter denying or approving certain transactions.
- Allows a dependent child of a parent or guardian who is a member of the U.S. Armed Forces to apply for the FTC scholarship at any time.
- Specifies that a parent must approve any payment made by funds transfer before the scholarship funds may be deposited.
- Provides that the Commissioner of Education may determine that a private school is ineligible to participate in the FTC program if the school has consecutive years of material exceptions listed in its agreed-upon procedures report.
- Increases the base FTC scholarship award amount as a percentage of the unweighted FTE funding amount for that state fiscal year and thereafter as follows:
 - 88 percent for a student in kindergarten through grade 5.
 - 92 percent for a student enrolled in grades 6-8.
 - 96 percent for a student enrolled in grades 9-12.
- Raises the transportation scholarship award limit for a student enrolled in a Florida public school that is located outside the district in which the student resides from \$500 to \$750.
- Allows an SFO to make payments by fund transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the Department of Revenue deems to be commercially viable or cost-effective.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 27-11; House 101-11

Committee on Education

SB 256 — Florida Center for the Partnerships for Arts Integrated Teaching

by Senators Steube and Galvano

The bill removes the July 1, 2017 expiration date for the statutory authority for the Florida Center for the Partnerships for Arts Integrated Teaching (Center) established within the University of South Florida Sarasota/Manatee. The Center was statutorily created in chapter 2016-62, Laws of Florida, the implementing bill for the 2016-2017 General Appropriations Act.

If approved by the Governor, these provisions take effect June 30, 2017.

Vote: Senate 36-0; House 120-0

Committee on Education

CS/CS/HB 293 — Middle Grades

by Education Committee; PreK-12 Appropriations Subcommittee; and Rep. Burton and others (CS/SB 360 by Appropriations Committee and Senators Stargel, Grimsley, and Young)

The bill requires the Florida Department of Education (DOE) to issue a competitive solicitation for a contract to conduct a comprehensive study of states with high performing students in grades 6 through 8 in reading and mathematics, based on states' performance on the National Assessment of Educational Progress. The DOE must submit a report by December 2017 on the findings of the study and make recommendations to improve middle school student performance to the Governor, the State Board of Education, the President of the Senate, and the Speaker of the House of Representatives. Specifically, the study must review, at a minimum:

- Academic expectations and instructional strategies, including:
 - Alignment of elementary and middle grades expectations with high school graduation requirements;
 - Strategies used to improve reading comprehension through the use of background knowledge and the use of sequenced curriculum programing and content rich texts to increase literacy skills in kindergarten through grade 8;
 - Research-based instructional practices in reading and mathematics, including those targeting low-performing students;
 - The rigor of the curriculum and courses and the availability of accelerated courses;
 - The availability of student support services;
 - Course sequencing and prerequisites for advanced courses; and
 - The availability of other academic and non-core classes, and electives.
- Attendance policies and student mobility issues.
- Teacher quality, including:
 - Teacher certification and recertification requirements;
 - Teacher preparedness to teach rigorous courses;
 - Teacher preparation specific to teaching middle school students;
 - Teacher recruitment and vacancy issues;
 - Staff development requirements and the availability of effective training;
 - Teacher collaboration and planning at the school and district levels; and
 - Student performance data collection and dissemination.
- Middle school administrator leadership and performance.
- Parental and community involvement.
- Provides for an appropriation in the sum of \$50,000 in nonrecurring funds from the General Revenue Fund, for the 2017-2018 fiscal year, to the DOE for implementation of the comprehensive study in middle school performance.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 119-0

Committee on Education

HB 371 — Assistive Technology Devices

by Rep. Ausley and others (CS/SB 772 by Education Committee and Senator Rouson)

The bill revises provisions related to the use of assistive technology devices by students with disabilities. Specifically, the bill:

- Recognizes that access to and use of the assistive technology device is essential for a student moving from school to home and community;
- Allows an individualized plan for employment to be one of the plans that may serve as the basis for a student to retain an assistive technology device through a transition; and
- Adds the Office of Independent Education and Parental Choice within the Florida Department of Education to the group of educational entities required to enter into interagency agreements with specified agencies, as appropriate, for the transaction of assistive technology devices.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 118-0

Committee on Education

CS/CS/SB 374 — Postsecondary Education

by Appropriations Committee; Education Committee; and Senators Hukill, Galvano, and Simpson

The bill establishes the “Florida Excellence in Higher Education Act of 2017” to expand financial aid provisions and modify programmatic mechanisms to assist students in accessing higher education and incentivize postsecondary institutions to emphasize on-time graduation. The bill also expands and enhances policy and funding options for state universities to recruit and retain exemplary faculty, enhance the quality of professional and graduate schools, and upgrade facilities and research infrastructure. Additionally, the bill restructures the governance and modifies the mission of the community colleges.

Institutional Accountability

The bill strengthens institutional accountability by modifying state university and community college performance and accountability metrics and standards to promote on-time student graduation. Specifically, the bill:

- Modifies the State University System (SUS) Performance-Based Incentive:
 - Specifies the performance-based metric for graduation rate must be a 4-year graduation rate.
 - Specifies the performance-based metric for access must include benchmarks that reward institutions with access rates at or above 50 percent.
 - Requires the Board of Governor’s (BOG) 2017 determination of each university’s performance improvement and achievement ratings, and the related distribution of 2017-2018 appropriation funds for the incentive, to apply the metrics and benchmarks in place on January 1, 2017.
- Modifies the Preeminent State Research Universities Program:
 - Revises the metric related to the 6-year graduation rate of 70 percent or higher for full-time, first-time-in-college (FTIC), students to a 4-year rate of 60 percent or higher. However, for the BOG’s 2017 determination of preeminence and emerging preeminence status and the related distribution of 2017-2018 appropriation funds for the program, the metric and benchmark remains at a 6-year graduation rate of 70 percent or higher.
 - Eliminates the authority for the preeminent state research universities to require FTIC students to take a six-credit unique set of courses.
 - Revises funding for emerging preeminent state research universities from one-half to one-fourth of the total increased funding to preeminent state research universities.
 - Changes from a recommendation to a requirement that the BOG establish standards and measures for programs of excellence throughout the SUS and specify that the programs include undergraduate, graduate, and professional degrees, and require the BOG to make recommendations to the Legislature by September 1, 2017, on enhancing and promoting such programs.
- Requires the BOG to conduct a study of state investment allocation methodologies for the performance-based model and submit a report to the chairs of the House and Senate

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Education Appropriations Subcommittees by December 31, 2017. The study must include various options, including options in which each university may be eligible to receive some portion of the state investment based on benchmarks that reflect the institutional mission of each university and irrespective of the performance-based funding model score relative to other university scores.

- Revises the existing Florida Community College System Performance-Based Incentive metrics and adds new metrics that emphasize on-time program completion. These revised and new metrics, which must be adopted by the State Board of Community Colleges (SBCC), are:
 - A student retention rate, as calculated by the SBCC;
 - A 100 percent-of-normal-time program completion and graduation rate for full-time, FTIC degree-seeking students, using a definition of full-time based on a student's majority enrollment in full-time terms, as calculated by the SBCC;
 - A continuing education or postgraduation job placement rate for workforce education programs, excluding associate in arts (AA) degrees, with wage thresholds that reflect the added value of the applicable certificate or degree;
 - A graduation rate for FTIC students in an AA degree program who graduate with a baccalaureate degree in 4 years after initially enrolling in the AA degree program; and
 - A performance-based metric on college affordability.
- Modifies the Distinguished Florida Community College System Institution Program excellence standards:
 - Changes the normal-time completion rate metric from 150 percent to 100 percent for full-time, FTIC students, as calculated by the SBCC.
 - Changes the normal-time completion rate metric from 150 percent to 100 percent for full-time, FTIC Pell Grant recipients, as calculated by the SBCC.
 - Specifies that the job placement metric must be based on the wage thresholds that reflect the added value of the applicable certificate or degree, and that the continuing education and job placement metric does not apply to AA degrees.
 - Replaces the time-to-degree metric with an excess-hours rate metric of 40 percent or lower for AA degree recipients who graduate with 72 or more credit hours, as calculated by the SBCC.

Additionally, the bill modifies the requirements of the BOG's strategic plan to require state universities to use data-driven gap analyses to identify internship opportunities in high-demand fields.

Student Financial Aid and Tuition Assistance

The bill expands student financial aid and tuition assistance programs to help to address financial insecurity concerns of students and their families. Specifically the bill:

- Increases the Florida Academic Scholars (FAS) award amount to cover 100 percent of public postsecondary education institution tuition and specified fees, plus \$300 per semester for textbooks and college-related expenses during fall and spring terms, beginning in the fall 2017 semester. Additionally, the bill provides for funding for Florida

Bright Futures Scholarship awards, which at a minimum, supports summer term enrollment for an FAS award.

- Expands the Benacquisto Scholarship Program to attract qualified students from out-of-state; who physically reside on or near the postsecondary education institution in which they enroll; earn a high school diploma or the equivalent, comparable to Florida; who are accepted and enroll in a baccalaureate degree program in the 2017-2018 academic year or thereafter; and who meet the specified requirement to qualify for the scholarship. The bill exempts such student from the payment of out-of-state fees and specifies that the award amount for such students is equal to the institutional cost of attendance for a Florida resident less the student's National Merit Scholarship.
- Creates the Florida Farmworker Scholarship Program for farmworkers and the children of farmworkers, who meet the specified scholarship eligibility criteria. The bill specifies that the DOE may award up to 50 scholarships annually and the recipient may receive an award for a maximum of 100 percent of the credit hours or clock hours required to complete up to 90 credit hours of a program that terminates in a career certificate. The recipient is eligible for an award equal to 100 percent of tuition and specified fees at a public postsecondary education institution in Florida. Undocumented immigrants are not eligible for the award.
- Expands the First Generation Matching Grant Program by revising the state to private match requirements from a 1:1 match to a 2:1 match.
- Requires each state university board of trustees to adopt a block tuition and fee policy by October 1, 2017, for implementation in the fall 2018 semester. The policy must apply to the entering freshman class of full-time, FTIC students and may be extended to include other enrolled students. The bill requires each university board of trustees to submit the policy, including information on the potential impact of the policy on students, to the BOG by October 1, 2017. The bill also requires the Chancellor of the State University System must submit to the Governor and the Legislature a summary of the policies, status of approvals, and recommendations for improving block tuition and fee benefits for students by December 1, 2017.
- Specifies that a Florida Prepaid College Program plan, purchased prior to July 1, 2024, is only obligated to pay for the credit hours in which a student is enrolled.
- Renames the William L. Boyd, IV, Florida Resident Access Grant (FRAG) Program as the William L. Boyd, IV, Effective Access to Student Education (EASE) Grant Program.

Articulation

The bill strengthens “2+2” articulation to assist students enrolled in AA degree program to graduate on time, transfer to a baccalaureate degree program, and complete the baccalaureate degree in 4 years. Accordingly, the bill creates a mechanism for expanding locally-developed “2+2” articulation agreements to include guaranteed pathways to baccalaureate degree programs at state universities for students enrolled in associate in arts (AA) degree programs at FCCS institutions. Specifically, the bill:

- Requires each FCCS institution to execute at least one “2+2” targeted pathway articulation agreement with one or more state universities.

- Establishes student eligibility criteria to participate in a “2+2” targeted pathway program.
- Establishes requirements for state universities that execute “2+2” targeted pathway articulation agreements with their partner colleges.
- Requires the SBCC and BOG to collaborate to eliminate barriers to executing “2+2” targeted pathway articulation agreements.

Additionally, the bill requires district school boards to notify students who enroll in acceleration mechanism courses or take exams about the *credit-by-examination equivalency list* and *dual enrollment and high school subject area equivalency list*.

State University Faculty, Program, and Infrastructure Investments

The bill establishes the World Class Faculty and Scholar Program and the State University Professional and Graduate Degree Excellence Program, and authorizes funding for certain projects under the Alec P. Courtelis University Facility Enhancement Challenge Grant Program to elevate the national prominence of the state universities in Florida. Specifically, the bill:

- Establishes the World Class Faculty and Scholar Program to fund and support the efforts of state universities to recruit and retain exemplary faculty and research scholars. Specifically, the bill:
 - Authorizes state university investments in areas such as research-centric cluster hires, faculty research, and research commercialization efforts. The funds may not be used for the construction of buildings.
 - Requires the BOG to provide, annually, by March 15, to the Governor and the Legislature a report summarizing the expenditures and the impact of those expenditures in elevating the national competitiveness of the universities.
- Establishes the State University Professional and Graduate Degree Excellence Program to fund as support the efforts of state universities to enhance the quality of professional and graduate schools and degree programs in medicine, law, and business, and expand the economic impact of state universities. Specifically, the bill:
 - Authorizes quality improvement efforts, which may include, but are not limited to, targeted investment in faculty, students, research infrastructure and other strategic efforts to elevate the national and global prominence of state university medicine, law, and graduate level business programs. The funds may not be used for the construction of buildings.
 - Requires the BOG to provide, annually, by March 15, to the Governor and the Legislature a report summarizing the expenditures and the impact of those expenditures in elevating the national and global prominence of the university medicine, law, and graduate-level business programs.

Additionally, the bill provides that notwithstanding the suspension of state matching funds, the Legislature may choose for the 2017-18 fiscal year to prioritize funding for certain projects under the Alec P. Courtelis University Facility Enhancement Challenge Grant Program with matching funds available prior to June 30, 2011, which have not yet been constructed. Additionally, the bill deletes obsolete references to the Alec P. Courtelis Capital Facilities Matching Trust Fund.

Community College Governance

The bill modifies the governance of the Florida College System under an SBCC. Specifically, the bill provides that:

- Effective July 1, 2017:
 - The Florida College System is renamed as the Florida Community College System.
 - The SBCC, administratively housed within the DOE, is created to oversee and coordinate the FCCS, and requires the Governor to appoint the membership of the SBCC in time for the board's organizational meeting by September 30, 2017.
 - The Division of Florida Colleges (DFC) must provide administrative support to the SBCC until September 30, 2017.
 - Beginning September 1, 2017, SBCC staggered membership terms are established.
 - The SBCC is required to appoint a Chancellor of the FCCS by November 1, 2017. The Chancellor of the DFC must serve as the Chancellor of the FCCS until the SBCC selects a chancellor.
- Effective October 1, 2017:
 - FCS- and DFC-related powers and duties, functions, personnel, funds, contracts, and administrative rules are transferred, by type 2 transfer, to the SBCC.
 - The DOE must provide support services to the SBCC, consistent with the ongoing support services that the DOE provides to the BOG.
 - The Division of Florida Colleges is removed as a division within the DOE.
 - SBE approvals, policies, guidance, and appointments remain in effect unless acted upon by the SBCC.

In addition, the bill includes technical and conforming provisions related to the transfer of responsibilities regarding Florida's community colleges, effective October 1, 2017. The bill does not modify the governance of individual FCCS institutions or powers and duties of the FCCS institution boards of trustees.

Community College Baccalaureate Degree Approval Process

The bill clarifies expectations and state oversight of baccalaureate degree programs offered by FCCS institutions. Specifically, the bill:

- Modifies the FCCS institution baccalaureate degree approval process:
 - Requires FCCS institutions to submit a notice of interest into a shared postsecondary database at least 180 days before submission of the notice of intent.
 - Requires FCCS institutions to submit a notice of intent and justification for the proposed baccalaureate degree at least 100 days before submitting the baccalaureate degree proposal.
 - Specifies that the required justification for the proposed baccalaureate degree include a data-driven analysis of workforce demand, including employment data and projections by the Department of Economic Opportunity, which must be verified by the Chancellor of the FCCS.

- Extends the timeframe from 30 days to 60 days for private regionally-accredited colleges and universities, to submit their objections to the proposed baccalaureate degree programs and provide reasons for such objections.
- Eliminates the requirement for state universities and private colleges and universities to submit alternative proposals to the proposed baccalaureate degree programs.
- Requires the SBCC consider input from the Chancellor of the SUS and the president of the Independent Colleges and Universities of Florida, and any objections before approving or denying a college's proposal.
- Aligns the baccalaureate degree approval process for St. Petersburg College with the approval process for other FCCS institutions.

The bill adds to the performance and compliance indicators for baccalaureate degrees, and reinforces state oversight responsibilities by requiring the SBCC to direct an FCCS institution's board of trustees to terminate a baccalaureate degree program if an annual review indicates negative performance and compliance results, and the college fails to demonstrate a need for the program.

Additionally, the bill establishes a cap on upper-level, undergraduate FTE enrollment at FCCS institutions, but provides flexibility for planned and purposeful growth of baccalaureate degree programs if certain conditions are met. The bill requires FCCS institutions to obtain legislative approval for exceeding the specified upper-level, undergraduate FTE enrollment cap, and prohibits community colleges from reporting for funding, the upper-level, undergraduate full-time equivalent enrollment that exceeds the upper-level enrollment percent specified in the bill. Specifically, the bill:

- Provides that if the 2015-2016 total upper-level, undergraduate FTE enrollment at an FCCS institution is:
 - At or above 10 percent of the 2015-2016 combined total lower-level and upper-level FTE enrollment at that institution, the total upper-level enrollment, as a percentage of the combined enrollment, may not increase by more than 4 percentage points unless the institution obtains prior legislative approval.
 - Below 10 percent of the 2015-2016 combined total lower-level and upper-level FTE enrollment at that institution, the total upper-level enrollment, as a percentage of the combined enrollment, may not increase by more than 8 percentage points unless the institution obtains prior legislative approval.
- Specifies that the total upper-level enrollment at any institution may not exceed 15 percent of the combined upper-level and lower-level FTE enrollment at that institution.

The bill also reinforces the state's expectation of college affordability by requiring the college's program enrollment projections and funding requirements to include the college's efforts to sustain the program at a cost of tuition and fees for Florida residents not to exceed \$10,000 for the entire degree program, including flexible tuition and fee rates, and the use of waivers authorized by law.

Mission of Florida's Public K-20 Education System

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The bill reinforces the state's expectation that institutions within Florida's K-20 education system avoid wasteful duplication of programs offered by state universities, FCCS institutions, and career centers operated by district school boards, and:

- Changes the provision of upper-level instruction and awarding baccalaureate degrees from a primary mission to a secondary mission of FCCS institutions.
- Specifies that the primary mission of a career center or a charter technical career center is to promote advances and innovations in workforce preparation and economic development.

Community College and State University Direct Support Organizations

The bill modifies requirements relating to community college and state university direct support organizations (DSO) to:

- Prohibit the specified DSOs from using state-funded personal services, beginning July 1, 2022.
- Prohibit the specified DSOs from using state funds for travel expenses.
- Prohibit the specified DSOs from giving, either directly or indirectly, any gift to a political committee, with no exceptions.
- Require the chair of a university or community college board of trustees to appoint at least one member to the DSO executive committee.
- Specify that, for state university DSOs, information related to the expenditure of unrestricted non-state funds and the expenditure of private funds for travel are not confidential and exempt.

If approved by the Governor, the bill takes effect October 1, 2017, except for some provisions that take effect upon becoming a law or July 1, 2017.

Vote: Senate 35-3; House 85-27

Committee on Education

CS/SB 396 — Student Loan Debt

by Education Committee and Senators Hukill and Bean

The bill requires certain postsecondary education institutions to provide information regarding student loans to students. Specifically, the bill:

- Defines “student loans” to mean federal loans disbursed to a student to pay for education-related expenses.
- Requires a postsecondary education institution that disburses state financial aid to annually, or once during each academic year, provide the following up-to-date information, in print or electronic format, to each student receiving student loans:
 - An estimate of the student’s total amount of borrowed student loans.
 - An estimate of the student’s total potential loan repayment amount associated with the total amount of student loans borrowed by the student.
 - An estimate of the student’s monthly loan repayment amount for the student’s total amount of borrowed student loans.
 - The percentage of the borrowing limit that the student has reached at the time the information is provided.
- Provides that an institution does not incur liability for providing the specified information.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 35-0; House 115-0

Committee on Education

SB 436 — Religious Expression in Public Schools

by Senators Baxley, Steube, Mayfield, Stargel, Campbell, Brandes, and Broxson

The bill creates the “Florida Student and School Personnel Religious Liberties Act,” and specifies that a school district may not discriminate against a student, parent, or school personnel on the basis of a religious viewpoint or religious expression. Specifically, the bill:

- Authorizes a student to:
 - Express his or her religious beliefs in written and oral assignments free from discrimination.
 - Wear clothing, accessories, and jewelry that display a religious message or symbol to the same extent as secular types of clothing, accessories, and jewelry that display messages or symbols are permitted.
 - Pray or engage in and organize religious activities before, during, and after the school day to the same extent that student engagement in secular activity or expression and the organization of secular activities and groups are permitted.
- Requires a school district to:
 - Comply with Title VII of the Civil Rights Act of 1964 and specifies that a school district may not prevent school personnel from participating in religious activities on school grounds that are student-initiated at reasonable times before or after the school day.
 - Give a religious group access to the same school facilities for assembling as given to a secular group without discrimination and authorizes such a religious or secular group to advertise or announce its meetings.
 - Adopt a policy that establishes a limited public forum for student speakers at any school event at which a student is to speak publicly.
- Requires the Florida Department of Education to develop and publish on its website a model policy regarding a limited public forum and the voluntary expression of religious viewpoints by students and school personnel in public schools. The model policy must be adopted and implemented by each district school board.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 23-13; House 103-12

Committee on Education

CS/CS/HB 501 — Pub. Rec. and Meetings/Information Technology/Postsecondary Education Institutions

by Education Committee; Post-Secondary Education Subcommittee; and Reps. Leek, Silvers and others (CS/CS/SB 110 by Governmental Oversight and Accountability Committee; Education Committee; and Senators Brandes and Rouson)

The bill creates a new public records and meetings exemption for records of state universities and Florida College System (FCS) institutions pertaining to Information Technology (IT) security systems if the disclosure of such records would facilitate unauthorized access to, or unauthorized modification, disclosure, or destruction of data, information, or IT resources. Specifically, the bill:

- Exempts from public records laws data or information from technology systems owned by, under contract, or maintained by a state university or FCS institution.
- Exempts from public meetings laws portions of public meetings that may reveal data or information from technology systems owned, contracted, or maintained by a state university or an FCS institution.
 - Requires an exempt portion of a public meeting to be recorded and transcribed but specifies such recording and transcript must be exempt from disclosure, unless a court determines that the meeting was not restricted to discussion of confidential and exempt data.
- Specifies the entities to whom exempt records must be provided.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 112-0

Committee on Education

CS/HB 749 — Adoption Benefits

by Children, Families and Seniors Subcommittee; and Rep. Combee and others (CS/SB 780 by Education Committee and Senator Stargel)

The bill expands the definition of qualifying adoptive employee to include full-time or part-time employees of charter schools and the Florida Virtual School (FLVS) for the purpose of extending to the employees of such schools the benefits that are currently available to qualifying adoptive employees of state agencies. The State Employee Adoption Benefit Program administered through the Department of Children and Families allows qualifying employees who adopt a child from the child welfare system to receive a one-time benefit of \$5,000, or \$10,000 for the adoption of a child with special needs.

The bill also authorizes a qualifying adoptive employee of a charter school or the FLVS to apply for the monetary benefit if such employee was employed by a charter school or the FLVS when he or she adopted a child within the child welfare system on or after July 1, 2015.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 116-0

Committee on Education

HB 769 — Education

by Appropriations Committee; Education Committee; and Rep. M. Diaz and others (CS/CS/SB 1552 by Appropriations Committee; Education Committee; and Senator Simmons)

The bill includes provisions related to prekindergarten-12 education, including, but not limited to, school improvement and accountability; charter schools; K-12 student assessments; virtual instruction; civic education; educator certification, evaluation, and bonus; permissible school absence; school visitation; recess; and funding.

School Improvement and Accountability

- Expands the early warning system to include schools that serve students in kindergarten through grade 8.
- Provides that an educational emergency exists when a school district has one or more schools with grade of “D” or “F” and requires such school district to enter a memorandum of understanding that addresses the selection, placement, and expectations of instructional personnel and provides principals with the autonomy specified in law under the Principal Autonomy Pilot Program Initiative.
- Requires a school that earns 3 consecutive grades below a “C” to implement specified turnaround options, unless the State Board of Education (SBE) grants the school an additional year to implement a district-managed turnaround plan if the SBE determines that the school is likely to improve to a grade of “C” or higher after the first school year of implementation.
- Revises the turnaround options for low-performing schools by eliminating the hybrid option and maintaining the other turnaround options, with a modification, that requires such schools to:
 - Reassign the students to another school and monitor student progress;
 - Close and reopen as a charter school; or
 - Contract with an outside entity with a demonstrated record of effectiveness to operate the school, and such entity may include a district-managed charter school in which all instructional personnel are not school district employees, but are employees of an independent governing board composed of members that did not participate in the charter’s review or approval.
- Requires the Commissioner of Education (commissioner) to also assign a community assessment team to each school district or charter school governing board with a school that received a grade of “D.”

Charter Schools

- Requires a sponsor and a charter school governing board to use the standard charter contract, adopted in rule by the SBE.
- Provides that any term or condition differing from the standard contract must be presumed a limitation on charter school flexibility.

- Authorizes a high-performing charter school to establish more than one charter school within the state in any year if the charter school operates in the area of a persistently low-performing school and serves students from that school.
- Authorizes a high-performing charter school system to replicate its high-performing charter schools in any school district in the state and specifies standard application requirements.
- Specifies that for charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district. Additionally, the bill modifies the following charter school funding provisions:
 - Revises eligibility criteria for charter school capital outlay funding and use of such funds.
 - Requires school districts to share local capital outlay millage revenue with charter schools, and establishes a formula for this purpose.
 - Modifies the criteria for designating a charter school system's governing board as a local educational agency for purposes of receiving federal funds.
 - Clarifies administrative fees for charter schools, high-performing charter schools, and charter school systems.
- Expands the purposes for forming charter school cooperative organizations to specify that such cooperatives may provide services to further education, operational, and administrative initiatives.
- Specifies that certain facilities may provide space to high-impact schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, land use charter, or any other form of approval.
- Specifies that the waiver of sovereign immunity for the purpose of tort liability that applies to a charter school, does not extend to any for-profit entity contracted by the charter school or its governing body.
- Requires each charter school to annually complete and submit a survey, in a format specified by the Department of Education (DOE), to rate the timeliness and quality of services provided by the applicable school district, and requires the DOE to compile the survey results.
- Eliminates the requirement for the Department of Education to compare student performance data of charter schools within a school district with public schools within that district, and with the other charter schools in Florida as well as the posting of such information on each charter school's Internet website.
- Authorizes an exemption from controlled open enrollment requirements for a charter school if such school is open to any student covered in an interdistrict agreement and any student residing in the school district in which the charter school is located.

Schools of Hope

- Establishes "school of hope" and "hope operator" to serve students in persistently low-performing schools.
 - Defines school of hope to mean a charter school that is operated by a hope operator:

- That serves students from one or more persistently low-performing schools, is located in the attendance zone of a persistently low-performing school or within in a 5-mile radius of such school, whichever is greater, and is a Title I eligible school.
- Or, pursuant to implementing a turnaround option, the school is operated by a hope operator that may include a district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.
- Defines persistently low-performing school to mean a school that has received 3 consecutive grades below a “C” and a school that was closed within two years after a hope operator submits to a school district a notice of intent to open a school of hope.
- Defines hope operator as a tax exempt, nonprofit organization that operates 3 or more charter schools that serve students in kindergarten through grade 12 in Florida or other states with a record of serving students from low-income families.
- Establishes a process for a hope operator to submit to a school district a notice of intent and execute a performance-based agreement with the applicable school district to open a school of hope; and specifies timeframe and SBE responsibilities.
- Provides that a school district that does not enter into a performance-based agreement with a hope operator within 60 days after receipt of the notice of intent must reduce the administrative fees withheld for all charter schools within the district to 1 percent until the agreement is executed.
- Specifies that the initial status as a hope operator is valid for 5 years from opening of a school of hope, and the renewal of such status must be based solely upon the academic and financial performance of all schools established by the operator in the state since its initial designation.
- Creates the Schools of Hope Program, within the DOE, to distribute funds to a school of hope for specified expenditures.
- Requires the SBE to provide, from the Schools of Hope Program, awards for up to 25 traditional public schools and prioritize awards for district-managed turnaround plans for implementation that are based on whole school transformation and that are developed in consultation with the school’s principal.
- Specifies such schools may receive up to \$2,000 per full-time equivalent (FTE) student, based upon the strength of the school’s plan for implementation and its focus on evidence-based interventions that lead to student success by providing wrap-around services that leverage community assets, improve school and community collaboration, and develop family and community partnerships.
- Specifies that the waiver of sovereign immunity for the purposes of tort liability applies to the hope operator, the school of hope, and its employees or agents, but does not extend to any for-profit entity contracted by the charter school or its governing body.
- Creates the Schools of Hope Revolving Loan Program to provide funds to hope operators to meet school building construction needs and pay for expenses related to startup costs.

Title I Funding

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- Specifies that after providing Title I funds to schools above the 75 percent poverty threshold, a school district must distribute remaining Title I funds directly to all eligible schools and provides that before the distribution of Title I funds, a school district may only withhold funds at specified amounts for certain purposes.

Schools of Excellence

- Creates the Schools of Excellence Program to provide administrative flexibility to the state's highest performing schools including, but not limited to, traditional public schools, so that the instructional personnel and administrative staff at such schools can continue to serve their communities and increase student learning.
- Requires the SBE to designate a school as a School of Excellence if the school's percentage of possible points earned in its school grades calculation is in the 80th percentile or higher for schools comprised of the same grade groupings (including elementary schools, middle schools, high schools, and schools with a combination of grade levels) for at least 2 of the last 3 school years.
- Specifies that the initial designation is valid for up to 3 years and authorizes renewal of the designation if the school was in the 80th percentile or higher for 2 of the previous 3 years and the school did not receive a school grade lower than a "B" during any of the previous 3 years.
- Provides qualifying schools the following administrative flexibilities:
 - Exempts the school from any law or rule that requires a minimum period of daily or weekly reading instruction.
 - Grants the school principal autonomy as provided under the Principal Autonomy Pilot Program Initiative and the following:
 - The authority to select the placement or refuse to accept the placement or transfer of qualified instructional personnel by the district school superintendent;
 - The authority to deploy financial resources to school programs at the principal's discretion to help improve student achievement; and
 - The responsibility to annually provide a budget for the operations of the participating school to the district school superintendent and the district school board.
 - Authorizes instructional personnel to substitute 1 school year of employment at a School of Excellence for 20 inservice points toward the renewal of a professional certificate, up to 60 inservice points in a 5-year cycle.
 - Exempts the school from compliance with district policies or procedures that establish times for the start and completion of the school day.
 - Calculates compliance with the maximum class size requirements based on the average number of students at the school level.

K-12 Student Assessment

- Eliminates Algebra II end-of-course (EOC) assessment requirement.
- Deletes the requirement for students who participate in two full seasons of an interscholastic sport to pass a competency test on personal fitness in order to satisfy the physical education credit required for graduation with a standard high school diploma.

- Requires English Language Arts (ELA) and mathematics statewide, standardized assessments for grades 3-6 to be delivered only in a paper-based format, beginning with the 2017-2018 school year, and all such assessments must be paper-based no later than the 2018-2019 school year.
- Modifies the timeframe for administering statewide, standardized assessments to require that:
 - The grade 3 ELA assessment and the writing portion of the ELA assessment for grades 4 through 10 must be administered no earlier than April 1 each year within an assessment window not exceeding 2 weeks.
 - Any statewide, standardized assessment that is delivered in a paper-based format, with the exception of the assessments specified above, must be administered no earlier than May 1 each year within an assessment window not exceeding 2 weeks.
 - All remaining statewide, standardized assessments must be administered within a 4-week assessment window that opens no earlier than May 1 each year.
- Specifies reporting of assessment results to students, parents, and teachers; and specifies the information that must be included in the results report.
- Requires DOE to publish statewide, standardized assessments on the department's website, which must occur no later than June 30, 2021, subject to appropriation.
- Requires the commissioner to contract for an independent study of the ACT and SAT as an alternative for grade 10 ELA assessment and Algebra I EOC assessment, consistent with federal requirements, and requires the commissioner to submit a report of the findings and recommendations to the Governor, the Legislature, and the SBE by January 1, 2018.
- Allows completion of blended learning course to satisfy online course requirement.

Student Instruction

- Eliminates student eligibility requirements for virtual instruction, including, but not limited to, the prior public school year requirement, and clarifies that all students, including home education and private school students, are eligible to participate in full-time virtual charter school as well as other full-time and part-time virtual instruction options throughout the state.
- Designates the month of September as "American Founders' Month," includes civic literacy as one of the priorities of Florida's K-20 education system, and requires postsecondary students to demonstrate civic literacy competence.
- Eliminates the required career and education planning course for middle grades promotion.
- Strengthens intervention and support strategies for students identified with a substantial reading deficiency.
- Requires superintendent to certify that K-5 reading instruction and intervention materials comply with criteria identified by Just Read, Florida! beginning July 1, 2021.
- Creates the Early Childhood Music Education Incentive Pilot Program, within the DOE, for a period of 3 years; establishes eligibility criteria for school districts to participate in the program; and requires the University of Florida's College of Education to evaluate effectiveness of program.

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Early Learning

- Defines “public school prekindergarten provider” to include a traditional public school and a charter school that is eligible to deliver the school-year Voluntary Prekindergarten Education Program (VPK).
- Establishes the Committee on Early Grade Success, within the DOE, to develop a proposal for establishing and implementing a coordinated child assessment system for the School Readiness Program, VPK, and the Kindergarten Readiness Assessment; requires the committee to submit a report of its findings and recommendations to the Governor and the Legislature by December 1, 2017.
- Requires data from statewide kindergarten screening, along with other available data, to be used in identifying students in need of interventions and support.

Educator Evaluation, Certification, and Bonus

- Makes the use of the student learning growth model (i.e., the value-added model), using formulas approved by the commissioner, for personnel evaluation optional.
- Streamlines the temporary teacher certificate application process; revises the professional development certification and education competency program to specify a teacher mentorship and induction component; requires teacher preparation curriculum to include training in evidence-based, phonics-driven reading strategies; allows mentorship activities to count toward certification renewal and professional development; and requires training in evidence-based reading strategies for renewal of certain certificates.
- Prohibits a district school board from awarding an annual employment contract on the basis of any contingency or condition that is not expressly authorized in law by the Legislature.
- Eliminates the cap on bonuses awarded to teachers of International Baccalaureate, Advanced International Certificate of Education, Advanced Placement, and Career and Professional Education courses, whose students earn specified score on the applicable examination.
- Revises eligibility criteria for participation in the minority teacher education scholars program and authorizes a student to use the scholarship to pursue a graduate degree with a major in education that leads to initial certification.

Florida Best and Brightest Teacher and Principal Scholarship

- Expands the Florida Best and Brightest Teacher Scholarship Program:
 - Specifies an award amount of \$6,000 for a classroom teacher who meets the eligibility criteria specified in law.
 - Revises eligibility criteria for the scholarship, beginning with the 2020-2021 school year, to require that a classroom teacher achieve a composite score at or above the 77th percentile or, if the classroom teacher graduated cum laude or higher with a baccalaureate degree, the 71st percentile on the SAT, ACT, GRE, LSAT, GMAT, or MCAT based on the national percentile ranks in effect when the classroom teacher took the assessment, or have been evaluated as highly effective in the school year immediately preceding the year in which the scholarship will be awarded, unless the classroom teacher is newly hired.

- Provides a scholarship of \$1,200 to a classroom teacher who was evaluated as highly effective and a scholarship of up to \$800 to a classroom teacher evaluated as effective in the school year immediately preceding the year in which the scholarship will be awarded.
- Creates the Florida Best and Brightest Principal Scholarship Program:
- Specifies that a school principal is eligible to receive a scholarship if he or she has served at his or her school for at least 2 consecutive school years, including the current school year, and the school has a ratio of best and brightest teachers to other classroom teachers that is at least the 80th percentile or higher for schools within the same grade group, statewide, including elementary schools, middle schools, high schools, and schools with a combination of grade levels.
- Requires a school district to provide a best and brightest principal with the additional authority and responsibilities authorized under the Principal Autonomy Pilot Program Initiative for a minimum of 2 years.
- Provides a scholarship of \$5,000 must be awarded to each eligible school principal assigned to a Title I school and a scholarship of \$4,000 to each eligible school principal who is not assigned to a Title I school.

Gardiner Scholarship

- Modifies the Gardiner Scholarship to expand student eligibility for the scholarship, and authorized uses of funds, and to define “inactive” account. Specifically, the bill expands the definition of disability, for purposes of the GSP, to include a child:
 - Identified as dual sensory impaired, as defined by the rules of the SBE and evidenced by reports from local school districts.

Student and Parent Rights

- Authorizes a parent to request and be granted permission for a student’s absence from school for treatment of autism spectrum disorder by a licensed health care practitioner or certified behavior analyst.
- Revises an exemption relating to parental responsibility for nonattendance of a student to include treatment for autism spectrum disorder.
- Allows a student to possess and use topical sunscreen on school property or at a school-sponsored event without a physician’s note or prescription if the sunscreen is regulated by the United States Food and Drug Administration for over-the-counter use to limit ultraviolet light-induced skin damage.

Recess

- Requires each district school board to provide at least 100 minutes of supervised, safe, unstructured free-play recess each week for students in kindergarten through grade 5 to allow for at least 20 consecutive minutes of free-play recess per day, and exempts charter schools from the specified requirements.

School Visitation

- Specifies that an individual district school board member may visit any school in his or her school district and an individual charter school governing board member may visit

any charter school governed by the charter school's governing board, at his or her pleasure.

Funding

- Codifies the supplemental academic instruction calculation and extra hour of reading for the 300 lowest-performing elementary schools and allows for recalculation based on student membership from FTE surveys throughout the school year.
- Allows for recalculation of the Exception Student Education Guaranteed Allocation and the Federally Connected Student Supplement throughout the school year.
- Revises eligibility criteria for the Small, Isolated Schools Supplement.
- Codifies the Safe Schools Allocation and revisions to the Sparsity Supplement calculation.
- Eliminates the requirement for district school boards to adopt a digital classrooms plan and modifies the Florida Digital Classrooms Allocation:
 - Specifies that each school district must receive a minimum digital classrooms allocation in the amount provided in the General Appropriations Act; and
 - Requires that the funds be used for costs associated with acquiring and maintaining the items on the eligible services list authorized by the federal E-rate program; acquiring computer and device hardware and associated operating system software; and providing professional development to enhance the use of technology for digital instructional strategies.
- Modifies eligibility and the funding calculation for the High Growth District Capital Outlay Assistance Grant Program.
- Revises uses of school district capital outlay millage funds, including, until July 1, 2018, authority to spend the funds on payout of accrued sick and annual leave for individuals who are no longer employed by a school district whose instructional program for all students has been transferred to a charter school operator (Jefferson County).
- Clarifies the calculation of capital outlay FTE (COFTE) to be consistent with current practice relative to facilities space needs and COFTE determination procedures and clarifies timelines and definitions for implementation of cost per student station standards and fund sources for new construction of educational plant space.
- Deletes the requirement that 50 percent of instructional materials allocation be used to purchase digital or electronic instructional materials.

In addition, the bill:

- Establishes shared-use agreements to facilitate the shared use of school facilities including, but not limited to, charter schools and public colleges, by the community; and establishes a task force to identify barriers to creating such agreements, and specifies that the task force expires after submitting a report of its findings and recommendations to the Legislature by June 30, 2018.
- Expands the College-Preparatory Boarding Academy Pilot Program to include a student currently enrolled in grades 5-12, if it is determined by the operator that a seat is available.

- Modifies the designation of school grades to require a high school to include a student in its graduation rate if the student transfers from the high school to a private school with which the school district has a contractual relationship.
- Authorizes inclusion of concordant scores in determining an alternative school's school improvement rating.
- Revises eligibility criteria for a private postsecondary institution to participate in dual enrollment to eliminate the requirement that such institution be located and chartered in Florida, and be accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and instead requiring such institution be accredited by a regional or national accrediting agency recognized by the United States Department of Education.
- Renames the ACT Aspire test as the preliminary ACT.

Appropriates \$413,950,000 in recurring General Revenue Funds and \$5 million in non-recurring General Revenue Funds to the DOE to be allocated as follows:

- \$233,950,000 for the Best and Brightest Teacher Scholarship Program and the Best and Brightest Principal Scholarship Program;
- \$30 million for continued implementation of the Gardiner Scholarship Program;
- \$10 million recurring and \$5 million nonrecurring funds to implement provisions of the act for changes to statewide student assessments; and
- The balance, \$140,000,000, to implement the remaining provisions of the act, which would include the Schools of Hope Program and the Schools of Hope Revolving Loan Program.

If approved by the Governor, these provisions take effect July 1, 2017, except as otherwise provided for Schools of Hope, certain school improvement provisions, and certain capital outlay funding requirements that are effective upon the bill becoming law.

Vote: Senate 0-0; House 0-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Education

HB 781 — Designation of School Grades

by Rep. Porter (SB 1222 by Senators Bradley and Hutson)

The bill modifies the criteria to establish a school feeder pattern by reducing the percentage of students required to be scheduled for assignment to a specific school from 60 percent to a majority. Accordingly, a school that serves any combination of K-3 students, that does not receive a school grade as a result of its students not being tested and included in the school grading system, will receive the school grade of a K-3 feeder pattern school identified by the Department of Education and verified by the district.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 116-0

Committee on Education

CS/CS/HB 859 — Postsecondary Distance Education

by Higher Education Appropriations Subcommittee; Post-Secondary Education Subcommittee; and Rep. Mariano and others (CS/SB 668 by Education Committee and Senators Bean and Bradley)

The bill authorizes Florida to participate in a reciprocity agreement with other states for the delivery of postsecondary distance education. Specifically, the bill:

- Requires each member state or institution participating in the reciprocity agreement to accept each other's authorization of accredited institutions to operate in their state to offer distance educational services beyond state boundaries.
- Defines institution as a public or private postsecondary institution degree-granting college or university that is accredited by a federally recognized accrediting body and that awards, at a minimum, associate-level degrees requiring at least 2 years of full-time equivalent college work.
- Creates the Postsecondary Reciprocal Distance Education Coordinating Council (council) to serve as the single portal entity designated by the state to administer the reciprocity agreement for distance educational services (reciprocity agreement) and serve as the interstate point of contact for questions, complaints, and other matters related to the reciprocity agreement.
 - Specifies the membership of the council to include the Chancellor of the State University System, the Chancellor of the Florida College System, the Commissioner of Education, the Executive Director of the Commission for Independent Education (CIE), and the President of the Independent Colleges and Universities of Florida, or their designees.
 - Specifies the responsibilities of the council, such as to review and approve applications from institutions in Florida to participate in the reciprocity agreement and establish an appeals process for institutions that are not approved to participate in the reciprocity agreement.
 - Requires the council to collect an annual fee from each Florida institution participating in the reciprocity agreement, which must be based on the Florida institution's total full-time equivalent enrollment, specifies caps on such fees, and requires annual reporting, by February 15, to the Governor and the Legislature.
 - Authorizes the council to revoke a Florida institution's approval to participate in the reciprocity agreement if the council determines that such institution is not in compliance with the terms and provisions of the reciprocity agreement.
- Authorizes the Governor to:
 - Request the council to convene for the purpose of reconsidering Florida's participation in the reciprocity agreement and requires the council to provide a recommendation to the Governor within 14 days.
 - Withdraw Florida from participation in the reciprocity agreement and provides the terms of such withdrawal.
- Provides that a non-Florida institution participating in the reciprocity agreement that offers degree programs and conducts activities limited to distance education degree

programs and activities in accordance with the reciprocity agreement is not under the jurisdiction of the CIE.

- Adds an exception to the current prohibition on an employee of an independent postsecondary educational institution from soliciting prospective students in Florida for enrollment in such institution to specify that the employee may solicit for an institution that is approved by the council to participate in the reciprocity agreement.
- Provides for the 2017-2018 fiscal year, an appropriation in the sum of \$225,534 in recurring funds from the Institutional Assessment Trust Fund to the Department of Education and two full-time equivalent positions with associated salary rate of 110,000 for implementing the provisions related to reciprocity for distance education.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 118-0

Committee on Education

CS/CS/SB 890 — Direct-Support Organizations

by Appropriations Committee; Education Committee; and Senators Bean and Montford

The bill extends the repeal date for the Florida Endowment Foundation for Vocational Rehabilitation (the Able Trust), the direct-support organization (DSO) of the Division of Vocational Rehabilitation (DVR) within the Florida Department of Education (DOE) from October 1, 2017 to October 1, 2019.

The bill increases transparency and oversight of the Able Trust by requiring the DSO to:

- Account for state and private funds separately.
- Limit administrative costs to 15 percent of the total estimated expenditures in any calendar year.
- Publish certain information on The Able Trust's website, such as a copy of each contract the Able Trust enters into.
- Hold a competitive solicitation process for any allocation of funds for research, advertising or consulting.

Additionally, the bill:

- Revises the distribution of proceeds from civil penalties collected by county courts from the Able Trust to the DVR.
- Removes the Able Trust as the custodial agent for the motorcycle specialty license plates fees and direct funds currently received by the Able Trust to the Grants and Donations Trust Fund of the DVR and other specified entities.
- Removes the Able Trust as administrator of the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program (program) and requires the Florida Association of Centers for Independent Living to administer the program.
- Reduces program administrative costs from 12 percent to 10 percent of funds provided from fees for motorcycle specialty license plates and the tax collection enforcement diversion program.
- Requires the program oversight council to submit a report to the Governor, Legislature, and Commissioner of Education by February 1 of each year, which summarizes the performance of the program.
- Modifies the deadline, from February 1 to December 30, for the board of directors of the Able Trust to submit an annual report to the Governor, Legislature, and the Commissioner of Education and specifies additional information that must be included in the report.

The bill also modifies current law regarding citizen support organizations and DSOs to require that the contract between a CSO or DSO and an agency include a provision for the orderly cessation of operations and reversion to the state any state funds held in trust by the organization within 30 days after the authorizing statute for the DSO is repealed, the contract is terminated, or the DSO is dissolved.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 34-1; House 118-0

Committee on Education

CS/CS/SB 896 — Florida Prepaid College Board

by Appropriations Committee; Education Committee; and Senator Simmons

The bill extends the repeal date for the Florida Prepaid College Board's direct-support organization from October 1, 2017, to October 1, 2022, and modifies the requirement for disclosure of financial interests for certain members of the Florida Prepaid College Board. Specifically, the bill requires the following members of the Florida Prepaid College Board to file a Statement of Financial Interests (Form 1) rather than the Full and Public Disclosure of Financial Interests (Form 6) that is currently required:

- The Chancellor of the State University System;
- The Chancellor of the Division of Florida Colleges; and
- An individual who is appointed by the Governor and who is not a constitutional officer or candidate for constitutional office.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 117-0

Committee on Education

CS/CS/HB 989 — Instructional Materials

by Education Committee; PreK-12 Quality Subcommittee; and Rep. Donalds and others
(CS/CS/SB 1210 by Appropriations Committee; Education Committee; and Senators Lee,
Mayfield, Steube, Hutson, Artiles, Bean, and Passidomo)

The bill provides for transparency in the district-level adoption process and more opportunities for a review of materials made available to students. Specifically, the bill:

- Modifies the district school board duties regarding the adoption of instructional materials for use in schools to specify that a district school board is responsible for the content of any material that is made available in a school library, or included on a reading list.
- Defines the terms “resident” to mean a person who has maintained his or her residence in the state for the preceding year, has purchased a home that is occupied by him or her as his or her residence, or has established a domicile in this state pursuant to Florida law.
- Authorizes a county resident, in addition to a parent, to object to the adoption of a specific instructional material.
- Modifies the current public hearing process at the district level to specify that for all petitions timely received, at least one open public hearing must be conducted before an unbiased and qualified hearing officer who is not an employee or agent of the school district.
- Authorizes a parent or a county resident to object to the use of a specific instructional material and requires the process provide the parent or resident the opportunity to proffer evidence to the district school board that such material does not meet the state criteria or contains prohibited content, or is otherwise inappropriate or unsuitable for the grade level and age group for which the material is used.
- Requires a district school board to discontinue the use of a material that the board finds inappropriate or unsuitable.
- Requires a school district, upon written request, to provide access to any material or book specified in the request that is maintained in a district school system library and is available for review.
- Requires each district school board to maintain on its website a current list of instructional materials, by grade level, purchased by the district.
- Defines “purchase” to include purchase, lease, license, or acquire.
- Specifies that, except for a school district or consortium of school districts that implements an instructional materials program, each district school board must use the annual instructional materials allocation only for the purchase of materials that align with state standards and are included on the state-adopted list, except as otherwise authorized.
- Eliminates the current requirement that at least 50 percent of the annual instructional materials allocation be used to purchase digital or electronic instructional materials.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 19-17; House 94-25

Committee on Education

CS/HB 1109 — Private School Student Participation in Extracurricular Activities

by Education Committee; and Rep. Antone and others (SB 1302 by Senator Gibson)

The bill revises eligibility requirements for certain private school students to participate in interscholastic or intrascholastic sports. Specifically, the bill requires the Florida High School Athletic Association (FHSAA), in cooperation with each district school board, to allow a student attending a private school that is not a member of the FHSAA to participate in interscholastic or intrascholastic sports at a public school to which the student:

- Would be assigned pursuant to district school board attendance area policies and procedures; or
- Could choose to attend pursuant to controlled open enrollment, provided that the public school has not reached capacity as determined by the school board.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Education

HB 6037 — Blind Services Direct-support Organization

by Rep. Fisher (CS/SB 1458 by Education Committee and Senator Simmons)

The bill removes the scheduled repeal date for the Blind Services Foundation of Florida, Inc., which serves as the direct-support organization for the Division of Blind Services.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-0; House 118-0

Committee on Environmental Preservation and Conservation

CS/SB 10 — Water Resources

by Appropriations Committee and Senators Bradley and Flores

Everglades Agricultural Area reservoir project

The bill (Chapter 2017-10, L.O.F.) directs the expedited design and construction of a water storage reservoir in the Everglades Agricultural Area (EAA) to provide for a significant increase in southern storage to reduce the high-volume discharges from Lake Okeechobee. The reservoir is a project component of the Comprehensive Everglades Restoration Plan (CERP) and is designed to hold at least 240,000 acre-feet of water and include water quality features necessary to meet state and federal water quality standards. Upon the effective date of the act, the bill requires the South Florida Water Management District (SFWMD) to identify the lessees and landowners of specified land in the EAA near the A-2 parcel.

The SFWMD is required to contact such lessees and landowners by July 31, 2017, to express its interest in acquiring land through the purchase or exchange of lands or by the amendment or termination of lease agreements. The bill authorizes the SFWMD and the Board of Trustees of the Internal Improvement Trust Fund (TIITF) to negotiate the amendment or termination of leases on lands within the EAA for exchange or use for the EAA reservoir project. The bill requires that lease agreements relating to land in the EAA leased to the Prison Rehabilitative Industries and Diversified Enterprises, Inc., for an agricultural work program be terminated in accordance with the terms of the lease agreement.

The SFWMD is required to request that the United States Army Corps of Engineers (USACE) jointly develop a post-authorization change report for the A-2 project component of the Central Everglades Planning Project, using the additional land identified, with the goal of increasing the water storage provided by such project component to a minimum of 240,000 acre-feet. The post-authorization change report may include modification to the A-1 parcel if the SFWMD and the USACE determine that such configuration would provide for a minimum of 360,000 acre-feet of water storage. If the post-authorization change report does not receive the approval of USACE or Congressional approval by certain dates, the SFWMD is required to request that the USACE initiate a project implementation report for the EAA reservoir project.

The SFWMD is required to terminate the Second Amended and Restated Agreement for Sale and Purchase between U.S. Sugar and the SFWMD at the request of the seller if:

- The post-authorization change report receives Congressional approval; or
- The SFWMD certifies to the TIITF and the Legislature that the acquisition of land necessary for the EAA reservoir project has been completed.

The SFWMD is required to give preferential consideration to displaced agricultural workers for the construction and operation of the EAA reservoir project. The bill creates the Everglades Restoration Agricultural Community Employment Training Program within the Department of

Economic Opportunity to provide grants to stimulate and support training and employment programs.

The bill provides a total appropriation of \$33 million for the 2017-2018 fiscal year to the SFWMD to implement the EAA reservoir project. Additionally, beginning in the 2018-2019 fiscal year, and each fiscal year thereafter, the sum of \$64 million is available for the EAA reservoir project and is authorized to be used for debt service payments on up to \$800 million in Florida Forever bonds.

C-51 reservoir project

The C-51 reservoir project is located in western Palm Beach County and is designed to provide 60,000 acre-feet of water storage. The bill authorizes the SFWMD to negotiate with the owners of the C-51 reservoir project for the acquisition of the project or to enter into a public-private partnership. The SFWMD is authorized to acquire land near the C-51 reservoir as necessary to implement Phase II of the project. If state funds are appropriated for the C-51 reservoir project:

- The district shall operate the reservoir to maximize the reduction of high-volume Lake Okeechobee regulatory releases to the St. Lucie or Caloosahatchee estuaries, in addition to providing relief to the Lake Worth Lagoon;
- Water made available by the reservoir shall be used for natural systems in addition to any allocated amounts for water supply; and
- Any water received from Lake Okeechobee may not be available to support consumptive use permits.

The bill appropriates \$30 million for the 2017-2018 fiscal year from the General Revenue Fund to the Water Resource Protection and Sustainability Program Trust Fund for the purpose of providing a loan to implement Phase I of the C-51 reservoir project. Additionally, \$1 million is provided to the SFWMD to negotiate Phase II of the project.

The bill creates the water storage facility revolving loan fund within the Department of Environmental Protection (DEP). Under the program, the DEP will provide funding assistance to local governments or water supply entities for the development and construction of water storage facilities, including water storage reservoirs, to increase the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems. The loan for Phase I of the C-51 reservoir project is provided through the water storage facility revolving loan fund.

These provisions became law upon approval by the Governor on May 9, 2017.

Vote: Senate 33-0; House 99-19

Committee on Environmental Preservation and Conservation

CS/CS/CS/HB 185 — State Park Fees

by Government Accountability Committee; Agriculture and Natural Resources Appropriations Subcommittee; Natural Resources and Public Lands Subcommittee; and Rep. Lee, Albritton, and others (CS/CS/SB 64 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senators Bean, Mayfield, Negron, Baxley, Benacquisto, Book, Bracy, Bradley, Brandes, Braynon, Broxson, Campbell, Clemens, Farmer, Flores, Gainer, Galvano, Garcia Gibson, Grimsley, Hutson, Latvala, Lee, Montford, Passidomo, Perry, Powell, Rader, Rodriguez, Rouson, Simmons, Simpson, Stargel, Steube, Stewart, Thurston, Torres, and Young)

The bill (Chapter 2017-27, L.O.F.) requires the Division of Recreation and Parks (division) of the Department of Environmental Protection to provide free annual state park entrance passes and a 50 percent discount on state park base campsite fees to foster families. In addition, the bill requires the division to provide a one-time free annual state park entrance pass at the time of adoption to families who adopt certain special needs children from the Department of Children and Families (DCF). The bill requires the division, in consultation with DCF, to identify the types of written documentation sufficient to establish eligibility for the free state park passes and discounted campsite fees and to establish a procedure for obtaining the discounts. Finally, the bill requires the division to continue its partnership with the DCF to promote fostering and adoption of special needs children with events held each year during National Foster Care Month and National Adoption Month.

These provisions were approved by the Governor and take effect on July 1, 2017.

Vote: Senate 38-0; House 117-0

Committee on Environmental Preservation and Conservation

CS/HB 335 — Resource Recovery and Management

by Natural Resources and Public Lands Subcommittee and Rep. Clemons and others (CS/CS/SB 1104 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Perry)

The bill (Chapter 2017-167, L.O.F.) adds post-use polymers and pyrolysis facilities to those materials and facilities that are exempt from solid waste regulations. A majority of the post-use polymers at a facility must be sold, used, or reused within one year. The post-use polymers and the pyrolysis facility must meet the other existing statutory criteria applicable to recovered materials and recovered materials processing facilities. The bill specifies that the terms “used” or “reused” include, but are not limited to, the conversion by gasification or pyrolysis of post-use polymers into crude oil, fuels, feedstocks, or other raw materials or intermediate or final products.

The bill adds new definitions for the following terms:

- Gasification to fuels, chemicals, and feedstocks;
- Post-use polymers;
- Pyrolysis; and
- Pyrolysis facility.

The bill also amends existing definitions of terms to add references based on the exemption from solid waste regulations for converting post-use polymers by gasification or pyrolysis to fuels, chemicals, and feedstocks.

Finally, the bill clarifies that DEP and local governments must regulate post-use polymers and pyrolysis facilities according to the same provisions that govern recovered materials and recovered materials processing facilities.

These provisions were approved by the Governor and take effect on July 1, 2017.

Vote: Senate 38-0; House 119-0

Committee on Environmental Preservation and Conservation

HB 379 — Underground Facilities

by Rep. Leek and others (CS/SB 446 by Environmental Preservation and Conservation Committee and Senators Passidomo and Stargel)

The bill (Chapter 2017-102, L.O.F.) amends ch. 556, F.S., the “Underground Facility Damage Prevention and Safety Act” by:

- Requiring an excavator that causes contact with or damage to any pipe or other underground facility to immediately report the contact or damage by calling 911 if any natural gas or other hazardous substance or hazardous material regulated by the Pipeline and Hazardous Materials Safety Administration (PHMSA) of the U.S. Department of Transportation (USDOT) has escaped;
- Requiring a member operator to file a report with the Sunshine State One-Call of Florida (SSOCF) system of all events it has received notice of through the system which have resulted in damages to its underground facilities. The report must be submitted at least on an annual basis or more frequently at the option and sole discretion of the member operator and must include, if known, the cause, nature, and location of the damage;
- Providing that, if a citation is issued by a state law enforcement officer, 80 percent of the civil penalty collected by the clerk of the court for the citation will be distributed to the governmental entity whose employee issued it; and
- Requiring the Sunshine State One-Call of Florida (SSOCF) board of director’s annual progress report to the Legislature and the Governor on the participation by municipalities and counties in the one-call notification system, to include a summary of the damage reporting data received by the system for the preceding year and any analysis of the data by the board.

These provisions were approved by the Governor and take effect July 1, 2017.

Vote: Senate 37-0; House 114-1

Committee on Environmental Preservation and Conservation

CS/CS/HB 573 — Water Protection and Sustainability

by Agriculture and Natural Resources Appropriations Subcommittee; Natural Resources and Public Lands Subcommittee; and Rep. Burton and others (CS/SB 928 by Environmental Preservation and Conservation Committee and Senators Stargel and Mayfield)

The bill requires the Polk County Regional Water Cooperative (PRWC), in coordination with all of its member county and municipal governments, to prepare a comprehensive annual report on water resource projects identified for state funding consideration within its members’

jurisdictions. The report must include:

- A list of projects, identified by the PRWC for state funding consideration for each of the following categories:
 - Drinking water supply;
 - Wastewater;
 - Stormwater and flood control;
 - Environmental restoration; and
 - Conservation.

A project may be listed in more than one category.

- A priority ranking for each listed project that will be ready to proceed in the upcoming fiscal year identified by the project categories.
- The estimated cost of each listed project.
- The estimated completion date of each listed project.
- The source and amount of financial assistance to be provided by the PRWC, the member county or municipal governments, or other entity for each listed project.

The bill requires the PRWC to submit its annual report beginning December 1, 2017 to the Governor, the Legislature, the Department of Environmental Protection (DEP), and appropriate water management districts (WMDs). The bill also requires the PRWC to coordinate with appropriate WMDs on the inclusion in consolidated WMD annual reports of a status report on projects receiving priority state funding.

These provisions were approved by the Governor and take effect on July 1, 2017

Vote: Senate 38-0; House 115-0

Committee on Environmental Preservation and Conservation

CS/CS/SB 884 — Shark Fins

by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Hutson

The bill (Chapter 2017-24, L.O.F.) prohibits possessing in or on the waters of the state a shark fin that has been separated from a shark or landing a separated shark fin (shark finning), unless such possession is authorized by the Florida Fish and Wildlife Conservation Commission or such fin has been lawfully obtained on land and prepared by taxidermy and is possessed for the purposes of display. The bill provides the following enhanced penalties for violations:

- For a first violation:
 - A misdemeanor of the second degree, punishable by up to 60 days imprisonment or a \$500 fine; and
 - An administrative fine of \$4,500 and a suspension of all the person's license privileges for 180 days.
- For a second violation:
 - A misdemeanor of the second degree punishable by up to 60 days imprisonment or a \$500 fine; and
 - An administrative fine of \$9,500 and a suspension of all the person's license privileges for 365 days.
- For a third or subsequent violation:
 - A misdemeanor of the first degree, punishable by up to one year imprisonment or a \$1,000 fine; and
 - An administrative fine of \$9,500 and a permanent revocation of all the person's license privileges.

These provisions were approved by the Governor and take effect on July 1, 2017.

Vote: Senate 39-0; House 115-0

Committee on Environmental Preservation and Conservation

CS/CS/SB 1018 — Pollution

by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senators Grimsley and Galvano

The bill (Chapter 2017-95, L.O.F.) creates the Public Notice of Pollution Act. It requires the owner or operator of an installation where a reportable pollution release has occurred to provide a notice of the release to the Department of Environmental Protection (DEP) within 24 hours after the release's discovery. The definition of a reportable release is limited to releases not authorized by law that are required to be reported to the State Watch Office pursuant to a DEP rule, permit, order, or variance. The owner or operator of the installation, in its notice of a release, must provide DEP the same information which is reported to the State Watch Office. The bill also requires additional notice to DEP if a release migrates outside the property boundaries of the installation.

The bill establishes requirements for DEP to accept these notices and to provide notice electronically. The bill also provides enforcement provisions including up to \$10,000 per day in civil penalties for violations of the notice requirements. The bill authorizes DEP to adopt rules to implement its responsibilities under the Act.

The bill creates the State Watch Office within the Division of Emergency Management. The office is a clearinghouse of information, the primary purpose of which is to record, analyze, and share information with federal, state, and county entities for appropriate response to emergencies.

The bill provides that contractors engaged in site cleanup funded by the Inland Protection Trust Fund (IPTF) have 30 working days, rather than 7 working days, to pay subcontractors before the penalties provided by statutory provisions governing state contracts apply.

The bill provides for the advancement ahead of the priority ranking for the cleanup of petroleum contaminated sites funded from the IPTF for the rehabilitation of individual petroleum contaminated sites proposed for redevelopment. These sites are not subject to the 25 percent cost share requirement. The bill provides application requirements for the advanced cleanup of these contaminated sites proposed for redevelopment projects.

The bill provides a \$5 million increase, from \$25 million to \$30 million, in the annual funding available to DEP for petroleum rehabilitation advanced cleanup work and authorizes up to \$5 million of these funds to be designated for the advanced cleanup of individual sites scheduled for redevelopment. A facility or applicant applying for advanced cleanup of such a site may not be approved for more than \$1 million of cleanup activity in any one fiscal year.

The bill revises provisions related to site bundling.

The bill provides for advanced site assessments for certain sites contaminated with drycleaning solvents. DEP may authorize the performance of a site assessment in advance of the ranking of the site in specified circumstances. The drycleaning solvent cleanup program must assign advanced site assessment program tasks based on the most cost-effective approach. The bill restricts available funding for advanced site assessments to 10 percent of the annual Water Quality Assurance Trust Fund appropriation for the drycleaning solvent cleanup program. Total funds committed to any one site may not exceed \$70,000.

The bill requires DEP to issue a report on the potential use of the IPTF for responding to the damage to underground storage tank systems caused by ethanol or biodiesel. The report must be submitted to the Governor and the Legislature by December 15, 2017 and provides \$25,000 from the IPTF to fund the evaluation and the preparation of the report by DEP.

These provisions were approved by the Governor and take effect on July 1, 2017.

Vote: Senate 38-0; House 117-0

Committee on Environmental Preservation and Conservation

CS/CS/HB 7043 — Vessels

by Government Accountability Committee; Agriculture and Natural Resources Appropriations Subcommittee; Natural Resources and Public Lands Subcommittee; Rep. Raschein and others (CS/CS/SB 1338 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Book)

The bill (Chapter 2017-163, L.O.F.) implements many of the recommendations made by the Florida Fish and Wildlife Conservation Commission (FWC) in its final report on the Anchoring and Mooring Pilot Program. Specifically, the bill implements recommendations relating to the following issues:

- Prevention of derelict vessels by:
 - Providing an additional condition that would indicate that a vessel is at risk of becoming derelict.
 - Enhancing the civil penalty for having an expired vessel registration longer than six months.
 - Prohibiting the Department of Highway Safety and Motor Vehicles from issuing a certificate of title to any applicant for any vessels that has been deemed derelict.
- Anchoring and mooring by:
 - Creating anchoring limited areas near vessel launching facilities, superyacht repair facilities, or the marked boundaries of public mooring fields.
 - Prohibiting the anchoring or mooring of a vessel or floating structure within the marked boundary of a public mooring field unless the owner or operator has a lawful right to anchor or moor in the mooring field by contractual agreement or other business arrangement or mooring, tying, or otherwise affixing to an unlawful object that is on or affixed to the bottom of the waters of the state.
- Local governmental authority by authorizing local governments to enact and enforce ordinances that:
 - Require owners or operators of vessels or floating structures subject to marine sanitation requirements to provide proof of proper sewage disposal if the FWC determines that sufficient facilities are available within the local government's jurisdiction when anchored or moored for more than 10 consecutive days within marked boundaries of permitted mooring fields or designated no discharge zones.
 - Implement procedures for abandoned or lost property that allow a local government to remove a vessel affixed to a public dock within its jurisdiction which is abandoned or lost property.

In addition to implementing the recommendations of the FWC, the bill:

- Allows private residential multifamily docks that were grandfathered in to use sovereignty submerged lands to exceed the 1:1 ratio for the number of moored boats to the number of units within the private multifamily development.
- Authorizes the FWC to establish boating restricted areas upon request of a private property owner of submerged lands that are adjacent to Outstanding Florida Waters or an

aquatic preserve for the sole purpose of protecting any seagrass and contiguous seagrass habitat within their property boundaries from seagrass scarring due to propeller dredging. The property owner is required to apply for a uniform waterway market permit for the established boating restricted area.

These provisions were approved by the Governor and take effect on July 1, 2017.

Vote: Senate 34-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/HB 105 — Canvassing of Vote-by-Mail Ballots

by Oversight, Transparency and Administration Subcommittee; and Rep. Cruz and others (SB 954 by Senators Passidomo, Braynon, Gibson, and Powell)

CS/HB 105 creates a statutory affidavit “cure” process to remedy and count a vote-by-mail ballot where the ballot signature submitted by the voter does not match the signature on file in the registration book or precinct register. This new process is similar to the process for curing a vote-by-mail ballot with no signature, adopted by the Legislature in 2013.

The cure process begins when a Supervisor of Elections receives a vote-by-mail ballot that contains either no signature or a signature that does not match the voter’s signature in the registration book or precinct register. The supervisor must immediately notify the voter and provide an opportunity to cure the defect by submitting a *signed* cure affidavit and a copy of a proper ID no later than 5:00 p.m. on the day before the election.

The *type* of identification that the voter must provide in order for the ballot to count depends on whether the voter’s signature on the cure affidavit matches the registration signature on file. If not, the voter must provide the same type of current and valid picture identification required at the polls (“TIER 1”); if the signature matches, additional lesser forms of identification with the voter’s name and current residence address will suffice — such as a current utility bill, bank statement, or government check (“TIER 2”).

The bill more effectively implements an *ad hoc* procedure that a federal district court judge mandated for the 2016 general election to count mismatched-signature ballots. *Florida Democratic Party v. Detzner*, 2016 U.S. Dist. LEXIS 143620 [Case No. 4:16cv607-MW/CAS (N.D. Fla., Oct. 16, 2016)].

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 35-0; House 120-0

Committee on Governmental Oversight and Accountability

CS/CS/SB 80 — Public Records

by Judiciary Committee; Community Affairs Committee; and Senators Steube, Garcia, and Campbell

The bill requires a court to award attorney fees and costs to a plaintiff who sues an agency to enforce a public records request if the court determines that the agency unlawfully refused access to a public record and the plaintiff provided written request for the public records to the agency's records custodian at least five business days before filing the lawsuit. The plaintiff is not required to provide written notice if the agency does not post the records custodian's contact information in the agency's primary administrative building and on the agency's website.

A court must also determine if a plaintiff requested records or otherwise participated in an enforcement action for an improper purpose. An improper purpose is one in which a person requests records primarily to cause a violation of the public records law or for a frivolous purpose. If the court finds that a plaintiff requested records for an improper purpose, the court will require the plaintiff to pay the agency's attorney fees and costs.

The bill clarifies that it does not create a private right of action, and a court may only require an agency to pay attorney fees and costs directly related to the public records enforcement action.

Provisions in the bill apply only to public records requests made on or after the effective date of the act.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 115-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Governmental Oversight and Accountability

HB 207 — Agency Inspectors General

by Rep. Plakon (SB 1470 by Senator Simmons)

The bill prohibits a state agency and the Florida Housing Finance Corporation from entering into an employment agreement, or renewing or renegotiating an existing contract, with an inspector general or deputy inspector general that offers a bonus on work performance after July 1, 2017. The awarding of such a bonus is also prohibited.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 34-0; House 114-0

Committee on Governmental Oversight and Accountability

CS/CS/HB 455 — Tax Exemptions for First Responders and Surviving Spouses

by Appropriations Committee; Ways and Means Committee; and Rep. Metz and others
(CS/CS/CS/SB 764 by Appropriations Committee; Community Affairs Committee;
Governmental Oversight and Accountability Committee; and Senator Baxley)

The bill provides an exemption from ad valorem taxation for the homestead of a first responder who has a total and permanent disability as a result of injuries sustained in the line of duty and to his or her surviving spouse.

The bill also provides application requirements and specifies documentation required to receive the exemption, including documentation from the Social Security Administration, and a physician's and an employer's certificate.

Additionally, the bill provides penalties for any person submitting false information for purposes of claiming the exemption.

If approved by the Governor, these provisions take effect upon becoming law and shall operate retroactively to January 1, 2017.

Vote: Senate 37-0; House 117-0

Committee on Governmental Oversight and Accountability

SB 1020 — Collective Bargaining Impasses

by Senator Powell

The bill changes the timeline for portions of the Legislature's process to resolve impasses in collective bargaining negotiations between public employees and the state. The bill requires the parties at impasse to notify the presiding officers of the legislature of all unresolved issues by the first day of the regular session rather than five days after an impasse is declared.

The bill also changes the date by which a committee of the legislature must meet to conduct a public hearing and take testimony regarding the issues at impasse from no later than ten days prior to the start of the Regular Session to no later than the 14th day of the Regular Session.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 34-0; House 119-0

Committee on Governmental Oversight and Accountability

SB 7022 — Public Employees

by Governmental Oversight and Accountability Committee

The bill is a comprehensive benefits package for state employees. It includes pay raises, modifications to the Florida Retirement System (FRS), and changes to the State Group Insurance Program.

The bill provides most state employees with a \$1,400 increase if their current salary is below \$40,000 a year, or \$1,000 if their salary is above \$40,000 a year. Additionally, most law enforcement officers will receive a 5 percent increase in salary, most correctional officers will receive a \$2,500 increase in salary, judges and elected State Attorneys and Public Defenders will receive a 10 percent increase in salary. Other attorneys working for the guardian ad litem program or the Department of Legal Affairs will receive increases, along with certified nursing assistants working at the Department of Veterans Affairs.

The bill makes several changes to the FRS. The bill permits renewed membership in the investment plan or one of the optional annuity retirement plans for certain former participants of those plans. The bill expands the survivor benefit for investment plan members killed in the line of duty, including Special Risk Class, by making it retroactive to 2002. The bill closes the Senior Management Service Optional Annuity Program to new hires. The bill changes the default from the pension plan to the investment plan for non-Special Risk members of the FRS initially enrolled after January 1, 2018. The bill also extends the initial election period from 6 to 9 months after being hired. Additionally, the bill provides adjustments to the contribution rates that fund the FRS's normal costs and unfunded actuarial liability.

Beginning in plan year 2020, the bill provides employees in the State Group Insurance Program with a choice of health insurance coverage levels of at least a certain actuarial value: Platinum – 90 percent, Gold – 80 percent, Silver – 70 percent, and Bronze – 60 percent. If the state's contribution is more than the premium cost of the health plan selected by the employee, the employee will be permitted to allocate unused state health insurance contributions to other benefits or as salary.

To bill requires competitive procurement of an independent benefits consultant to assist in developing a plan for implementation of the new benefit levels. The implementation plan must be produced by January 1, 2019, and must include recommended contribution policies and employee education strategies regarding the coverage levels and other benefit alternatives.

Beginning with plan year 2018, the bill authorizes offering of new types of health care products and services, including an online cost comparison for health care services and providers and inclusive services for surgery and other medical procedures. Enrollees may access these services and share in any savings to the state.

By October 1, 2017, the bill requires calculation of alternative premium rates that reflect the differences in costs to the Program for each of the health maintenance organizations and the preferred provider organization plan options for the 2018 plan year.

For Plan Year 2019, the bill requires the Department of Management Services to determine and recommend premiums for enrollees that reflect the differences in costs to the Program for each of the health maintenance organizations and the preferred provider organization plan options. The bill provides that the premium rate for the employers used in this report will be the premiums established in the general appropriations act for fiscal year 2018-2019.

If approved by the Governor, these provisions take effect July 1, 2017, except as otherwise provided in the bill.

Vote: Senate 24-13; House 72-37

Committee on Governmental Oversight and Accountability

HB 7093 — OGSR/Agency Personnel Information

by Oversight, Transparency and Administration Subcommittee and Rep. Daniels (CS/SB 7018
by Rules Committee and Governmental Oversight and Accountability Committee)

The bill is the result of an Open Government Sunset Review (OGSR) of public records exemptions for personal identifying information of specified governmental agency personnel, their spouses, and their children. The bill renews exemptions for specified agency employees, as well as exemptions pertaining to the family of those employees, that were scheduled to repeal on October 2, 2017. The categories of agency personnel with specified exemptions are:

- Law enforcement;
- Department of Children and Families (DCF) personnel with certain duties;
- Department of Health (DOH) personnel who support the investigation of child abuse or neglect;
- Department of Revenue (DOR) and local government personnel who collect revenue or child support;
- Department of Financial Services (DFS) personnel with certain duties;
- Firefighters;
- Justices and Judges;
- State Attorneys and Statewide Prosecutors and their assistants;
- Magistrates, Administrative Law Judges, Judges of Compensation Claims, child support hearing officers;
- Human resources, labor relations personnel;
- Code enforcement personnel;
- Guardian ad Litem Program personnel;
- Certain Department of Juvenile Justice (DJJ) personnel;
- Public Defenders, Criminal Conflict and Civil Regional Counsel and their assistants;
- Department of Business and Professional Regulation (DBPR) investigators; and
- County Tax Collectors.

The bill also expands certain public record exemptions for agency personnel and their families in an effort to provide uniformity across the exemptions. Except where current law provides for earlier review, the bill provides for repeal of the expanded exemptions on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

In addition, the bill expands the public records exemptions for certain personnel by removing the requirement that certain personnel must prove they have made reasonable efforts to protect their information from being accessible to the public. The bill removes this requirement for the following personnel:

- Magistrates, judges of compensation claims, Division of Administrative Hearing (DOAH) administrative law judges, and child support enforcement hearing officers;
- Guardian ad Litem Program personnel;
- DBPR investigators;

- County Tax Collectors;
- DOH personnel with certain duties;
- Impaired practitioner consultants;
- Emergency medical technicians or paramedics; and
- Personnel employed in an agency's office of inspector general or internal audit department.

Removing this requirement constitutes an expansion of the exemption. As such, except where current law provides for earlier review, the bill provides for repeal of the expanded exemptions on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 36-0; House 115-4

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 101 — Certificates of Nonviable Birth

by Health and Human Services Committee; Health Quality Subcommittee; and Rep. Cortes, B. and others (SB 672 by Senator Bean)

The bill creates the “Grieving Families Act” which enables a parent to obtain, in certain situations, a certificate of nonviable birth following a miscarriage. The bill defines a “nonviable birth” as an unintentional, spontaneous fetal demise occurring after the completion of the 9th week of gestation but prior to the 20th week of gestation of a pregnancy that has been verified by a health care practitioner.

The bill requires certain health care practitioners who attend or diagnose a nonviable birth, or the health care facility at which it occurs, to advise the parent:

- That the parent may request the preparation of a certificate of nonviable birth;
- That the parent may obtain a certificate of nonviable birth by contacting the Department of Health’s Office of Vital Statistics;
- How the parent may contact the Office of Vital Statistics to request the certificate of nonviable birth; and
- That certain information on the certificate of nonviable birth is available as a public record.

The Office of Vital Statistics must establish a process for registering nonviable births pursuant to information submitted by certain health care practitioners and facilities in response to a parent’s request for such submission and for issuing a certificate of nonviable birth upon the parent’s request. The bill provides that the fee for a new certificate of nonviable birth must be at least \$3 but no more than \$5.

The bill prohibits using a certificate of nonviable birth in the calculation of live birth statistics.

The bill specifies that the provisions in this act may not be used as a basis to establish, bring, or support a civil cause of action seeking damages against any person or entity for bodily injury, personal injury, or wrongful death for a nonviable birth.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-0; House 115-1

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 103 — Pub. Rec./Nonviable Birth Records

by Health and Human Services Committee; and Rep. Cortes, B. and others (CS/CS/SB 674 by Governmental Oversight and Accountability Committee; Health Policy Committee; and Senator Bean)

The bill creates a public records exemption for information relating to the cause of death and parentage, marital status, and medical information in all nonviable birth records. Accordingly, the Department of Health's Office of Vital Statistics may not release this information pursuant to a public records request.

The bill includes a constitutionally required public necessity statement. The exemption will stand repealed on October 2, 2022, pursuant to the Open Government Sunset Review Act unless it is reenacted.

If approved by the Governor, these provisions take effect on the same date that CS/CS/HB 101 takes effect.

Vote: Senate 37-0; House 114-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 209 — Medical Faculty and Medical Assistant Certification

by Health and Human Services Committee; Health Quality Subcommittee; and Reps. Miller, A., Diamond, and others (CS/CS/SB 496 by Education Committee; Health Policy Committee; and Senators Brandes and Passidomo)

The bill expands the criteria under which the Department of Health (DOH) may issue a medical faculty certificate to include a medical physician who has accepted a full time faculty position at a specialty-licensed children's hospital that is affiliated with any accredited medical school and its affiliated clinics. A medical faculty certificate authorizes a physician to practice medicine in Florida without sitting for and passing a medical examination, but the medical practice may be in conjunction with the faculty position only.

The bill corrects the name of the Mayo Clinic College of Medicine and Science in Jacksonville, Florida, and adds the Johns Hopkins All Children's Hospital, in St. Petersburg, Florida, to the list of programs of medicine for which a medical faculty certificate may be issued to a full time faculty appointee.

The bill authorizes the DOH to process an application for a temporary certificate for a visiting physician for the limited purpose of providing educational training for medical or surgical residents up to five days in a year, using a unique personal identification number if the physician does not have a social security number, but otherwise meets the credentialing criteria.

The bill requires a medical assistant to obtain a certificate from a certification program accredited by the National Commission for Certifying Agencies, a national or state medical association, or an entity approved by the Board of Medicine, to be credentialed as a certified medical assistant. Under the bill, such certification may be used to qualify for employment as a medical assistant at a multiphasic health testing center.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 116-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 229 — Health Care Practitioner Licensure

by Health and Human Services Committee; Health Quality Subcommittee; and Rep. Byrd and others (CS/CS/SB 876 by Appropriations Committee; Health Policy Committee; and Senators Young, Bean, Rouson, and Campbell)

The bill updates the operation of the impaired practitioner program (IPP). The IPP assists health care practitioners who are impaired or potentially impaired as a result of the misuse or abuse of alcohol or drugs, or of a mental or physical condition which could affect the ability to practice with skill and safety.

The bill authorizes the Department of Health (DOH) to retain one or more consultants to operate the IPP. The DOH must establish the terms and conditions of the program by contract with any IPP consultant retained by the department. The contracts must require the consultants to accept referrals, arrange for evaluations and treatment of practitioners, and monitor their progress to determine if they are able to safely return to practice. The consultants does not directly evaluate, treat, or provide any patient care or treatment.

The bill allows certain licensed practitioners to report practitioners having, or suspected of having, an impairment to a consultant rather than to the DOH. To encourage self-referral, the bill prohibits a consultant from providing information to the DOH about a self-referring participant if the consultant is not aware of a pending action against the practitioner and the participant is complying and making progress with the terms of the IPP contract, unless authorized by the participant.

A program referral or participant must enter into a participant contract with the consultant which provides the consultant's requirements for the participant to successfully complete the IPP and monitoring plan. If a participant fails to complete, or is terminated from, the IPP for any reason other than successful completion, a consultant must notify the DOH for disciplinary action. If a consultant concludes that a practitioner's impairment constitutes an immediate, serious danger to public health, the consultant must notify the DOH.

The bill authorizes the consultant to release information to a participant, referral, or legal representative of a participant or referral. If the consultant discloses information to the DOH, the participant, referral, or legal representative of the participant or referral may obtain a copy of the consultant's file from either the consultant or the DOH.

The consultant, and the consultant's directors, officers, employees and agents are deemed agents of the DOH while acting within the scope of the consultant's contract with the DOH for purposes of sovereign immunity.

The provisions of the IPP also apply to other state agencies, medical schools, or educational institutions preparing students for licensure as a health care practitioner that contract with a consultant for IPP services.

Under the bill, the DOH may not refer a licensed emergency medical technician or paramedic who is employed by a governmental entity to a consultant if the practitioner has already been referred by the employer to an employee assistance program, unless the practitioner fails to satisfactorily complete the employee assistance program.

The bill exempts from the denial of initial licensure or license renewal individuals who were arrested or charged with a disqualifying felony offense before July 1, 2009, when the licensure disqualification law was enacted. The bill authorizes the DOH to issue or renew the license of an individual who is convicted of or enters a plea of guilty or nolo contendere to a disqualifying felony if the applicant successfully completes a pretrial diversion program and the plea has been withdrawn or the charges have been dismissed.

If approved by the Governor, these provisions take effect upon becoming law, except where otherwise provided.

Vote: Senate 37-0; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 249 — Drug Overdoses

by Health and Human Services Committee; Health Quality Subcommittee; and Reps. Rommel, Lee and others (CS/CS/CS/SB 588 by Rules Committee; Criminal Justice Committee; Health Policy Committee; and Senator Passidomo)

The bill requires hospitals with emergency departments to develop best practice policies that focus upon the prevention of unintentional drug overdoses. The bill defines “overdose” and provides parameters for the contents of a hospital’s overdose prevention policy.

The bill authorizes the voluntary reporting of a suspected or actual overdose of a controlled substance to the Department of Health (DOH) by basic and advanced life support service providers that treat and release, or transport, a person in response to an emergency call. If a report is made, it must contain specified demographic information, whether an emergency opioid antagonist was administered, whether the overdose was fatal or non-fatal, and the suspected controlled substances involved, if permitted by the reporting mechanism. Reporters must use best efforts to make the report within 120 hours.

The DOH must make the data received available to law enforcement, public health, fire rescue, and EMS agencies in each county within 120 hours after receipt. The DOH must provide quarterly, summarized reports, to the Statewide Drug Policy Advisory Council, the Department of Children and Families, and the Florida Fusion Center, which may be used to maximize the utilization of funding programs for licensed basic and advanced life support service providers, and to disseminate available federal, state and, private funds for local substance abuse treatment services.

The bill provides that no new cause of action is created by requiring hospitals with emergency departments to develop policies to promote the prevention of unintentional overdoses. A reporter is also exempt from civil or criminal liability for reporting, if the report is made in good faith. The bill provides that failing to make a report is not grounds for licensure discipline.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 37-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 474 — Hospice Care

by Children, Families, and Elder Affairs Committee; Health Policy Committee; and Senator Grimsley

The bill amends and creates a section of the Florida Statutes related to the provision of hospice care. The bill:

- Requires the Department of Elder Affairs and the Agency for Health Care Administration to adopt federal guidelines and survey data for hospice outcome measures by December 31, 2019, and to develop a system for reporting national hospice outcome measures and survey data to consumers;
- Creates new requirements for hospices that assist in the disposal of prescribed controlled substances after a patient's death; and
- Provides additional parameters under which a hospice is authorized to release a patient's medical records.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 543 — Regulation of Health Care Practitioners

by Health and Human Services Committee; Health Innovation Subcommittee; and Rep. Pigman and others (CS/SB 328 by Health Policy Committee; and Senators Grimsley, Perry, and Campbell)

The bill modifies provisions pertaining to nursing education programs and amends several chapters of the Florida Statutes relating to health care practitioners.

The bill authorizes the Board of Nursing (BON) to adopt rules relating to nursing curriculum, including rules addressing the use and limitations of simulation technology, and to conduct on-site evaluations of applicants for nursing education programs. The bill changes the method for calculating the examination passage rate for nursing education programs to include all first time test takers, rather than only those individuals who take the examination within six months of graduation. The bill removes a requirement that a nursing student who does not take the licensure examination within six months of graduation must successfully complete a licensure examination preparatory course.

The bill authorizes the BON to grant a one-year extension to a nursing education program that is on probation for failure to meet the graduate passage rate if the program shows progress. A program, whether accredited or non-accredited, that is on probation must notify its students and applicants of that status and its implications in writing. The bill prohibits a nursing education program that was terminated or closed from reapplying for approval for three years.

The bill eliminates requirements for certain reporting and tasks by the Office of Program Policy Analysis and Government Accountability (OPPAGA) relating to nursing education programs and places those responsibilities on the Florida Center for Nursing. Additionally, the Florida Center for Nursing is required to annually assess approved nursing programs for compliance with accreditation requirements and report on each program's status toward accreditation.

Additional changes in the bill to the practice of nursing include:

- Removing an obsolete pathway for certification as an advanced registered nurse practitioner (ARNP);
- Removing the joint committee as the entity that determines minimum standards for ARNP protocols;
- Requiring an ARNP protocol to be maintained where the ARNP practices rather than filing it with the BON; and
- Requiring an ARNP to have a supervisory protocol with at least one of the physicians when practicing within a physician group practice.

The bill creates s. 465.1893, F.S., which authorizes a pharmacist who meets certain education requirements and acts within an established protocol with a physician, to administer at the direction of the physician an injection of long-acting antipsychotropic medication to a patient.

The bill requires orthotists and prosthetists to complete a one-hour board approved course on the prevention of medical errors for initial licensure and as part of the required continuation education for license renewal.

The bill provides an additional pathway for a physical therapist assistant to obtain licensure if he or she was enrolled in an accredited physical therapist assistant school in this state between July 1, 2014, and July 1, 2016, and has graduated, or is eligible to graduate, by July 1, 2018, and passes the board examination.

If approved by the Governor, these provisions take effect upon becoming law, except as otherwise expressly provided in the act.

Vote: Senate 38-0; House 116-1

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 557 — Controlled Substance Prescribing

by Health and Human Services Committee; Health Quality Subcommittee; and Reps. Duran, Silvers, and others (CS/CS/CS/SB 840 by Rules Committee; Governmental Oversight and Accountability Committee; Health Policy Committee; and Senator Clemens)

The bill amends provisions relating to the Prescription Drug Monitoring Program (PDMP). The PDMP uses a comprehensive electronic database to monitor the prescribing and dispensing of certain controlled substances.

The bill requires dispensers to report the dispensing of a controlled substance to the PDMP by the close of the next business day, rather than seven days, after the controlled substance is dispensed. This expedited timeframe for reporting is effective January 1, 2018. The bill also requires the dispenser to report via the department-approved electronic system.

The bill clarifies an exemption from reporting to the PDMP for rehabilitative hospitals, assisted living facilities, or nursing homes dispensing controlled substances, as needed, to a patient as ordered by the patient's treating physician. The dispensing must occur while the patient is present and receiving care in the facility in order for the dispensing to be exempt from mandatory reporting.

A patient's personal identifying information in the PDMP is confidential, and access to information in the PDMP is limited by law. The bill authorizes an employee of the U.S. Department of Veterans Affairs, who is authorized to prescribe controlled substances but who may not be licensed to practice his or her profession under Florida law, to access the PDMP for the purpose of reviewing his or her patient's controlled substance prescription history. Health care practitioners licensed under Florida law and authorized to prescribe controlled substances have similar authorization to review their patients' controlled substance prescription history.

If approved by the Governor, these provisions take effect July 1, 2017, except where otherwise provided.

Vote: Senate 28-0; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

HB 589 — Prescription Drug Price Transparency

by Rep. Yarborough and others (SB 888 by Senator Bean)

The bill requires the Agency for Health Care Administration (AHCA) to list on its Internet website retail drug prices, by pharmacy, for a 30-day supply of the 300 most frequently prescribed medications. Currently, the AHCA lists 150 medications, although the statute only requires 100 medications to be listed. The bill requires the AHCA to update the prices monthly, rather than quarterly.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 114-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/CS/HB 785 — Stroke Centers

by Health and Human Services Committee: Health Care Appropriations Subcommittee; Health Quality Subcommittee; and Rep. Magar and others (CS/CS/SB 1406 by Appropriations Committee; Health Policy Committee; and Senators Powell, Passidomo, and Baxley)

The bill requires the Agency for Health Care Administration (AHCA) to add “acute ready stroke center” as a new entry in the types of stroke centers that is made available to licensed emergency medical services providers. The bill removes language instructing the AHCA to base stroke center rules on criteria established solely by the Joint Commission and requires rule criteria to be substantially similar to any nationally recognized accrediting organization.

The Department of Health (DOH) is directed to contract with a private entity to establish and maintain a statewide stroke registry, subject to the availability of funds. The contract provider must use a nationally recognized platform to collect data on nationally recognized stroke performance measures and provide regular reports to the DOH. Each stroke center is required to regularly report to the statewide stroke registry information specified by the DOH. The bill provides that the registry’s purpose is to ensure that the data are maintained and available to improve or modify the stroke care system, ensure compliance with standards, and monitor stroke patient outcomes. The bill provides that no liability of any kind shall be created or enforced against any acute ready stroke center, primary stroke center, or comprehensive stroke center by reason of having provided such information to the statewide stroke registry.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 863 — Hospice Services

by Health and Human Services Committee; and Reps. Roth and Silvers (CS/CS/SB 414 by Children, Families, and Elder Affairs Committee; Health Policy Committee; and Senator Grimsley)

The bill creates a new exemption from the certificate of need process for the establishment of a hospice program meeting certain criteria. The exemption is available to an entity that shares a controlling interest with a not-for-profit retirement community that offers independent living, assisted living, and nursing home services at a teaching nursing home that has been designated as a teaching nursing home for at least five years. The bill specifies that only one hospice program may be established per teaching nursing home under the exemption. Additionally, the hospice program established pursuant to this exemption may only serve patients residing in communities located within the not-for-profit retirement community.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

HB 883 — Memory Disorder Clinics

by Reps. Miller M., Plakon, and others (SB 1050 by Senator Simmons)

The bill establishes a memory disorder clinic at Florida Hospital in Orange County.

There are 15 state-funded Memory Disorder Clinics in the state of Florida that provide comprehensive assessments, diagnostic services, and treatments to individuals that show signs of Alzheimer's disease and related memory disorders. The Memory Disorder Clinics are also required to conduct specific research in coordination with the Department of Elder Affairs. The clinics are established at medical schools, teaching hospitals, and public and private, not-for-profit hospitals.

Florida Hospital in Central Florida opened a self-funded memory disorder program in 2012. The Florida Hospital Maturing Minds Clinic serves patients with Alzheimer's disease and related disorders in Orange, Seminole, and Osceola counties. The state designation as a memory disorder clinic will assist the clinic in seeking national and local grants.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 35-0; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 1041 — Laboratory Screening

by Health and Human Services Committee and Rep. Raschein (CS/SB 1144 by Health Policy Committee and Senator Montford)

The bill amends several provisions relating to public health within the jurisdiction of the Department of Health (DOH).

Human Immunodeficiency Virus (HIV) - The bill maintains the statutory requirement for providers in nonhealth care settings to inform persons to be tested for HIV that a positive test result will be reported to the county health department with sufficient information to identify the test subject and provide test subjects with information on the location of sites where anonymous testing is available. The bill removes such requirements for HIV tests conducted in health care settings. A nonhealth care setting is a site that conducts HIV testing for the sole purpose of identifying HIV infection; it does not provide medical treatment. A nonhealth care setting may include community-based organizations, outreach settings, county health department HIV testing programs, and mobile vans.

Laboratory testing for other states - The bill authorizes the DOH to perform laboratory testing related to public health for other states on a fee-for-service basis.

Lead Poisoning Prevention Screening and Education Act - The bill revises the definition of “elevated blood-lead level” and the requirement for the State Surgeon General to adopt rules regarding the reporting of elevated blood-lead levels and screening results to comport with established national guidelines and recommendations developed by the Council of State and Territorial Epidemiologists and the Centers for Disease Control and Prevention. The bill requires the DOH to maintain records of screenings that indicate an elevated blood-lead level while removing the requirement for the DOH to maintain records of all screenings conducted. The bill requires the health care provider who conducted or ordered the screening to report the results to the individual who was screened or to the individual’s parent or legal guardian if the individual is a minor. The bill modernizes provisions for distributing information about childhood lead poisoning to allow for culturally and linguistically appropriate information and distribution methods that are not solely paper-based.

Newborn Screening - The bill authorizes the results of a newborn’s hearing and metabolic tests or screenings to be provided to the parent, legal guardian, personal representative, or to a person designated by the newborn’s parent or legal guardian. The bill expands the duties of the DOH to promote the availability of genetic studies, services, and counseling, even when medical treatment may not yet exist, to benefit family members through detection and knowledge of the condition. The composition of the Genetics and Newborn Screening Advisory Council is clarified.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 117-0

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.
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THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 1124 — Newborn Screenings

by Appropriations Committee; Health Policy Committee; and Senators Book and Young

The bill creates requirements for the Department of Health (DOH) relating to the newborn screening program.

The newborn screening program is established within the DOH to promote the screening of all newborns born in Florida for metabolic, hereditary, and congenital disorders known to result in significant impairment of health or intellect as screening tests and medical treatment to ameliorate the condition that are accepted by current medical practice become available.

The bill requires the Genetics and Newborn Screening Advisory Council (Advisory Council) to evaluate within one year after a condition is added to the federal Recommended Uniform Screening Panel (RUSP) whether the condition should be included under the state's screening program.

The bill requires the DOH to adopt by rule the process for testing any condition that was included on the RUSP which the Advisory Council recommends should be included under the state's screening program. The bill further requires that once the Advisory Council recommends a condition be included, the DOH must submit a legislative budget request for funding to add testing for the condition to the newborn screening program. The DOH is required to expand statewide screening of newborns for the condition within 18 months if a test for the condition that meets certain guidelines is available. If a test is not available within this timeframe, the bill requires the DOH to implement the screening as soon as a test is available.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 1253 — Rights and Responsibilities of Patients

by Health and Human Services Committee and Rep. Harrison (CS/SB 1206 by Health Policy Committee and Senator Montford)

The bill amends the Florida Patient's Bill of Rights and Responsibilities to include the right for a patient to bring any person of his or her choosing to the patient-accessible areas of a health care facility or provider's office while the patient is receiving inpatient or outpatient treatment or is consulting with his or her health care provider, with certain limitations. A patient may not bring another person if doing so would risk the health of the patient, other patients, or staff of the facility or office or doing so cannot be reasonably accommodated by the facility. The bill also requires this right to be added to the summary of rights and responsibilities that health care providers must make available to patients.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 1307 — Physician Assistant Workforce Surveys

by Health and Human Services Committee; Health Quality Subcommittee; and Rep. Plasencia and others (CS/SB 732 by Health Policy Committee; and Senators Steube and Artiles)

The bill requires a physician assistant (PA), as a part of the biennial licensure renewal process, to respond to a workforce survey to collect information regarding the PA's practice. The Department of Health must issue a nondisciplinary citation to a PA who fails to complete the survey within 90 days after the renewal of his or her license. The citation must notify the PA who fails to complete the required survey that his or her licensure will not be subsequently renewed unless the PA completes the survey.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 118-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

HB 6021 — Home Health Agency Licensure

by Rep. Rommel (SB 1056 by Senators Garcia and Campbell)

The bill removes a prohibition on the Agency for Health Care Administration from issuing an initial home health agency license to an applicant that shares common controlling interest with another licensed home health agency that is located in the same county and within 10 miles of the applicant.

A home health agency provides home health services and staffing services. Home health services include health and medical services and medical supplies provided to an individual in his or her home, such as nursing care, physical and occupational therapy, and hands-on personal care.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-0; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

SB 7004 — OGSR/Peer Review Panels/Department of Health

by Health Policy Committee and Senator Campbell

The bill (Chapter 2017-9, L.O.F.) continues the existing public records and public meetings exemptions for biomedical research grant applications provided to peer review panels for the James and Esther King Biomedical Research Program and the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program. Records generated by these programs’ peer review panels relating to the review of biomedical research grant applications, and that portion of meetings of peer review panels in which biomedical research program grant applications are discussed, are confidential and exempt from ss. 119.07(1), and 381.922, F.S., and Art. I, ss. 24(a) and (b), State Constitution.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 37-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

HB 7097 — Direct Support Organization of the Prescription Drug Monitoring Program

by Health Quality Subcommittee and Rep. Fine (SB 7006 by Health Policy Committee and Senator Benacquisto)

HB 7097 extends the scheduled repeal date of the direct support organization (DSO) of the Florida Prescription Drug Monitoring Program (PDMP) to October 1, 2027. At that time, if not reenacted by the Legislature, the DSO will be repealed.

A DSO is a private entity created to assist or support a governmental entity in carrying out its duties. In 2014, the Legislature conducted a review of the existing relationships between DSOs and their governmental partners. One of the results of that review was legislation that established operational requirements and standards for DSOs with an automatic review and repeal date for each organization.

The Florida PDMP Foundation, Inc., (Foundation) was created as a DSO in 2009 for the prescription drug monitoring program. The PDMP uses an electronic database to track the prescribing and dispensing of certain controlled substances to patients. The mission of the Foundation is twofold: to fundraise for the benefit of the PDMP, in order to reduce prescription drug abuse and diversion, and to educate licensed health care providers and law enforcement providers on how to utilize the database in the management of controlled substances in patient care and active law enforcement investigations.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

HB 65 — Civil Remedies for Terrorism

by Reps. Fischer, White, and others (SB 898 by Senators Simmons and Artiles)

The bill creates a civil cause of action for a person who is injured by an act of terrorism or by a violation of a law that facilitates or furthers an act of terrorism. A prevailing plaintiff is entitled to a minimum of \$1,000 in damages or three times the actual damages sustained, and reasonable attorney fees and court costs at the trial and appellate levels.

In contrast, a defendant is entitled to recover reasonable attorney fees and court costs at the trial and appellate levels if it is determined that the claimant raised a claim that is not supported by the facts or law.

Anyone who participates in the act of terrorism and is injured may not bring a claim under the cause of action authorized by the bill.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 114-0

Committee on Judiciary

CS/CS/CS/SB 118 — Criminal History Records

by Appropriations Committee; Criminal Justice Committee; Judiciary Committee; and Senator Steube

This bill creates a mechanism for a person to seek the removal of his or her arrest booking photograph from a publicly accessible print or electronic medium or other dissemination.

The bill requires the publisher of an arrest booking photograph to remove the photograph within 10 days after receiving a written request from the person in the photograph or his or her legal representative. The request must be sent by registered mail to the registered agent of the publisher and must include sufficient proof of identification of the person whose photograph is to be removed and information identifying the relevant photograph. The publisher may not solicit or accept a fee to remove the photograph.

If the publisher does not comply with the request for removal, the person in the photograph may file a civil action for an injunction. The court may award reasonable attorney fees and costs related to the issuance and enforcement of the injunction. A civil penalty of up to \$1,000 a day may be imposed for the failure to comply with an injunction, and this penalty will be deposited into the General Revenue Fund. Additionally, a publisher that fails to remove the photograph after a written request commits an unfair or deceptive trade practice, subjecting the publisher to additional penalties under the Florida Deceptive and Unfair Trade Practices Act.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 34-0; House 118-0

Committee on Judiciary

CS/SB 128 — Self-defense Immunity

by Judiciary Committee; and Senators Bradley, Simpson, Bean, Baxley, Steube, Mayfield, Brandes, Broxson, and Benacquisto

The bill establishes a statutory procedure for a criminal defendant to claim immunity from prosecution based on a justified use of force. This new procedure will replace procedures established by the courts which require a defendant to prove entitlement to immunity by a preponderance of the evidence at a pretrial hearing. Under the bill, the defendant must raise a prima facie claim of immunity at the pretrial hearing. Once the defendant raises the claim, to overcome the immunity, the state must prove by clear and convincing evidence that the defendant is not immune.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 22-14; House 74-39

Committee on Judiciary

CS/CS/HB 151 — Proceedings Involving Minors or Certain Other Persons

by Children, Families and Seniors Subcommittee; Civil Justice and Claims Subcommittee; and Reps. Brodeur, Moskowitz, and others (CS/CS/SB 416 by Criminal Justice Committee; Judiciary Committee and Senators Montford and Book)

This bill revises the authority of a court to authorize a person to testify in a judicial or other proceeding with the assistance of an animal. Under the bill, the court's authority is expanded to expressly allow it to authorize a person having intellectual disability to testify with the assistance of an animal. Those previously authorized to testify with the assistance of an animal include child victims and witnesses and certain sexual offense victims and witnesses.

The bill also specifies that a "facility dog" is a type of animal authorized to assist witnesses. However, the bill deletes references to "service animal" and retains references to "therapy animal." The terms facility dog and therapy animal are also defined by the bill. A facility dog is a dog that "provides unobtrusive emotional support to children and adults in facility settings" and that has been "trained, evaluated, and certified as a facility dog pursuant to industry standards." A therapy animal is an "animal that has been trained, evaluated, and certified as a therapy animal pursuant to industry standards by an organization that certifies animals as appropriate to provide animal therapy.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 116-0

Committee on Judiciary

CS/HB 239 — Public Records/Protective Injunction Petitions

by Civil Justice and Claims Subcommittee; and Rep. Lee and others (CS/CS/CS 1062 by Governmental Oversight and Accountability; and Senators Powell, Bracy, and Torres)

This bill provides a public records exemption for a petition for an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyberstalking. Upon written request by the respondent named in the petition, the public records exemption applies to those petitions that have been dismissed:

- Without a hearing;
- At an ex parte hearing due to the failure to state a claim or lack of jurisdiction; or
- Based upon the insufficiency of the petition.

The respondent to the petition must provide the request to the clerk of court in person or by mail, facsimile, or electronic transmission. The request must include the case name and number, document heading, and page number.

The bill declares that the public records exemption is necessary because the unverified allegations in a petition that is dismissed may defame and cause unwarranted damage to the reputation of the respondent.

This bill applies to injunctions issued on or after July 1, 2017.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 116-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/HB 277 — Wills and Trusts

by Judiciary Committee; Civil Justice and Claims Subcommittee; and Reps. Grant, J., White, and others (CS/CS/CS/SB 206 by Rules Committee; Banking and Insurance Committee; Judiciary Committee; and Senators Passidomo and Brandes)

This bill creates the Florida Electronic Wills Act, permitting and regulating the use of electronic wills. Current law does not expressly permit the use of electronic wills or clearly prohibit it. Additionally, the bill makes several significant changes to the Florida Trust Code.

As described in the bill, an electronic will is a will that exists in an electronic record and, like a traditional will, disposes of a person's property after death.

Under current law, traditional wills and living wills generally must be signed by the principal to the instrument and by witnesses. The bill allows these individuals to sign, witness, and otherwise fulfill their duties while in different locations by using video conferencing and other technology. An electronic will may be stored by a "qualified custodian," which must be capable of storing an electronic will, and must store electronic records of electronic wills, including documents related to the execution of an electronic will. The bill substantially regulates qualified custodians and includes several consumer protections for testators who choose to employ a qualified custodian.

In addition to electronic wills executed in this state, the bill grants the courts of this state jurisdiction over electronic wills that are executed by nonresident testators according to the Act or according to the laws of the testator's state. During probate proceedings, the bill expressly permits the admission to probate of the electronic will or its "true and correct copy."

Additionally, the bill modifies the Florida Trust Code to:

- Protect the trust creator's intent as paramount in trust interpretation;
- Expressly permit co-trustees to be compensated in a manner that is aggregately more than would be permissible for each individually;
- Expand certain trustees' ability to place the principal of the "first trust" into one or more second trusts in order to protect and maximize the beneficiaries' interests; and
- Address current case law that some believe to have misconstrued the timeframes in which a beneficiary may bring an action against a trustee who fails deliver a trust accounting.

If approved by the Governor, these provisions take effect July 1, 2017, except where otherwise provided in the bill.

Vote: Senate 34-0; House 73-44

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/HB 357 — Self-Service Storage Facilities

by Civil Justice and Claims Subcommittee; Careers and Competition Subcommittee; and Rep. Moraitis (CS/CS/SB 264 by Rules Committee; Judiciary Committee; and Senator Perry)

This bill revises the options that an owner of a self-storage facility has for recourse against a tenant who is delinquent on rent or other expenses and makes other changes regarding the owner-tenant relationship.

Current law permits the storage facility to sell the stored property of a delinquent tenant to recover unpaid rent and other expenses. Under the bill, these sales are expressly permitted to occur online. However, these sales may still occur in person, at the storage facility.

The bill imposes an additional requirement when the property to be sold is a motor vehicle or a watercraft, namely, a 60-day delay between the date a tenant becomes delinquent and the sale of the watercraft or motor vehicle stored by the tenant. In addition to selling a motor vehicle or watercraft, the bill expressly permits the storage facility to have it towed after the same 60-day delay. The wrecker operator that tows the item may sell it, and the storage facility may be able its lien from the sale, depending on the circumstances.

Additionally, the bill deems a rental agreement's limit on the value of property stored in a unit to be the maximum value of the property actually stored in the unit. Lastly, the bill permits a storage facility to assess a reasonable late fee for the nonpayment of rent, if the fee is set forth in the rental agreement. The bill defines a reasonable late fee as \$20 or 20 percent of the monthly rent, whichever is greater.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 115-0

Committee on Judiciary

CS/CS/HB 361 — Bail Bonds

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Santiago (CS/CS/SB 680 by Banking and Insurance Committee; Judiciary Committee; and Senators Baxley and Garcia)

The changes made by the bill:

- Generally narrow the responsibilities of a bail bond agent and reduces the risk that a bail bond will be forfeited due to a defendant's failure to appear at criminal proceedings;
- Delete provisions of existing law which may have made bail bond agents responsible for ensuring that a defendant released on bail fulfills conditions of the bond in addition to appearing at criminal proceedings;
- Require a court to discharge the forfeiture of a bail bond if one of the following events occur within 60 days after the required court appearance: the defendant is confined in an immigration detention facility, is deported, or dies;
- Requires a court to discharge the forfeiture of a bail bond if a at any time after a required court appearance the defendant becomes incarcerated and the state refuses to seek the extradition of the defendant within 30 days after a surety agent's request and consent to pay costs and expenses to return the defendant;
- Provides that a bail bond, except for forfeited bonds, expires or must be cancelled by the court 36 months after the bond is posted; and
- Provides that an original appearance bond does not guarantee a defendant's placement in a court-ordered program, including a residential mental health facility.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-0; House 116-0

Committee on Judiciary

CS/CS/HB 377 — Limitations on Actions other than for the Recovery of Real Property

by Judiciary Committee; Civil Justice and Claims Subcommittee; and Rep. Leek and others
(CS/SB 204 by Judiciary Committee and Senator Passidomo)

Existing s. 95.11(3)(c), F.S., specifies the 4-and 10-year limitations periods or statutes of repose for bringing an action alleging a construction defect or latent construction defect. In some cases, the limitations periods begin on the “*date of completion . . . of the contract* between the professional engineer, registered architect, or licensed contractor and his or her employer.” Completion of the contract, according to an appellate court opinion, requires the completion of construction and the submission of the final payment required by the contract. Thus, delays in payments by a customer can extend a contractor’s liability for construction defects.

As a response to the appellate court opinion, the bill defines completion of the contract as the “later of the date of final performance of all the contracted services, or the date that final payment for those services becomes due.” This new definition will prevent a customer’s delay in making a required payment from extending a contractor’s liability for construction defects.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 114-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/HB 441 — Court Records

by Civil Justice and Claims Subcommittee and Rep. Diamond (CS/SB 202 by Governmental Oversight and Accountability Committee and Senator Brandes)

This bill grants immunity from liability to the clerk of court for releasing confidential information from a court record which the filer failed to disclose to the clerk. The liability protections apply to the release of any information made confidential by court rules.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 34-0; House 118-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/SB 724 — Estates

by Banking and Insurance Committee; Judiciary Committee; and Senator Passidomo

This bill modifies several sections of the Probate Code relating to the “elective share”—that is, the 30 percent portion of a decedent’s estate that a surviving spouse may elect to take regardless of what is provided to him or her in the decedent’s testamentary plan.

The bill expressly includes the decedent’s protected homestead in the elective estate, which is the part of the decedent’s property upon which the elective share is calculated. In contrast, current law does not include homestead property in the elective estate. For the purpose of the calculation of the elective estate, homestead is valued differently depending on the interest that the surviving spouse has in the homestead. Specifically, the homestead is valued at:

- Its fair market value as of the decedent’s death if the surviving spouse receives a full, outright (“fee simple”) interest; or
- One-half of its fair market value on the decedent’s date of death if the surviving spouse elects to take a life estate in the homestead or if the surviving spouse elects to take a one-half interest in the homestead.

However, if the surviving spouse waived his or her homestead rights but nevertheless receives an interest in the homestead, the interest is valued as if it was in non-homestead property.

The bill expands the prospect of recovering attorney fees and costs in elective share proceedings. Under current law, a court may order only a surviving spouse to pay attorney fees and costs and only if he or she makes a bad-faith election. Under the bill, the court may award fees and costs to any person in an elective share proceeding in which there is a dispute over the:

- Entitlement to or the amount of the elective share;
- Property interests included in the elective estate or its value; or
- The satisfaction of the elective share.

If fees and costs are awarded, they may be paid from the estate, the elective estate, or other property of a party.

Current law permits the elective share to be satisfied by placing it in an elective share trust for the benefit of the surviving spouse. However, by law, this trust must give the surviving spouse the power to force the trustee to make the trust property productive of income. The bill grants this authority to the surviving spouse by operation of law, thus “saving” those trusts that do not expressly grant the surviving spouse this authority but that are otherwise legally sufficient.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/SB 1052 — Justifiable Use of Force

by Rules Committee; Judiciary Committee; and Senator Simmons

This bill addresses scrivener's errors or inconsistencies in current s. 776.013(3), F.S., on the right to act in self-defense.

These errors or inconsistencies:

- Imply that a person who is in his or her dwelling or residence must be physically attacked before he or she has the right to act in self-defense.
- Appear to require a person to flee from his or her home before acting in self-defense if the person is engaged in criminal activity, although a person's home has historically been viewed as his or her castle or a place of refuge from which no retreat has been required.

The bill replaces the flawed subsection of statute with new provisions that govern the use of defensive force in a dwelling against a person who has not unlawfully or forcibly entered a dwelling or residence, such as a co-occupant or guest. In these circumstances, the bill provides that the general standard for using or threatening to use deadly or nondeadly force outside a dwelling or residence applies. Additionally, a person who is in a dwelling or residence in which he or she has a right to be has no duty to retreat before using lawful defensive force.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 23-14; House 77-41

Committee on Judiciary

CS/CS/HB 1237 — Condominiums

by Judiciary Committee; Civil Justice and Claims Subcommittee; and Rep. Diaz, J. and others (CS/CS/SB 1682 by Rules Committee; Regulated Industries Committee; and Senators Garcia, Rodriguez, Artiles, and Campbell)

The bill makes two main categories of changes relating to the regulation and operation of condominium associations. The changes:

- Define and prohibit or restrict activities constituting a conflict of interest which may be detrimental to the unit owners of a condominium.
- Increase access to records by unit owners.

These changes are substantially based on a final report by a Miami-Dade County grand jury, titled, *Addressing Condo Owners' Pleas for Help: Recommendations for Legislative Action*. The grand jury found that the existing statutes do not sufficiently restrict self-dealing by members of the boards of condominiums or sufficiently deter other forms of misconduct such as election fraud. Additionally, the grand jury found that the existing statutory mechanisms are insufficient to force condominium associations to make their official records available to unit owners in a timely manner.

Conflicts of Interest

The bill prohibits conflicts of interest among those who are responsible for operating a condominium as follows:

- Attorneys are prohibited from representing both the board of a condominium association and the management company of the association.
- Members of the board or the management company for a condominium association that is not a timeshare condominium are prohibited from purchasing a unit at a foreclosure sale resulting from the association's foreclosure of its lien for unpaid assessments or from taking title to the unit by deed in lieu of foreclosure.
- Condominium associations that are not timeshare condominiums are prohibited from contracting with a service provider that is owned or operated by a board member or a person who has a financial relationship with a board member, or a close relative of a board member or officer.

The bill also prohibits a party that contracts to provide maintenance or management services or a board member of the party from owning more than 50 percent of the units of the condominium or from purchasing a property that is subject to a lien by the association.

Additionally, officers and directors of a condominium board are required to disclose activities that may reasonably be construed to be a conflict of interest. In some cases, the officer or director engaged in a conflict of interest must choose to no longer pursue the activity creating the conflict or withdraw from office. Otherwise, the board must remove the officer or director.

Access to Association Records

The bill requires condominium associations to keep additional records and generally to take actions to make those records available to unit owners as follows:

- A condominium association must maintain bids for materials, equipment, and services as part of its official records.
- A condominium association must permit renters to inspect and copy the association's bylaws and rules.
- A condominium association must provide an annual report to the Department of Business and Professional Regulation listing the financial institutions at which it maintains accounts, and unit owners may obtain the report from the department.
- A unit owner may give notice to the Division of Condominiums, Timeshares, and Mobile Homes (division) of the Department of Business and Professional Regulation that an association has failed to mail or hand deliver to the unit owner a copy of the most recent financial statement after a request. The division must then give the association notice that it must comply with the request. If the association fails to comply with that request within 5 business days, the association may not prepare less complex financial statements than the statutory default requirements for 3 years.
- An officer or director of a condominium who is charged with certain crimes relating to the condominium generally may not access association records without a court order while the charges are pending.
- A condominium association having 150 or more units must post copies of most of its official records on its website, but the records must be inaccessible to the general public.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 118-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

HB 7087 — OGSR/Protective Injunctions for Certain Types of Violence

by Oversight, Transparency and Administration Subcommittee; and Rep. Davis and others (SB 7028 by Judiciary Committee)

This bill is based on an Open Government Sunset Review of public records exemptions by legislative staff. These exemptions are scheduled for repeal on October 2, 2017. The reviewed exemptions generally prohibit the disclosure of contact information for a petitioner who is granted an injunction for protection against domestic violence or repeat, sexual, or dating violence. Contact information consists of the petitioner's home, employment, or cell number, home or employment address, email address, or other electronic forms of communication.

The information protected from disclosure will be stored in a database, to be known as the CCIS 3.0, that will send an automated notice to the petitioner within 12 hours after the respondent is served with the injunction. The automated notice must provide, at a minimum, the date, time, and location where the injunction for protection was served on the respondent.

The clerks of the court are currently upgrading from the current database, known as the Comprehensive Case Information System, or the CCIS, to the CCIS 3.0. Once the upgrade is operational, the system will be able to send the automated notice to petitioners that an injunction has been served.

Because the system has not yet been fully developed or activated, the need for the exemptions cannot be fully evaluated by legislative staff at this time consistent with the requirements of the Open Government Sunset Review Act. Accordingly, the bill delays the scheduled repeal of the exemptions by 1 year to October 2, 2018 so that legislative staff may evaluate the exemptions after the automated system is in place.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 36-0; House 115-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/HB 181 — Natural Hazards

by Appropriations Committee and Rep. Jacobs (SB 464 by Senators Clemens, Campbell, and Rodriguez)

The bill creates an interagency workgroup to address the impacts of natural hazards in this state. The workgroup is comprised of a liaison from each agency within the executive branch of state government, each water management district, and the Public Service Commission. The director of the Division of Emergency Management, or his or her designee, will serve as the coordinator of the workgroup.

The workgroup is directed to share information on the current and potential impacts of natural hazards throughout the state and collaborate on statewide initiatives to address the impacts of natural hazards. The term “natural hazards” includes, but is not limited to, extreme heat, drought, wildfires, sea-level changes, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding.

The Division of Emergency Management is responsible for preparing an annual progress report on behalf of the workgroup on the implementation of the state’s enhanced hazard mitigation plan as it relates to natural hazards. The annual report is due to the Governor, President of the Senate, and Speaker of the House of Representatives on January 1, 2019, and each year thereafter. Each workgroup liaison is responsible for posting the annual report to their respective agency’s website.

The bill appropriates \$84,738 in recurring funds and \$4,046 in nonrecurring funds from the Grants and Donations Trust Fund to the Division of Emergency Management and authorizes one full-time equivalent position to implement the requirements in the bill.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 111-1

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/CS/SB 370 — Florida Wing of the Civil Air Patrol

by Appropriations Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senators Stargel and Hukill

The bill provides certain employment protections for members of the Florida Wing of the Civil Air Patrol who are absent from their place of employment due to service or training with the Civil Air Patrol. The Civil Air Patrol is a nonprofit, congressionally chartered corporation that serves as an auxiliary to the U.S. Air Force. The organization is composed of volunteer members who perform homeland security, disaster relief, and drug interdiction missions at the request of federal, state, and local agencies.

The bill requires a public or private employer with 15 or more employees to provide up to 15 days of unpaid leave (Civil Air Patrol leave) annually to an employee who is a senior member of the Florida Wing of the Civil Air Patrol for the purpose of participating in a Civil Air Patrol training or mission. The bill also:

- Prohibits an employer from discharging, reprimanding, or otherwise penalizing an employee for taking Civil Air Patrol leave;
- Prohibits the termination of an employee for a period of one year after the date the employee returns to work from Civil Air Patrol leave, except for cause;
- Entitles an employee returning to work from Civil Air Patrol leave to certain seniority rights; and
- Authorizes a cause of action for a Civil Air Patrol member who is affected by a violation of a provision in the bill.

The bill states that an important state interest is fulfilled by allowing senior members of the Florida Wing of Civil Air Patrol to take authorized Civil Air Patrol leave.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 33-0; House 117-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/HB 401 — Notaries Public

by Local, Federal and Veterans Affairs Subcommittee and Rep. Abruzzo and others (CS/SB 440 by Military and Veterans Affairs, Space, and Domestic Security Committee and Senators Gibson and Torres)

The bill expands the list of forms of identification that a notary public may rely on in notarizing a signature on a document to include a Veteran Health Identification Card issued by the U.S. Department of Veterans Affairs.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 114-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/HB 1079 — Pub. Rec. and Meetings/Campus Emergency Response for Public Postsecondary Educational Institutions

by Oversight, Transparency and Administration Subcommittee and Rep. Rommel and others (CS/SB 1224 by Military and Veterans Affairs, Space, and Domestic Security Committee and Senators Passidomo and Hutson)

The bill creates an exemption from public record and public meeting requirements for information associated with a campus emergency response of a public postsecondary educational institution. “Campus emergency response” is defined as a public postsecondary educational institution’s response to or plan for responding to an act of terrorism or other public safety crisis or emergency, and it includes information such as threat assessments, response plans, staffing, and identification of students, faculty, and staff.

Under the bill, a campus emergency response held by a public postsecondary educational institution, a state or local law enforcement agency, a county or municipal emergency management agency, the Executive Office of the Governor, the Department of Education, the Board of Governors of the State University System, or the Division of Emergency Management is exempt from public record requirements. Additionally, any portion of a public meeting that would reveal information related to a campus emergency response is exempt from public meeting requirements.

The bill states that a campus emergency response affects the health and safety of students, faculty, staff, and the public at large. If campus emergency responses were made publicly available for inspection or copying, they could be used to hamper or disable the response of a public postsecondary educational institution to an act of terrorism, or other public safety crisis or emergency. The result of which would be an increase in the number of Floridians subjected to fatal injury.

This exemption is subject to the Open Government Sunset Review Act and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-0; House 118-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

SB 7008 — Department of Veterans' Affairs Direct-Support Organization

by Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Campbell

The bill (Chapter 2017-6, L.O.F.) saves from repeal the Florida Department of Veterans' Affairs' (FDVA) statutory authority to establish a direct-support organization, which was set to expire on October 1, 2017.

In 2008, the Legislature enacted s. 292.055, F.S., authorizing the FDVA to establish a direct-support organization to provide assistance, funding, and support for the FDVA in carrying out its mission. The Florida Veterans Foundation, Inc. (foundation) is the non-profit corporation that has since served as the direct-support organization to the FDVA. The foundation operates pursuant to a written contract with the FDVA. Its primary responsibility is to fund and administer emergency financial assistance grants for veterans during times of serious financial need. The foundation also funds and administers statutorily created programs and projects, such as the Florida Veterans' Walk of Honor, the Florida Veterans' Memorial Garden, and the Florida Veterans' Hall of Fame.

These provisions were approved by the Governor and take effect July 1, 2017.

Vote: Senate 38-0; House 114-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

SB 7010 — Department of Military Affairs Direct-support Organization

by Military and Veterans Affairs, Space, and Domestic Security Committee

The bill (Chapter 2017-7, L.O.F.) saves from repeal the Florida Department of Military Affairs' (DMA) statutory authority to establish a direct-support organization, which was set to expire on October 1, 2017.

In 2000, the Legislature enacted s. 250.115, F.S., authorizing the DMA to establish a direct-support organization to raise funds and make expenditures for the direct or indirect benefit of the DMA or the Florida National Guard. The Florida National Guard Foundation, Inc. (foundation) is the non-profit corporation that has since served as the direct-support organization to the DMA. The foundation operates pursuant to a written contract with the DMA. Its primary responsibility is to fund and administer an emergency financial assistance and scholarship grant program for current members of the Florida National Guard.

These provisions were approved by the Governor and take effect July 1, 2017.

Vote: Senate 37-0; House 113-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/SB 106 — Vendors Licensed Under the Beverage Law

by Rules Committee; Regulated Industries Committee; and Senator Flores

Current law in s. 565.04, F.S., prohibits package stores from selling, offering and exposing for sale other merchandise besides distilled spirits, beer and wine. However, package stores are allowed to sell bitters, grenadine, nonalcoholic mixer-type beverages (not including fruit juices produced outside Florida), fruit juices produced in this state, home bar, and party supplies and equipment (including but not limited glassware and party-type foods), miniatures of no alcoholic content and tobacco products. Package stores may not have openings permitting direct access to any other building or room, except to a private office or storage room of the place of business from which patrons are excluded.

The bill:

- Prohibits the Division of Alcoholic Beverages and Tobacco (division) of the Department of Business and Professional Regulation (DBPR) from issuing a package store license for the sale of beer, wine, and distilled spirits for any location or business located within 1,000 feet of a public or private elementary, middle school, or secondary school.
- Permits package stores licensed on or before June 30, 2017, for a premises located within 1,000 feet of a school to maintain and renew the license for that location, if the place of business complies with the package store restrictions in current law.
- Provides for a 4-year phased repeal of the current law package store restrictions for licensees located more than 1,000 feet from a school.
 - Starting July 1, 2018, one business or 25 percent of a vendor's businesses, whichever is greater, can operate without the restrictions;
 - Starting July 1, 2019, two businesses or 50 percent of a vendor's business can operate without the restrictions;
 - Starting July 1, 2020, three businesses or 75 percent of a vendor's businesses can operate without the restrictions; and
 - Effective June 30, 2021, the restrictions expire and such business can operate without the restrictions.
- Provides a business may sell, offer, or expose for sale distilled spirits in containers of 200 milliliters or less or 6.8 ounces or less only from a restricted area where access is restricted to the vendor or employees of the vendor. A business that maintains the current law package store restrictions is exempt from this requirement.
- Prohibits the division from issuing a license to sell distilled spirits for a location or business that includes a gasoline service station or motor fuel retail outlet, as defined in s. 526.303(14), F.S., unless the location has at least 10,000 square feet of retail space for the general public.
- Permits retail drug stores, grocery stores, department stores, florist shops, specialty gift shops, or automobile service stations licensed to sell alcoholic beverages that derive 30 percent or less of their monthly gross revenue from the sale of alcoholic beverages to employ persons under the age of 18 (minors). Those vendors may employ a minor only if the minor is supervised by a person 18 years of age or older who verifies the purchaser's

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age to be 21 years of age or older and approves the sale of alcoholic beverages to the purchaser. The bill provides it is unlawful to employ a minor during a month in which a vendor's gross revenue from the sale of alcoholic beverages exceeds 30 percent of its total revenue.

CS/CS/CS/HB 689 (CS/CS/SB 400 by Appropriations Committee, Regulated Industries Committee, and Senator Perry) amends CS/CS/SB 106 as to the employment of minors by retail drug stores, grocery stores, department stores, florist shops, specialty gift shops, or automobile service stations that are licensed as a package store. To employ a minor, those vendors must derive 30 percent or less of their monthly gross revenue from the sale of alcoholic beverages and may employ a minor to sell distilled spirits only if the minor is supervised by a person 18 years of age or older who verifies the purchaser's age to be 21 years of age or older and approves the sale of distilled spirits.

CS/CS/CS/HB 689 also removes the supervision and verification requirements in CS/CS/SB 106 for sales of beer and wine, and maintains current law that permits minors to be employed by vendors licensed to sell beer or beer and wine, when such sales are only for off premises consumption. Current law does not impose a supervision or verification requirement for sales as to minors employed by licensees selling only beer or bear and wine.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 21-17; House 58-57

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 141 — Craft Distilleries

by Careers and Competition Subcommittee and Reps. Stevenson, Raschein, and others
(CS/CS/CS/SB 166 by Appropriations Committee; Commerce and Tourism Committee;
Regulated Industries Committee; and Senators Steube, Brandes, Hutson, and Young)

The bill increases the number of factory-sealed individual containers of distilled spirits a craft distillery may sell in a face-to-face transaction with a consumer per calendar year to a maximum of six containers of each brand.

Current law permits the distillery to sell to consumers in a face-to-face transaction, per calendar year, two containers of each brand of distilled spirits, three containers of one brand and one container of a second brand, or four containers of a single brand.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-0; House 114-2

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 211 — Cosmetic Product Registration

by Health Quality Subcommittee and Rep. Latvala (SB 114 by Senator Brandes)

The bill removes product registration filing requirements by cosmetic manufacturers for cosmetic products. The Department of Business and Professional Regulation (DBPR), Division of Drugs, Devices, and Cosmetics, regulates cosmetics that are manufactured and repackaged by licensed cosmetic manufacturers in Florida. Each product produced or repackaged in Florida is required to be registered with the division every two years.

The bill revises the fee that may be charged by the DBPR for a cosmetic manufacturer permit to an amount determined by the DBPR to be sufficient to cover the costs of administering the cosmetic manufacturer permit program. Under current law, the annual permit fee may not be less than \$250 or more than \$400.

The bill removes the authority of the DBPR to issue a “certificate of free sale” certifying a cosmetic is registered with the DBPR and may be legally sold in Florida.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 33-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/HB 241 — Alarm Systems

by Local, Federal and Veterans Affairs Subcommittee; Agriculture and Property Rights Subcommittee; Rep. Williamson and others (CS/CS/CS/SB 190 by Rules Committee; Community Affairs Committee; Regulated Industries Committee; and Senator Perry

The bill revises s. 489.529, F.S., effective October 1, 2017, to:

- Require residential or commercial intrusion and burglary alarms that have central monitoring have a second verification call made to “a telephone number associated with the premises” generating the alarm signal, if the first verification call is not answered, prior to contacting law enforcement.
- Create an exception to current verification calling requirements for a customer who is federally licensed as a manufacturer, importer, or dealer of firearms or ammunition. Eligible customers may notify the alarm monitoring company that the customer would like to bypass the two-call verification requirement, thereby allowing the central monitoring station to contact law enforcement agencies without making a verification call. The bill requires an alarm monitoring company to make reasonable efforts, upon initiating a new alarm monitoring service contract, to inform eligible customers of the right to opt out of the two-call verification requirement.

The bill also revises s. 553.793, F.S., concerning streamlined low-voltage alarm system installation permitting, to include a new or existing low-voltage electric fence as a “low-voltage alarm system project.” A low-voltage electric fence is composed of an alarm system (a device used to detect a burglary, fire, robbery, or medical emergency) consisting of a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts that produces an electric charge upon contact with the fence structure. The ancillary components or equipment that may be attached to an alarm system or low-voltage electric fence are revised to include closed-circuit television systems, access controls, and battery-recharging devices.

A low-voltage electric fence: 1) must produce a limited electric charge; 2) must be completely enclosed by a nonelectric fence or wall; 3) may be up to 2 feet higher than the perimeter nonelectric fence or wall; 4) must be identified with attached warning signs not more than 60 feet apart; 5) may not be installed in areas zoned exclusively for single-family or multi-family residential use; and 6) may not enclose portions of a property which are used for residential purposes. No further permit may be required for a low-voltage alarm system project composed of a low-voltage electric fence that meets all of the above requirements.

If approved by the Governor, except as otherwise expressly provided in the act, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 327 — Household Movers and Moving Brokers

by Careers and Competition Subcommittee; and Rep. Yarborough and others (CS/CS/SB 336 by Appropriations Committee; Regulated Industries Committee; and Senators Hutson, Book, and Young)

The bill:

- Prohibits a mover or moving broker from knowingly refusing or failing to provide written notice to a customer before a household move that the mover or an employee or subcontractor of the mover or moving broker who has access to the customer's dwelling or property, including access to give a quote for the move, is a convicted sexual predator in Florida, or has been convicted of a similar offense in another jurisdiction, regardless of when the felony offense was committed.
- Requires the Department of Agriculture and Consumer Services (DACS) to either impose an administrative fine or seek a civil penalty of \$10,000 or more for each violation of that requirement.
- Requires the DACS to deny or refuse to renew the registration of a mover or moving broker or the mover's or moving broker's directors, officers, owners, or general partners, if the mover or moving broker has not satisfied a civil fine or penalty imposed for refusing or knowingly failing to provide the customer with the required written notice.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 36-0; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/CS/SB 398 — Estoppel Certificates

by Rules Committee; Judiciary Committee; Regulated Industries Committee; and Senators Passidomo and Perry

The bill revises requirements for estoppel certificates for condominium, cooperative, and homeowners' associations. Under current law, when an ownership interest in a condominium unit, cooperative unit, or homeowners' parcel is transferred, the new owner is jointly and severally liable with the previous owner for unpaid assessments owed to a condominium, cooperative, or homeowners' association. Unpaid assessments may also become a lien on the property. Purchasers may request that the seller provide an estoppel certificate from the condominium, cooperative, or homeowners' association to protect against undisclosed financial obligations so that title to the property may be transferred free of any lien or encumbrance in favor of the association. An estoppel certificate certifies the amount of any total debt owed to the association for unpaid monetary obligations by a unit or parcel owner as of a specified date.

The bill:

- Revises the period in which an association must respond to a request for an estoppel certificate from 15 days to 10 business days.
- Requires an association to designate on its website a person or entity with a street or e-mail address for receipt of a request for an estoppel certificate.
- Provides an estoppel certificate delivered by hand, mail, or e-mail has a 30-day effective period, and a certificate sent by regular mail has a 35-day effective period.
- Identifies the persons who may complete the estoppel certificate on behalf of the board or association.
- Specifies the information the association must provide in the estoppel certificate.
- Prohibits an association from charging a fee for an amended estoppel certificate, and provides a new effective period of 30 days or 35 days, depending on the method used to deliver the amended certificate.
- Provides an association waives the right to collect any moneys owed in excess of the amounts set forth in the estoppel certificate from any person, and his or her successors and assigns, who in good faith relies upon the certificate.
- Prohibits an association from charging a fee for preparing and delivering an estoppel certificate that is requested, if it is not delivered within 10 business days.
- Authorizes the use of a summary proceeding pursuant to s. 51.011, F.S., to compel compliance with the estoppel certificate requirements for a cooperative association, as existing law provides for condominium and homeowners' associations.
- Permits an association to charge a maximum fee of \$250 for the preparation and delivery of an estoppel certificate, if there are no delinquent amounts owed to the association.
- Permits an association to charge an additional \$100 fee for an expedited estoppel certificate delivered within 3 business days after a request for an expedited certificate.
- Permits an association to charge an additional maximum fee of \$150, if there is a delinquent amount owed to the association.

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- Specifies the maximum fee an association may charge when it receives simultaneous requests for estoppel certificates for multiple units or parcels owned by the same person and there are no past due monetary obligations owed to the association.
- Provides a lender or purchaser who pays for the preparation of an estoppel certificate may not waive the right to reimbursement if the closing does not occur and the prevailing party in a suit to enforce a right of reimbursement shall be awarded damages, attorney fees, and costs.
- Authorizes a cooperative to charge a fee for preparing and delivering an estoppel certificate but the authorization must be established by a written resolution adopted by either the board or a written management, booking, or maintenance contract.
- Requires the Department of Business and Professional Regulation to adjust the estoppel certificate fees for inflation every five years, rounded to the nearest dollar, and to publish the adjusted amounts on its website.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 35-1; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/HB 615 — Professional Regulation

by Government Operations and Technology Appropriations Subcommittee; Careers and Competition Subcommittee; and Rep. Renner and others (CS/CS/SB 1272 by Appropriations Committee; Regulated Industries Committee; and Senators Brandes and Stargel)

The bill creates the “Occupational Opportunity Act,” which grants new and expands existing exemptions from professional licensure application and renewal requirements by certain boards and programs in the Department of Business and Professional Regulation (DBPR) for current and former active duty members of the U.S. Armed Forces and certain spouses and surviving spouses of such members.

Eligible spouses and surviving spouses in good standing with a DBPR board or program who are absent from the state due to the active duty member’s duties with the Armed Forces are exempted from licensure renewal provisions. The period of time active duty members remain in good standing after discharge from active duty is expanded from six months to two years.

The DBPR is required to issue a professional license to an applicant who holds a valid professional license issued by another state or jurisdiction and is or was an active duty member of the Armed Forces, is the spouse of an active duty member, or is the surviving spouse of a member who died while on active duty. An applicant who was an active duty member must have received an honorable discharge from the Armed Forces. The bill specifies additional application requirements for such licensure including fingerprints for state and federal criminal history checks and compliance with any insurance or bonding requirements. Renewal of such licenses requires the licensee to meet the same conditions required for all licensees under the applicable practice act, including continuing education requirements.

Additionally, the bill requires the DBPR, or the appropriate board, to waive the initial licensure fee for applicants who are active duty members of the Armed Forces, certain spouses and surviving spouses of active duty members, and low-income individuals.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-0; House 118-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/CS/HB 653 — Community Associations

by Commerce Committee; Civil Justice and Claims Subcommittee; Careers and Competition Subcommittee; and Rep. Moraitis (CS/CS/SB 744 by Judiciary Committee; Regulated Industries Committee; and Senator Passidomo)

The bill revises requirements for the governance and operation of condominium, cooperative, and homeowners' associations.

Regarding fire safety and lifesafety systems in condominium and cooperative buildings, the bill:

- Permits condominium or cooperative associations having a building 75 feet or less in height to vote to forego retrofitting the building with fire sprinklers.
- Permits two-thirds of the voting interests in a building higher than 75 feet to vote to forego retrofitting with fire sprinklers.
- Permits an association that votes to forego retrofitting a building with a fire sprinkler system to also forego retrofitting with an engineered lifesafety system.
- Permits professional engineers also to provide condominium or cooperative associations with a certificate of compliance with fire and lifesafety system requirements (current law allows licensed electrical contractors and electricians to provide the certificate).
- Requires condominium and cooperative associations that have not installed sprinklers in the common areas of buildings of three stories or more to mark these buildings with a sign or symbol approved by the State Fire Marshal to warn persons conducting fire control and other emergency operations about the lack of a sprinkler system in the common areas.

Under existing law, condominium, cooperative, and homeowners' associations must prepare annual financial statements. The complexity of these statements is based upon the annual revenues of the association. Associations having larger revenues must prepare more complex financial statements. The members of these associations, however, may vote to allow the association to prepare less complex financial statements than otherwise required by law but not for more than three consecutive years. The bill repeals the three-consecutive-year limit on allowing a condominium or cooperative association to prepare less complex financial statements. Current law does not limit the ability of homeowners' associations to prepare less complex financial statements.

The bill also repeals the provisions of law that require condominium, cooperative, and homeowners' associations having fewer than 50 units or parcels to prepare a report of cash receipts and expenditures. This change will require these associations to prepare annual financial reports based on annual revenues, unless the association votes to prepare a less complex financial statement.

Regarding homeowners' and cooperative associations, the bill specifies the board members of each type of association may communicate by e-mail, but not vote by e-mail. Condominium law already includes a similar provision.

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Regarding the management and governance of condominium associations, the bill:

- Prohibits an officer, director, or manager of an association from accepting a “kickback” from a person providing or proposing to provide goods or services to the condominium.
- Provides forgery of a ballot envelope used in a condominium election or the forgery of a voting certificate constitutes the crime of forgery under existing law.
- Provides theft or embezzlement of the funds of a condominium association is theft under existing law.
- Provides refusal to allow inspection of an official record that is accessible to members is punishable as the crimes of tampering with physical evidence and obstruction of justice.
- Provides an officer or director charged with certain crimes relating to the condominiums may not access condominium records without a court order while the charges are pending.
- Prohibits an association from hiring an attorney who represents the association’s management company.
- Prohibits members of the board or the management company for a condominium association that is not a timeshare condominium from purchasing a unit at a foreclosure sale resulting from foreclosure of the association’s lien for unpaid assessments or from taking title to a unit by deed in lieu of foreclosure.
- Requires associations maintain as an official records bids for materials, equipment, or services.
- Permits a member’s authorized representatives to inspect and copy association’s official records.
- Permits renters to inspect and copy the bylaws and rules.
- Effective July 1, 2018, requires condominium associations with 150 or more units to post copies of certain official records on their websites.
- Prohibits condominium associations from using a debit card to pay association obligations.
- Repeals the July 1, 2018, deadline for the classification as a condominium bulk buyer or bulk assignee.

Additionally, regarding access to records, the bill requires condominium associations to mail or hand deliver, without charge, a copy of the most recent financial report within five days of a written request. The bill provides a process for a condominium unit owner to give notice to the Division of Condominiums, Timeshares, and Mobile Homes (division) that an association has failed to do so after a request. The division must give the association notice it must comply with the request. If the association fails to comply within five business days, the association may not prepare less complex financial statements than the statutory default requirements for three years.

The bill makes the following changes affecting the optional termination of a condominium to:

- Decrease the threshold to veto a termination from 10 percent to 5 percent of the voting interests;
- Increase the minimum time period before a successive vote on a termination plan to 24 months, instead of 18 months as under current law;

- Prohibit an optional termination of a condominium created by conversion (such as from an apartment complex) until 10 years after conversion; and
- Decrease the minimum percentage of ownership of units in a condominium that requires a sworn, written disclosure of that ownership interest in the plan of termination.

Regarding cooperative associations, the bill strips a director or officer of the board of a cooperative association of his or her post if he or she is more than 90 days delinquent in paying any money due the association. As to cooperative associations having more than 10 units, the bill prohibits co-owners of a unit from serving simultaneously on the association's board, unless the co-owners own more than one unit or there are not enough eligible candidates.

Regarding homeowners' associations, the bill:

- Authorizes associations to adopt rules, with certain conditions, for providing notice of board meetings in the association's website.
- Provides if an election is not required because there are either an equal number or fewer qualified candidates than vacancies exist, and if nominations from the floor are not required pursuant to this section or the bylaws, then write-in nominations are not permitted and such candidates shall commence service on the board of directors, regardless of whether a quorum is attained at the annual meeting.
- Clarifies existing law that the accrual of interest on unpaid assessments, and the application of payments to interest, late fees, collection costs and associated reasonable attorney fees, and the delinquent assessment, in that order of priority, controls over any restrictive endorsement, designation, or instruction placed on or accompanying a payment, including any purported accord and satisfaction (that the parcel owner paid a lesser amount in full satisfaction of the amount due) pursuant to s. 673.3111, F.S.

The provisions on financial reporting are also contained in CS/CS/CS/HB 653 (CS/CS/SB 744 by Judiciary Committee, Regulated Industries Committee, and Senator Passidomo), and in CS/CS/HB 1237 (CS/CS/SB 1682 by Rules Committee, Regulated Industries Committee, and Senators Garcia, Rodriguez, Artiles, and Campbell).

CS/CS/HB 1237 (CS/CS/SB 1682 by Rules Committee, Regulated Industries Committee, and Senators Garcia, Rodriguez, Artiles, and Campbell) also contains several of the provisions in this bill related to the conduct of board members and access to records in a condominium association.

CS/SB 1520 by Regulated Industries Committee and Senator Latvala also revises the requirements for the optional termination of a condominium.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-1; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/CS/HB 689 — Division of Alcoholic Beverages and Tobacco

by Commerce Committee; Ways and Means Committee; Careers and Competition Subcommittee; and Rep. Burton (CS/CS/SB 400 by Appropriations Committee; Regulated Industries Committee; and Senator Perry)

The bill:

- Provides Select Exempt Service status to the following employees of the Division of Alcoholic Beverages and Tobacco (division) in the Department of Business and Professional Regulation (DBPR): chiefs, assistant chiefs, regional managers (including majors), and district and office managers (including captains).
- Adds the Agency for Health Care Administration as one of the agencies from which an applicant for an alcoholic beverage license for consumption on premises must obtain a certificate that the applicant's place of business meets all sanitary requirements.

Existing law requires a caterer licensed to sell beer, wine, and distilled spirits must derive at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages. The bill provides the percentage is based on a caterer's "gross food and nonalcoholic beverage revenue" instead of "gross revenue." A caterer must comply with the 51 percent requirement for each catered event.

Regarding a caterer's license to sell beer, wine and, distilled spirits, the bill expands the types of records that must be maintained to demonstrate compliance with its license. It requires a caterer maintain all records and receipts for each catered event, including all contracts, customers' names, locations, dates, food purchases and sales, alcoholic beverage purchases and sales, nonalcoholic beverage purchases and sales, and any other records required by rule of the DBPR.

The bill amends CS/CS/SB 106, to permit the employment of persons under the age of 18 (minors) in a retail drug stores, grocery stores, department stores, florist shops, specialty gift shops, or automobile service stations that are licensed as a package store. To employ a minor, those vendors must derive 30 percent or less of their monthly gross revenue from the sale of alcoholic beverages and may employ a minor to sell distilled spirits only if the minor is supervised by a person 18 years of age or older who verifies the purchaser's age to be 21 years of age or older and approves the sale of distilled spirits. The bill removes the supervision and verification requirement in CS/CS/SB 106 for sales of beer and wine by a minor.

The bill maintains current law permitting minors to be employed by vendors licensed to sell beer or beer and wine, when such sales are only for off premises consumption. Current law does not impose a supervision or verification requirement as to minors employed by licensees selling only beer or beer and wine.

Additionally, bill also:

- Repeals the fee for a temporary license issued in connection with an application to transfer an alcoholic beverage to the purchaser of a licensed business or to change the type or series of a license;
- Revises the definition of “wine” to include “sake” which is a Japanese alcoholic beverage made of fermented rice; and
- Reduces the annual license tax for a craft distillery from \$4,000 to \$1,000.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 34-0; House 115-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/CS/HB 727 — Accessibility of Places of Public Accommodation

by Commerce Committee; Government Operations and Technology Appropriations Subcommittee; Careers and Competition Subcommittee; and Reps. Leek, Edwards and others (CS/SB 1398 by Appropriations Committee; and Senators Stewart, Baxley, and Young)

The bill creates a voluntary process to certify places of public accommodation as conforming to the requirements of the federal Americans with Disabilities Act (ADA) after inspection by a qualified expert.

A qualified expert is defined in the bill to be a licensed engineer, general contractor, building contractor, building code administrator, building inspector, plans examiner, interior designer, architect, and landscape architect. Qualified experts also include any person who has had a remediation plan related to a claim under the ADA accepted by a federal court in a settlement agreement or court proceeding, or who has been qualified as an expert in the ADA by a federal court.

An owner of a place of public accommodation who has had the place of public accommodation inspected by a qualified expert may submit certification of conformity with the Department of Business and Professional Regulation (DBPR) which indicates that the place of public accommodation conforms to the ADA.

If the place of public accommodation does not conform to the ADA requirements, the owner of the place of public accommodation may submit with the DBPR a remediation plan that includes a reasonable amount of time, not to exceed 10 years, for completion of the remediation plan.

The bill requires the courts of this state to consider remediation plans filed with the DBPR to determine whether an ADA claim was filed in good faith and to evaluate the appropriateness of any award of attorney's fees.

The bill appropriates the sums of \$5,000 in recurring funds and \$155,000 in nonrecurring funds from the Professional Regulation Trust Fund for Fiscal Year 2017-2018 to the DBPR for new costs necessary to carry out the provisions of the bill.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

HB 741 — Department of Business and Professional Regulation Fees

by Rep. Trumbull (SB 514 by Senator Stargel)

The bill provides, notwithstanding the professional practice acts administered by the Department of Business and Professional Regulation (DBPR), for a \$25 delinquency fee that must be imposed on a delinquent status licensee. Under current law, the delinquency fee for a profession regulated by the DBPR may not exceed the amount of the biennial renewal fee for an active status license.

The bill reduces from 1.5 percent to 1.0 percent, the surcharge assessed on building permit fees which is transferred to the DBPR to administer and carry out the purposes of the Florida Building Code. Under current law, the surcharge is allocated to fund the Florida Building Commission, the Florida Building Code Compliance and Mitigation Program, and the Florida Fire Prevention Code informal interpretations managed by the State Fire Marshal.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 35-0; House 116-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/HB 747 — Mortgage Regulation

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Stark (CS/CS/SB 830 by Banking and Insurance Committee; Regulated Industries Committee; and Senator Baxley)

The bill exempts a securities dealer, investment advisor, or associated person registered under ch. 517, F.S., from regulation as a loan originator or mortgage broker under ch. 494, F.S., if the person in the normal course of conducting securities business with corporate or individual clients:

- Solicits or offers to solicit a mortgage loan from a securities client, or refers a securities client to an entity exempt from regulation under parts I or II of ch. 494, F.S., pursuant to s. 494.00115, F.S., a licensed mortgage broker, a licensed mortgage lender, or a registered loan originator; and
- Does not accept or offer to accept a mortgage loan application, negotiate or offer to negotiate the terms or conditions of a new or existing mortgage loan on behalf of a borrower or lender, or negotiate or offer to negotiate the sale of an existing mortgage loan to a noninstitutional investor for compensation or gain.

Any referral or solicitation made under this exemption must comply with the provisions of ch. 517, F.S., the federal Real Estate Settlement Procedures Act, and any applicable federal law or general law of this state.

Additionally, the bill revises the definition of “mortgage loan” to include residential mortgage loans made for business purposes by deleting the condition that a residential mortgage is a loan primarily for personal, family, or household use. As a result, the bill allows residential loans made for a business purpose to fall under the definition of a “mortgage loan” and to be subject to regulation by the OFR. The bill requires persons originating, brokering, or lending such loans to obtain licensure under ch. 494, F.S., unless they fall within an exemption in s. 494.00115, F.S. At present ch. 494, F.S., only requires licensure by the Office of Financial Regulation (OFR) if a person participates in making residential mortgage loans, which required such loans be made primarily for personal, family, or household use.

Chapter 494, F.S., provides two exemptions that permit an individual investor to make or acquire a mortgage loan with his or her own funds, or to sell a mortgage loan, without being licensed as a mortgage lender, if the individual does not “hold himself or herself out to the public as being in the mortgage lending business.” However, this phrase was undefined in current law. The bill defines that phrase as any of the following:

- Representing to the public, through advertising or other means of communicating, information that such individual can or will perform the activities described in s. 494.001(23), F.S. (mortgage lender);
- Soliciting in a manner that would lead the intended audience to reasonably believe that such individual is in the business of performing the activities of a mortgage lender;

- Maintaining a commercial business establishment where such individual regularly performs the activities of a mortgage lender, or regularly meets with current or prospective borrowers;
- Advertising, soliciting, or conducting business through use of a name, trademark, service mark, trade name, Internet address, or logo which indicates or reasonably implies the business is that of a licensed mortgage lender; and
- Using any federally authorized forms while performing the activities of a mortgage lender.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 113-1

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/SB 818 — Timeshares

by Regulated Industries Committee and Senator Hutson

The bill amends ch. 721, F.S., the Florida Vacation Plan and Timesharing Act (act), which establishes requirements for the creation, sale, exchange, promotion, and operation of timeshare plans, including requirements for full and fair disclosure to purchasers.

The changes made by the bill:

- Revise the term “interestholder” with respect to a multisite timeshare plan governed by part II of the act;
- Revise requirements for instruments that establish or govern a component site property regime, including the requirement to issue or provide certain documents to creditors;
- Revise requirements for terminations of timeshare plans;
- Revise requirements for extensions of timeshare plans, which apply to all timeshare properties in the state;
- Allow reasonable termination expenses to be paid pro rata by owners of former timeshare properties; and
- Amend requirements for voting upon an extension of a term of a timeshare plan, including meeting notices, voter eligibility, proxies, and quorum requirements.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 115-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/HB 927 — Real Estate Appraisers

by Commerce Committee; Careers and Competition Subcommittee; and Rep. Rommel(CS/CS/SB 716 by Appropriations Committee; Regulated Industries Committee; and Senator Passidomo)

The bill revises Florida law to implement registration and supervision systems for appraisal management companies to meet minimum requirements for such companies established by federal rule. An appraisal management company is an entity that serves as an intermediary and provides certain prescribed services to creditors. Implementation of a registration system for appraisal management companies that satisfies federal requirements will allow eligible persons and appraisal management companies licensed in Florida to continue to perform appraisal services for federally related transactions.

The bill:

- Defines or revises definitions of the terms “appraisal management company” “appraisal panel,” “covered transaction,” “evaluation,” “federally regulated appraisal management company,” “order file,” and “secondary mortgage market participant,” to conform to the final federal rule that establishes standards for appraisal management companies;
- Requires, as part of the implementation of a federally-compliant registration system for appraisal management companies, the Department of Business and Professional Regulation (DBPR) to collect data and required fees, and to transmit a roster, no less than annually, listing the persons or companies that hold a valid state registration as an appraisal management company to a federal appraisal subcommittee, consisting of federal financial institution regulatory agencies.
- Removes the authority currently granted to the Florida Real Estate Appraisal Board (board) to qualify a person who is otherwise disqualified for licensure, if it appears to the board, because of lapse of time and subsequent good conduct and reputation, or other reason deemed sufficient, that the interest of the public is not likely to be endangered by the granting of registration.
- Allows the board to deny the renewal of the registration of an appraisal management company based on disciplinary action against the licensee, rather than limiting denial to the initial application for licensure.
- Authorizes the board to deny an application for registration or renewal of a registration or to reprimand or fine an appraisal management company that has required or attempted to require clients to sign any indemnification agreement that would require a client to hold harmless the appraisal management company or its owners, agents, or employees, from any liability, damage, loss, or claim arising from the services performed by an appraiser.
- Permits an appraiser to perform an evaluation of real property in connection with a federally regulated real estate financial transaction, and requires the appraiser comply with the standards for evaluation imposed by the federal financial institutions regulatory agency and other standards as prescribed by the board.
- Grants authority to the board to adopt rules to establish standards of practice for nonfederal transactions; and

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- Requires the board mandate compliance with the Ethics and Competency Rules of the standards adopted by the Appraisal Standards Board of the Appraisal Foundation for all appraisals other than those in a federal transaction.

Additionally, the bill allows distance learning courses for real estate practice coursework required for initial licensure as a real estate broker or sales associate, repeals duplicative post licensure education requirements for trainee appraisers, and removes obsolete language.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 35-0; House 115-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/HB 937 — Warnings for Lottery Games

by Commerce Committee; Tourism and Gaming Control Subcommittee; and Rep. Sullivan and others (CS/CS/SB 1370 by Rules Committee; Judiciary Committee; and Senator Perry)

The bill requires, beginning January 1, 2018, one of six specified warnings be placed in every advertisement or promotion of lottery games:

1. “WARNING: GAMBLING CAN BE ADDICTIVE.”
2. “WARNING: LOTTERY GAMES MAY BE ADDICTIVE.”
3. “WARNING: LOTTERY GAMES ARE A FORM OF GAMBLING.”
4. “WARNING: YOUR ODDS OF WINNING THE TOP PRIZE ARE EXTREMELY LOW.”
5. “WARNING: GAMBLING CAN CAUSE FINANCIAL PROBLEMS.”
6. “WARNING: PLAYING THE LOTTERY CONSTITUTES GAMBLING.”

Each of the six warnings must appear in an equal number of advertisements and promotions. A warning must occupy not less than 10 percent of the surface area of each advertisement or promotion of lottery games on television, the Internet, other electronic media, newspapers, magazines, and billboards. The warning must be announced at the end of radio advertisements.

The bill provides that beginning January 1, 2018, every contract between the Department of the Lottery and a lottery ticket vendor must include a provision requiring the vendor to place or print one of the six warnings on every lottery ticket. The warning must occupy not less than 10 percent of the total face of every lottery ticket, and be in black type on a white background. The bill also requires that one of the warnings be printed on every lottery ticket printed on or after January 1, 2018; each of the six warnings must appear on an equal number of lottery tickets.

If approved by the Governor, these provisions take effect January 1, 2018.

Vote: Senate 23-15; House 114-3

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 987 — Public Accountancy

by Careers and Competition Subcommittee; Rep. Gruters and others; (CS/SB 1348 by Regulated Industries Committee and Senators Young and Campbell)

The bill extends the privilege of “practice mobility” to a public accountancy firm or certified public accountancy firm (CPA firm) that does not have an office in Florida or a Florida license to allow the firm to practice public accountancy in the state without a license, notice, or payment of any fee. Current law provides the privilege of practice mobility to out-of-state certified public accountants (CPAs), but not to CPA firms. To qualify for practice mobility, a firm must comply with the practice mobility requirements in current law, be enrolled in a peer review program, perform services through a Florida-licensed CPA, and lawfully perform services in a state where a CPA with practice mobility privileges has his or her principal place of business.

The bill:

- Updates the professional standards for CPAs to reference the current edition of the Uniform Accountancy Act, which is a model act designed to advance the goal of uniformity in accountancy practice.
- Revises the definition of “client” to provide the term means a person who agrees with an accountant or accountant’s employer to receive professional service; and
- Authorizes the Florida Board of Accounting (board) in the Department of Business and Professional Regulation (DBPR) to discipline a licensed CPA who has been disciplined by the Public Company Accounting Oversight Board, which is a private-sector nonprofit corporation established by Congress in the Sarbanes-Oxley Act of 2002 to oversee the audits of public companies.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-0; House 115-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/SB 1520 — Termination of Condominium Association

by Regulated Industries Committee and Senator Latvala

The bill revises the requirements for the optional termination of a condominium. Regarding optional terminations, current law requires 80 percent of a condominium's voting interests must approve a plan of optional termination, regardless of what a condominium's governing documents may provide. The bill reduces from 10 percent to 5 percent the percentage of voting interests necessary to veto a termination plan.

The bill also increases the minimum time periods between successive votes on a termination plan. If 5 percent or more of the voting interests of a condominium reject a plan of termination, a subsequent plan may not be considered for 24 months, instead of 18 months as under current law.

The bill also expands the requirement that a termination plan disclose to the unit owners when a person owns a significant portion of the condominium. Specifically, the plan must include written, sworn disclosures of the identity of any person or entity that owns or controls at least 25 percent (instead of 50 percent, as in current law) of the condominium units. Moreover, the bill also requires the written, sworn disclosures of any natural person or persons who, directly or indirectly, own or control 10 percent (instead of 20 percent as under current law) or more of the artificial entity or entities that constitute the bulk owner.

Regarding optional terminations, the bill increases consumer protections by:

- Entitling all persons whose condominium unit is their homestead to be paid at least the original purchase price paid for their units; and
- Requiring approval of a termination plan by the Department of Business and Professional Regulation.

Additionally, the bill expressly states the amendments made by the bill to s. 718.117, F.S., are intended to clarify existing law, are remedial in nature, and are intended to address the rights and liabilities of the affected parties, and apply to all condominiums created under the Condominium Act.

For Fiscal Year 2017-2018, the bill appropriates \$85,006 in recurring funds and \$4,046 in nonrecurring funds from the Division of Condominiums, Timeshares, and Mobile Homes Trust Fund to the Department of Business and Professional Regulation. The bill also authorizes one full-time equivalent position with an associated salary rate of \$56,791 per year to implement the bill.

CS/CS/CS/HB 653 (CS/CS/SB 744 by Judiciary Committee, Regulated Industries Committee, and Senator Passidomo) also revises the requirements for the optional termination of a condominium.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

HB 6027 — Financial Reporting

by Rep. Williamson (CS/SB 294 by Judiciary Committee and Senator Bracy)

The bill provides substantively identical changes to the annual financial reporting requirements for condominium, cooperative, and homeowners' associations.

Under existing law, these associations must prepare annual financial statements. The complexity of these statements is based on the annual revenues of the association. Associations having larger revenues must prepare more complex financial statements. The members of these associations, however, may vote to allow the association to prepare less complex financial statements than otherwise required by law but not for more than three consecutive years. The bill repeals the three-consecutive-year limit on allowing a condominium or cooperative association to prepare less complex financial statements. Current law does not limit the ability of homeowners' associations to prepare less complex financial statements.

The bill also repeals the provisions of law that require condominium, cooperative, and homeowners' associations having fewer than 50 units or parcels to prepare a report of cash receipts and expenditures. This change will require these associations to prepare annual financial reports based on annual revenues, unless the association votes to prepare a less complex financial statement.

The provisions of this bill are also contained in CS/CS/CS/HB 653 (CS/CS/SB 744 by Judiciary Committee, Regulated Industries Committee, and Senator Passidomo).

In addition, the repeal of the provision of law that requires condominium associations having fewer than 50 units to prepare a report of cash receipts and expenditures is also contained in CS/CS/HB 1237 (CS/CS/SB 1682 by Rules Committee, Regulated Industries Committee, and Senators Garcia, Rodriguez, Artiles, and Campbell).

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-0; House 117-0

Committee on Rules

CS/CS/SM 572 — Haitian Independence and Flag Day/Haitian, Haitian American, and Caribbean American Heritage Month

by Rules Committee; Commerce and Tourism Committee; and Senators Campbell and Rodriguez

A memorial to the Congress of the United States, urging Congress to enact legislation recognizing:

- January 1 as “Haitian Independence Day”;
- May 18 as “Haitian Flag Day”;
- The month of May as “Haitian American Heritage Month”;
- The month of May as “Haitian Heritage Month”; and
- The month of June as “Caribbean American Heritage Month.”

Vote: Senate Adopted; House Adopted

Committee on Rules

HB 7115 — Arthur G. Dozier School for Boys

by Judiciary Committee and Reps. Harrison, Stafford, and others

The bill provides for the internment of certain remains exhumed from the Arthur G. Dozier School for Boys; establishes the Arthur G. Dozier School for Boys Memorial; requires the Board of Trustees of the Internal Improvement Trust Fund to convey, maintain, and surplus certain lands associated with the Arthur G. Dozier School for Boys.

From January 1, 1900, to June 30, 2011, the state operated a reform school in the panhandle town of Marianna, Florida. The school operated under several different names: the Florida State Reform School (1900-1913), the Florida Industrial School for Boys (1914-1957), the Florida School for Boys (1957-1967), and the Arthur G. Dozier School for Boys (1967-2011). In recent years, former students of the school have come forward to report repeated abuse by staff members, including severe beatings at a structure on school grounds known as the “White House.” These men believe that fellow students may have died from abuse and are buried on school grounds. In 2012, researchers from the University of South Florida (USF) began an investigation to determine the location of children buried at the school in order to excavate and repatriate the remains to their families. In January 2016, the researchers issued a report of their findings. The researchers analyzed historical records and determined that nearly 100 boys aged 6 to 18 died at the school between 1900 and 1973. During the investigation, the researchers excavated 55 graves and discovered 55 sets of human remains on the school grounds, only 13 of which were located in Boot Hill Cemetery on Dozier school property. The researchers made 7 positive identifications and 14 presumptive identifications of the remains.

In 2016, the Dozier Task Force, which was created by the Legislature, submitted the following recommendations:

1. The remains of the 1914 dormitory fire victims should be reinterred at Boot Hill Cemetery on Dozier School property.
2. Unidentified or unclaimed remains should be reinterred in Tallahassee.
3. Two memorials should be established, one in Jackson County and one in Tallahassee, Florida, dedicated to the memories of the boys who lived and died at Dozier School, as well as the 1914 dormitory fire victims.

The bill:

1. Implements the three recommendations of the task force.
2. Requires the Board of Trustees of the Internal Improvement Trust Fund to convey portions of Dozier School property to Jackson County, including property on which Boot Hill Cemetery and the White House are located, and provides for the preservation of Boot Hill Cemetery and the White House.
3. Requires the Department of Environmental Protection to prepare a proposal to conduct a feasibility study to locate previously unidentified potential burial sites through surface and sub-surface evaluation on all lands formally associated with the school.

4. Names the Department of Law Enforcement's Forensic Training Center in Pasco County the "Thomas Varnadoe Forensic Center for Education and Research." Thomas Varnadoe died at Dozier School on October 26, 1934, just 34 days after he was admitted to the school. His remains were identified by USF after being exhumed as part of its investigation.

Lastly, the bill appropriates \$1.2 million from general revenue to the Department of Management Services to pay for reinternment of remains exhumed from Dozier School and establishment of the memorial.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 35-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/CS/SB 18 — Relief of “Survivor” and the Estate of “Victim” by the Department of Children and Families

by Appropriations Committee; Judiciary Committee and Senator Flores

This bill provides \$3,750,000 for the relief of ?Survivor? and the Estate of ?Victim? for injuries and damages sustained as a result of the negligence of the Department of Children and Families. The Department failed to prevent or detect the severe abuse and neglect perpetrated on Survivor and Victim by their foster parents, Jorge and Carmen Barahona, who later adopted the children.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 37-0; House 114-2

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/HB 6501 — Relief/J.D.S./Agency for Persons With Disabilities

by Civil Justice and Claims Subcommittee; and Reps. Plakon and Antone (CS/SB 28 by Judiciary Committee and Senator Simmons)

This bill provides for the payment of \$950,000 into a special needs trust for the relief of J.D.S. The Department of Children and Families negligently supervised the group home in which J.D.S. was placed, and J.D.S. was raped and impregnated by a staff member of the home.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 37-1; House 112-2

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/HB 6503 — Relief/Sean McNamee, Todd & Jody McNamee/School Board of Hillsborough County

by Civil Justice and Claims Subcommittee and Rep. Shaw (CS/SB 40 by Judiciary Committee; and Senators Galvano and Brandes)

This bill provides \$1.7 million for the relief of Sean R. McNamee for injuries and damages he sustained as a result of the negligence of employees of the School Board of Hillsborough County. Sean was injured during football practice when his head struck a paint machine that had been improperly left in the practice area.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 35-2; House 112-2

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/HB 6507 — Relief/Angela Sanford/Leon County

by Civil Justice and Claims Subcommittee and Rep. Beshears (CS/SB 42 by Judiciary Committee and Senator Montford)

The bill provides \$1.15 million for the relief of Angela Sanford. Ms. Sanford was the passenger in a car that was struck by a county-operated ambulance that ran a red light. As a result of the accident, Ms. Sanford is permanently disabled.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 34-2; House 112-2

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/CS/HB 6511 — Relief/L.T./Department of Children and Families

by Health Care Appropriations Subcommittee; Civil Justice and Claims Subcommittee and Rep. Miller, M. (CS/SB 38 by Judiciary Committee and Senator Benacquisto)

This bill provides \$800,000 for the relief of L.T. She suffered injuries and damages after the Department of Children and Families allowed her to be placed in a home with a registered sex offender.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 37-0; House 113-3

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/CS/HB 6515 — Relief/Wendy Smith and Dennis Darling, Sr./State of Florida

by Appropriations Committee; Civil Justice and Claims Subcommittee; and Reps. Jones and others (CS/SB 48 by Judiciary Committee and Senator Braynon)

This bill authorizes and directs Florida State University to pay \$1.8 million to Wendy Smith and Dennis Darling, Sr., to compensate them for the negligence of the university which led to the death of their son, Devaughn Darling. Devaughn collapsed and died while participating in preseason football training.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 34-2; House 112-4

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/CS/HB 6519 — Relief/Amie Draiemann O'Brien, Hailey Morgan Stephenson, and Christian Darby Stephenson II/Department of Transportation

by Transportation and Tourism Appropriations Subcommittee; Civil Justice and Claims Subcommittee and Rep. Cortes, B. (SB 12 by Senator Steube)

The bill provides \$1,116,940 for the relief of Amie Draiemann O'Brien, as the personal representative of the Estate of Christian Darby Stephenson, for the wrongful death of Christian Darby Stephenson. Mr. Stephenson died in a truck accident that was caused in part by the failure of the Department of Transportation to maintain a drain.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 33-2; House 112-3

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/HB 6521 — Relief/Mary Mifflin-Gee/City of Miami

by Civil Justice and Claims Subcommittee and Rep. Jenne (CS/SB 46 by Judiciary Committee and Senator Montford)

The bill authorizes and directs the City of Miami to pay \$2.3 million into a special needs trust for the relief of Mary Mifflin-Gee. The city's fire rescue personnel failed to properly secure Ms. Mifflin-Gee onto a gurney when they were loading her into an ambulance. When Ms. Mifflin-Gee fell from the gurney, she suffered a severe traumatic brain injury.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 35-1; House 111-3

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/CS/HB 6529 — Relief/Lillian Beauchamp/St. Lucie County School District

by Judiciary Committee; Civil Justice and Claims Subcommittee and Rep. Byrd (CS/SB 14 by Judiciary Committee and Senator Steube)

This bill provides \$1.5 million for the relief of Lillian Beauchamp, as the personal representative of the estate of Aaron Beauchamp. Aaron died as a result of a school bus accident that was caused by the negligence of an employee of the St. Lucie County School Board.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 36-1; House 111-4

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/HB 6533 — Relief/Jennifer Wohlgemuth/Pasco County Sheriff's Office

by Civil Justice and Claims Subcommittee and Rep. Grant, J. (CS/SB 36 by Judiciary Committee and Senator Montford)

This bill authorizes and directs the Pasco County Sheriff's Office to pay \$2.6 million into a special needs trust for the benefit of Jennifer Wohlgemuth. She was severely injured by the negligence of a Pasco County Sheriff's officer when he negligently drove a law enforcement vehicle through a red light at a high rate of speed and crashed into the side of Ms. Wohlgemuth's vehicle.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 35-2; House 112-2

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/HB 6539 — Relief/Eddie Weekley and Charlotte Williams/Agency for Persons with Disabilities

by Civil Justice and Claims Subcommittee and Rep. Byrd (CS/SB 50 by Judiciary Committee; and Senators Gibson and Bracy)

This bill provides for the payment of \$1 million into a special needs trust for the relief of Eddie Weekley and Charlotte Williams for the loss of their son, Franklin Weekley. Franklin, who was diagnosed with mental retardation and a seizure disorder, was admitted to the Sunland Center, which was operated by the Department of Children and Family Services. In December 2002, Franklin disappeared from the Sunland Center and was believed to have run away. Nearly 2 years later, Franklin's remains were found in the basement of a building adjacent to the Sunland Center.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 35-1; House 113-3

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/HB 6545 — Relief/Jerry Cunningham/Broward County

by Civil Justice and Claims Subcommittee and Rep. Raburn (SB 314 by Senator Farmer)

This bill provides \$550,000 for the relief of Jerry Cunningham for injuries he sustained due to the negligence of a bus driver employed by Broward County. The bus driver closed the doors of the bus on Jerry's arm as he attempted to board. After the bus pulled away from the bus stop, Jerry ran alongside it for a few seconds, but he eventually fell to the pavement.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 36-1; House 114-3

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/HB 6549 — Relief/Altavious Carter and Dustin Reinhardt/Palm Beach County School Board

by Civil Justice and Claims Subcommittee and Rep. Diaz, J. (CS/CS/SB 304 by Community Affairs Committee; Judiciary Committee and Senator Thurston)

This bill provides \$790,000 for the relief of Altavious Carter for a neck injury he sustained due to the negligence of a school bus driver employed by the Palm Beach County School District. Mr. Carter was a passenger in a vehicle that was stopped a red light when it was struck by a school bus.

The bill also provides \$4.7 million for the relief of Dustin Reinhardt due to a severe head injury he sustained while participating in an auto shop class at the Seminole Ridge Community High School in Palm Beach County. The injury occurred when a large truck tire exploded while Mr. Reinhardt was inflating it.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 31-5; House 117-2

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/SB 164 — Certificates of Title for Motor Vehicles

by Transportation Committee and Senators Grimsley and Baxley

The bill prohibits the Department of Highway Safety and Motor Vehicles and tax collectors from charging a surviving spouse any fee or service charge, excluding an expedited title fee, if applicable, for a motor vehicle certificate of title when the title is being issued solely to remove the deceased coowner from the title.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 118-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

HB 299 — Central Florida Expressway Authority

by Rep. Goodson (SB 720 by Senator Mayfield)

The bill adds Brevard County to the Central Florida Expressway Authority (CFX) by:

- Increasing the number of governing body members from nine to ten;
- Adding the Brevard County Commission chair to the list of chairs authorized to appoint a member to the CFX;
- Adding Brevard County to the list of counties the citizens of which may be appointed by the Governor to serve on the authority;
- Adding the geographical boundary of Brevard County to the area served by the CFX;
- Increasing the number of members constituting a quorum from five to six; and
- Adding Brevard County to the list of counties outside the jurisdictional boundaries of which the CFX may undertake the specified activities with the consent of the county within whose jurisdiction the activities occur, to conform to changes made by the act.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-0; House 112-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/SB 368 — Transportation Facility Designations

by Appropriations Committee; Transportation Committee; and Senators Montford and Campbell

The bill creates a number of honorary designations of transportation facilities around the state and directs the Florida Department of Transportation (FDOT) to erect suitable markers.

Designations are as follows:

- Bridge number 380096 on U.S. 221/S.R. 55 over the Econfina River in Taylor County is designated as “Private First Class Joey Moody Bridge.”
- S.R. 80 between Hickey Creek Road and Carter Lane in Lee County is designated as “Corporal Joseph R. Bertrand Memorial Highway.”
- Interstate 75/S.R. 93A between Fowler Avenue and Fletcher Avenue in Hillsborough County is designated as “Lieutenant Benedict J. Thomas Memorial Highway.”
- The Homestead Extension of the Florida Turnpike/S.R. 821 between mile marker 34 and mile marker 36 in Miami-Dade County is designated as “Trooper Patrick Ambroise Memorial Highway.”
- U.S. 98/S.R. 30 between Ryan Drive/W. 11th Street and N.E./S.E. 12th Street in Franklin County is designated as “SP4 Robert Clifford Millender Memorial Highway.”
- S.R. 53 between U.S. 90/S.R. 10 and the Georgia state line in Madison County is designated as “Joe C. Peavy Highway.”
- U.S. 19/S.R. 55 between the Pinellas County line and the Hernando County line in Pasco County is designated as “Gulf Coast Highway.”
- Davis Boulevard between Adalia Avenue and Adriatic Avenue in Hillsborough County is designated as “Helen Gordon Davis Boulevard.”
- N. Willow Avenue between W. Cypress Street and W. Cass Street in Hillsborough County is designated as “Francisco A. Rodriguez Avenue.”
- N. Garcia Avenue between W. Palm Avenue and W. Ross Avenue in Hillsborough County is designated as “Olympian Theresa Manuel Way.”
- Miami Avenue between N.E. 5th Street and U.S. 41/S.R. 90/S.E. 7th Street in Miami-Dade County is designated as “Robert L. Shevin Memorial Boulevard.”
- U.S. 19/98 South between mile marker 23 and mile marker 25 in Levy County is designated as “Deputy A. Hagood Ellzey Memorial Highway.”
- U.S. 441/S.R. 7 between N.W. 52nd Street and N.W. 65th Street in Miami-Dade County is designated as “Muhammad Ali Boulevard.”
- S.R. 922 between N.E. 10th Avenue and N. Bayshore Drive in Miami-Dade County is designated as “Stanley G. Tate Boulevard.”
- U.S. 27/S.R. 25 between W. 9th Street and E./S.E. 1st Avenue within the City of Hialeah is designated as “Herman Echevarria Way.”
- S.R. 997/Krome Avenue between S.W. 344th Street and S.W. 177th Court in Miami-Dade County is designated as “Robert M. Levy Memorial Boulevard.”
- S.R. 438 between John Young Parkway and Pine Hills Road in Orange County is designated as “Lieutenant Debra Clayton Memorial Highway.”

- C.R. 431/Pine Hills Road between Silver Star Road and S.R. 50 in Orange County is designated as “First Class Deputy Norman Lewis Memorial Highway.”
- I-375/S.R. 592 between I-275 and S.R. 595/4th Avenue in Pinellas County is designated as “C. Bette Wimbish Highway.”
- S.R. 349 between U.S. 98/S.R. 55 in Dixie County and S.R. 20 in Lafayette County is designated as “Joe Anderson, Jr., Memorial Highway.”
- The pair of bridges, bridge numbers 900110 and 900111, over Pine Channel on U.S. 1/S.R. 5 in Monroe County is designated as the “Irene U. Hooper Memorial Bridges.”
- U.S. 1/S.R. 15 between 5th Avenue and C.R. 108 in Nassau County is designated as “Emmitt G. Coakley Memorial Highway.”
- U.S. 98/S.R. 30 between Rosewood Drive in Okaloosa County and Sunrise Drive in Santa Rosa County is designated as “Warren E. ‘Charlie’ and Shirley Brown Memorial Highway.”
- U.S. 90 from Chumuckla Highway to Woodbine Road in Santa Rosa County is designated as “Sheriff Wendell Hall Highway.”
- S.R. 580 in Pinellas County is designated as “Senator Gerald S. ‘Jerry’ Rehm Highway.”
- Bridge number 570172 on U.S. 90/S.R. 10 over the Yellow River in Okaloosa County is designated as “William H. ‘Bill’ Mapoles Bridge.”
- Bridge number 570175 on 77th Special Forces Way over State Road 85 in Okaloosa County is designated as “Brigadier General Thomas ‘Mark’ Stogsdill Memorial Overpass.”
- S.R. 408 between Kirkman Road and Clarke Road in Orange County is designated as “Arnold Palmer Expressway.”
- C.R. 1476/N.E. 8th Avenue between N.E. 15th Street and N.E. 26th Terrace in Alachua County is designated as “Rev. Dr. Thomas A. Wright Boulevard.”
- Palm Avenue between Pembroke Road and Miramar Parkway in Broward County is designated as “Candice Ellize Francois Street.”
- S.R. 9/N.W. 27th Avenue between S.R. 934/N.W. 79th Street and N.W. 41st Street in Miami-Dade County is designated as “Georgia Ayers Way.”
- N.W. 32nd Avenue between N.W. 87th Street and N.W. 83rd Street in Miami-Dade County is designated as “Dr. Clifford Garfield O’Connor Street.”
- U.S. 441/S.R. 7 between N.W. 155th Lane and N.W. 151st Street in Miami-Dade County is designated as “Robert ‘Bobby’ L. Parker, Sr., Memorial Highway.”
- Bridge number 870054 on S.R. 112/W. 41st Street/Arthur Godfrey Road in Miami Beach is designated as the “Senator Paul B. Steinberg Bridge.”
- U.S. 1 between Broward Boulevard and Sunrise Boulevard, in Broward County, is designated as “The Hope and Healing Highway.”
- S.R. 60 between the Hillsborough County line and Mandalay Avenue in Pinellas County is designated as “Purple Heart Trail.”
- S.R. 19 between S.R. 50 and C.R. 478/Cherry Lake Road in Lake County is designated as “Sergeant Marvin L. Roberts Memorial Highway.”
- U.S. 129/S.R. 51 between I-75 in Hamilton County and I-10 in Suwannee County is designated as “Historic Suwannee River Scenic Parkway.”

- SunRail Bridge Number 750255 over U.S. 17/92/S.R. 15 in Orange County is designated as “Reverend Kenneth C. Crossman Bridge.”
- U.S. 29/Pensacola Boulevard between W Street and Marcus Pointe Boulevard/Stumpfield Road in Escambia County is designated as “Wilbur Barry Highway.”
- Bridge Number 860920 over the Stranahan River in Broward County is designated as “John U. Lloyd Bridge.”
- U.S. 41/S.R. 90/S.W. 8th Street between S.W. 53rd Avenue and S.W. 56th Avenue in Miami-Dade County is designated as “Lorenzo de Toro Way.”
- S.W. 22nd Street between S.R. 933/S.W. 12th Avenue and S.W. 13th Avenue in Miami-Dade County is designated as “Luis Fernando Brande Street.”
- U.S. 441/S.R. 500/Orange Blossom Trail between Lake View Drive/Lake Street and S.R. 451 in Orange County is designated as “Anelie Cadet Way.”
- S.R. 909/W. Dixie Highway between N.E. 6th Avenue and N.E. 10th Avenue in Miami-Dade County is designated as “Phares Duverne Highway.”
- N.W. 2nd Avenue between N.W. 103rd Street and N.W. 111th Street in Miami-Dade County is designated as “Carmelau Monestime Street.”
- 27th Avenue between 54th Street and 215th Street in Miami-Dade County is designated as “Jessie Trice Way.”
- U.S. 41/S.R. 45/Tamiami Trail between Corkscrew Road and Coconut Road in Lee County is designated as “Coach Jeff Sommer Memorial Highway.”
- Bridge Number 500087 on I-10 over the Apalachicola River in Gadsden and Jackson Counties is designated as “Rep. J. Troy Peacock Bridge.”
- U.S. 90/S.R. 10 between N. Woodward Avenue and Wadsworth Street in Leon County is designated as “Danny A. Pino Way.”

The bill also revises two previously enacted designations:

- Broad Causeway Boulevard in Miami-Dade County, designated in 1951, is revised to the “Shepard Broad Causeway,” to reflect the full name of the founder of Bay Harbor Islands.
- Reverend Wilner Maxi Street in Miami-Dade County, designated in 2014, is revised to “Reverend Wilner Maxy Street,” to correct the spelling of the Reverend’s surname.

The bill requires the FDOT to erect appropriate signage, at intervals determined by the FDOT along the portion of S.R. 589/Veterans Expressway between S.R. 60 in Hillsborough County and U.S. 98 in Hernando County, commemorating each of the following conflicts involving the United State Armed Forces:

- World War I.
- World War II.
- The Korean War.
- The Vietnam War.
- Operation Desert Shield.
- Operation Desert Storm.
- Operation Enduring Freedom.

- Operation Iraqi Freedom.

If approved by the Governor, these provisions take effect July 1, 2017

Vote: Senate 34-0; House 120-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/HB 493 — Enhanced Safety for School Crossings

by Transportation and Infrastructure Subcommittee; and Rep. Toledo and others (SB 1416 by Senators Young and Passidomo)

The bill requires the Florida Department of Transportation (FDOT) to evaluate the viability and cost of a uniform system of pavement markings and signage for use on all state and local arterial or collector roads within a one-mile radius of all public and private schools for the purpose of designating safe school crossing locations.

Before January 1, 2018, the FDOT must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives providing the findings of its study and any recommendations for legislation relating to safe school crossing locations.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-0; House 119-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/CS/HB 695 — South Florida Regional Transportation Authority

by Government Accountability Committee; Transportation and Tourism Appropriations Subcommittee; Transportation and Infrastructure Subcommittee; and Rep. Santiago (CS/CS/SB 842 by Appropriations Committee; Transportation Committee; and Senator Galvano)

The bill authorizes the South Florida Regional Transportation Authority (SFRTA) to enter into contractual indemnification agreements, subject to certain parameters, with All Aboard Florida (AAF) and Florida East Coast Railway (FECR) on a rail corridor owned by AAF or FECR and in which all three entities operate rail service. The bill authorizes the SFRTA to purchase railroad liability insurance of \$295 million per occurrence, with a \$5 million self-insurance retention account, and limits the SFRTA's obligation to indemnify to the insurance coverage amount.

The bill authorizes the Florida Department of Transportation (FDOT or department) to assume the obligations to indemnify and insure under such contractual agreements any freight rail service, intercity passenger service, and commuter rail service on a department-owned rail corridor or on a rail corridor where the FDOT has the right to operate.

The bill also deems funds provided by the FDOT to the SFRTA to be state financial assistance subject to specified requirements. The bill requires the FDOT to provide funds to the SFRTA in accordance with a written agreement containing certain provisions and authorizes the FDOT to advance 25 percent of total funding at the start of each fiscal year, with monthly payments over the fiscal year from the State Transportation Trust Fund to the SFRTA for maintenance and dispatch on the South Florida Rail Corridor on a reimbursement basis.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 32-0; House 111-6

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/HB 711 — Vessel Registrations

by Transportation and Infrastructure Subcommittee; and Rep. Magar and others (CS/SB 718 by Transportation Committee and Senator Powell)

The bill reduces state vessel registration fees for recreational vessels equipped with a qualifying emergency position-indicating radio beacon or whose owner owns a qualifying personal locator beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration (NOAA) to receive the reduced vessel registration fee.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 34-0; House 116-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/HB 775 — Motor Vehicle Warranty Repairs and Recall Repairs

by Commerce Committee; Careers and Competition Subcommittee; and Rep. Diaz, M. and others (CS/CS/CS/SB 466 by Rules Committee; Commerce and Tourism Committee; Transportation Committee; and Senators Hutson, Gainer, and Broxson)

The bill prohibits a licensed motor vehicle manufacturer, distributor, or importer (licensee), notwithstanding the terms of any franchise agreement, and except as authorized by law upon detection of fraudulent payments, from denying a dealer's claim, reducing the dealer's compensation, or processing a chargeback to a dealer for performing covered warranty or recall repairs on a used motor vehicle due to:

- A dealer's discovery of a need for such repairs during the course of a separate repair requested by the consumer; or
- Notification by the dealer to the consumer of the need for such repairs after issuance of an outstanding recall for a safety-related defect.

The bill also requires a licensee, excluding a motorcycle licensee, who has a franchise agreement with a motor vehicle dealer to compensate the dealer for a used motor vehicle that:

- Is of the same make and model manufactured, imported, or distributed by the licensee;
- Is subject to a recall notice, including a notice issued prior to July 1, 2017, regardless of whether the vehicle is identified by its vehicle identification number;
- Is held in the dealer's inventory at the time the recall notice was issued, or taken into the dealer's inventory after the recall notice due to a consumer trade-in or lease return;
- Cannot be repaired due to unavailability of a remedy for the vehicle within 30 days after issuance of the recall notice; and
- For which the licensee has not issued a written statement to the dealer indicating the vehicle may be sold or delivered to a customer before completion of the recall repair.

Such compensation must be the greater of:

- At least 1.5 percent of the motor vehicle's value for each month, or portion of a month, that the dealer does not receive a remedy for the vehicle; or
- Payment under a national program applicable to all motor vehicle dealers holding a franchise agreement with the licensee for the dealer's costs associated with holding the eligible used vehicle.

Payment shall be calculated from the 31st day after the recall was issued, the 31st day after the vehicle was acquired, or July 1, 2017, whichever is latest.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-0; House 116-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/CS/HB 865 — Department of Transportation

by Government Accountability Committee; Transportation and Tourism Appropriations Subcommittee; Transportation and Infrastructure Subcommittee; and Rep. Williamson and others (CS/CS/SB 1118 by Appropriations Committee; Transportation Committee; and Senators Gainer and Rouson)

The bill contains the Florida Department of Transportation's (FDOT) 2017 Legislative Package, as well as additional transportation-related provisions. More specifically, the bill:

- Directs the FDOT, in consultation with the Department of Highway Safety and Motor Vehicles, to develop a Florida Smart City Challenge Grant Program allowing applicants to compete for funding for demonstrated and documented adoption of emerging technologies and their impact on the transportation system.
- Increases the allowable gross vehicle weight for vehicles using natural-gas fueling systems by up to 2,000 pounds under certain conditions, resulting in a reduced overweight penalty and avoiding a potential loss of federal funds;
- Aligns state and federal law by mandating bridge inspections at intervals as required by the Federal Highway Administration, as opposed to intervals not exceeding two years, resulting in compliance with revised national bridge inspection requirements and avoiding a potential diversion of federal funds;
- Increase the current \$120,000 cap on "fast response" contracts to \$250,000 to account for increased construction costs due to inflation;
- Authorizes the FDOT and certain local governmental entities to prescribe and enforce reasonable rules or regulations with reference to placing and maintaining within the right-of-way limits of any road or publicly owned rail corridors under their respective jurisdictions any voice or data communications services lines or wireless facilities;
- Allows turnpike bonds to be validated at the option of the Division of Bond Finance and limits the location of publication of certain related notices to Leon County;
- Requires the FDOT to undertake an economic feasibility study relating to the acquisition of the Garcon Point Bridge and to submit the completed study to the Governor, the Senate President, and the House Speaker by January 1, 2018;
- Exempts emergency work program amendments from a requirement for Legislative Budget Commission review and approval of any work program amendment in excess of \$3 million that also adds a new project, or phase thereof, to the adopted work program, under specified conditions;
- Repeals the Florida Highway Beautification Council, leaving the FDOT to administer the award of grants for beautification of the State Highway System;
- Defines "department" to mean the FDOT for purposes of part II of ch. 343, F.S., relating to the South Florida Regional Transportation Authority (SFRTA);
- Prohibits the SFRTA from entering into, extending, or renewing any contract without the FDOT's prior review and written approval of the proposed expenditures if such contract may be funded with FDOT-provided funds;

- Deems funds provided by the FDOT to the SFRTA to be state financial assistance subject to specified requirements;
- Requires the FDOT to provide funds to the SFRTA in accordance with a written agreement containing certain provisions;
- Authorizes the FDOT to advance funds to the SFTA at the start of each fiscal year, with monthly payments for maintenance and dispatch on the South Florida rail Corridor over the fiscal year on a reimbursement basis, and requires a reconciliation of the advance against remaining invoices in the last quarter of the fiscal year;
- Required the FDOT, on or before October 31, 2017, to submit to the Governor, the Senate President, and the House Speaker a report providing a comprehensive review of the boundaries and headquarters of each of the FDOT's districts and to provide, along with its report, a study on the expenses associated with creating an additional district with the FDOT's Fort Myers urban office as the district headquarters;
- Authorizes the FDOT secretary to enroll the state in any federal pilot program or project for the collection and study of data for the review of federal or state roadway safety, infrastructure sustainability, congestion mitigation, transportation system efficiency, autonomous vehicle technology, or capacity challenges; and
- Revises cross-references and makes conforming changes.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 33-0; House 118-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/HB 1049 — Limited Access and Toll Facilities

by Government Accountability Committee; and Reps. Avila, Nuñez and others (CS/CS/SB 1562 by Appropriations Committee; Transportation Committee; and Senators Garcia and Campbell)

The bill, subject to certain requirements, prohibits the Miami-Dade County Expressway Authority (MDX) from increasing its tolls unless justified by an independent traffic and revenue study, except to adjust for inflation. The MDX board must approve toll increases by a two-thirds vote. The bill limits the amount of toll revenues used by the MDX for administrative expenses to not greater than ten percent above the annual state average of administrative costs, determined by the Florida Transportation Commission, based on the annual administrative expenses, as defined, of all expressway authorities of this state. The bill requires a distance of five miles between main through-lane tolling points on transportation facilities constructed after July 1, 2017. Subject to any bond covenants, the bill requires the MDX to reduce by at least five percent, but not more than ten percent, the toll charged for SunPass users of its facilities at the time the toll is incurred.

The MDX must dedicate at least 20 percent, but no more than 50 percent, of certain surplus revenues to transportation- and transit-related expenses for projects in the MDX's service area. The metropolitan planning organization for Miami-Dade County is directed to annually list a project or projects within the county to be funded by the MDX's dedicated revenues, with the MDX selecting from the list those expenses that have a rational nexus, as defined, to the MDX's transportation facilities. Miami-Dade County is required to have specified periodic financial audits of the revenues and expenditures of the county's transportation plan conducted by an independent third party and to post the audits on the county's website, to be eligible to receive the MDX's dedicated surplus revenues. The MDX is required to have periodic audits conducted by an independent third party, and to post the audit reports on its website, along with additional financial and operating information.

The bill authorizes the FDOT to require use of an electronic transponder interoperable with the FDOT's electronic toll collection system for the use of high-occupancy toll lanes or express lanes, including express lanes on the turnpike system. Implementation of variable pricing in express lanes on the turnpike system is restricted based on certain level-of-service or highway capacity criteria. Effective July 1, 2018, the bill requires the FDOT to charge a customer the minimum express lane toll if the customer's average travel speed falls below 40 miles per hour, and that a customer be charged a general toll lane toll amount plus an amount set by FDOT rule if the customer's average travel speed falls below 40 miles per hour in an express lane on the turnpike system. The bill also extends the time frame (from 2017 to 2027) during which the FDOT is required to program sufficient funds in the tentative work program such that the percentage of turnpike toll and bond financed commitments in Miami-Dade, Broward, and Palm Beach Counties is at least 90 percent of the share of net toll collections attributable to users of the turnpike system in those counties, as compared to total net toll collections attributable to users of the turnpike system.

If approved by the Governor, these provisions take effect July 1, 2017

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.
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Vote: Senate 36-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

HB 1169 — Transportation Facility Designations

by Rep. Sprowls and others (SB 1390 by Senators Latvala and Simpson)

The bill designates the portion of U.S. 19A/S.R. 595 between Tarpon Avenue and the Pasco County line in Pinellas County as “Officer Charles ‘Charlie K’ Kondek, Jr., Memorial Highway” and directs the Florida Department of Transportation to erect suitable markers.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 33-0; House 117-0

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/HB 1175 — Motor Vehicle Manufacturers and Dealers

by Commerce Committee; Careers and Competition Subcommittee; and Rep. Diaz, M. (CS/SB 1678 by Transportation Committee and Senators Garcia and Campbell)

The bill address issues related to contracts between licensed motor vehicle manufacturers, distributors, and importers (licensees), and motor vehicle dealers. Specifically, the bill provides:

- A dealer who completes any licensee-approved program related to facility construction, improvements, renovations, expansion, remodeling, or alterations, or installation of signs or other image elements is in full compliance with the licensee's requirements related to the new, remodeled, improved, renovated, expanded, replaced, or altered facilities, signs, and image elements for a ten-year period following such completion; and
- A dealer who has completed a prior approved facility incentive program, standard, or policy during the ten-year period but does not comply with the provisions related to facility, sign, or image under a revised or new program is not eligible for the revised or new benefits, but is entitled to all prior benefits plus any increase in benefits between the prior and new or revised program during the remainder of the ten-year period.

The bill also prohibits a licensee from establishing, implementing, or enforcing criteria for measuring sales or service performance of franchised dealers which have a negative material or adverse effect on any dealer and are unfair, unreasonable, arbitrary, or inequitable, or which do not include all applicable local and regional criteria, data, and facts. A licensee, common entity, or affiliate thereof that seeks to establish, implement, or enforce such performance measurements must, upon request of the dealer, describe in writing how the performance measurement criteria were designed, calculated, established, and uniformly applied.

he bill reenacts ss. 320.60-320.70, F.S., to incorporate changes made by the bill.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-0; House 104-12

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/SB 1672 — Tampa Bay Area Regional Transit Authority

by Community Affairs Committee; Transportation Committee; and Senators Latvala, Galvano, Rouson, and Young

The bill renames the Tampa Bay Area Regional Transportation Authority as the Tampa Bay Area Regional Transit Authority (Transit Authority) and makes a conforming name change to create the Metropolitan Planning Organization (MPO) Chairs Coordinating Committee within the Transit Authority. The bill also revises the short title and definitions; revises membership, appointment, term, and quorum requirements; requires the governing board to conduct an evaluation of specified committees; deletes requirements relating to establishment of certain other committees; and revises the new Transit Authority's express purposes to reflect the bill's changes.

Additionally, the bill requires the Transit Authority to develop and adopt a regional transit development plan integrating the transit development plans of participant counties, to include a prioritization of regionally significant transit projects and facilities. The Transit Authority must provide to the Senate President and the House Speaker a plan to produce the regional transit development plan on or before the beginning of the 2018 Regular Session. The plan must adhere to guidance and regulations of the Florida Department of Transportation.

The bill also:

- Requires an action by the Transit Authority regarding state funding of commuter rail, heavy rail transit, or light rail transit to be approved by a majority vote of each MPO serving the county or counties where such rail investment will be made and the approval by an act of the Legislature;
- Prohibits the Transit Authority from engaging in any advocacy regarding a referendum, ordinance, legislation, or proposal under consideration by any governmental entity or the Legislature which relates to such funding; and
- Requires the Transit Authority to conduct a feasibility study before proceeding with the project and before any contract is issued, which must be submitted to the Governor, the Senate President, the House Speaker, and the board of county commissioners of the relevant Transit Authority counties.

Lastly, the bill deletes obsolete provisions; and conforms provisions to changes made by the act.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 117-0