

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

SB 474 — Recreational Off-highway Vehicles

by Senator Perry

The bill increases the dry weight allowed for recreational off-highway vehicles from 2,500 pounds to 3,500 pounds.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 112-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

CS/SB 1006 — State Symbols

by Agriculture Committee and Senators Burgess and Rodrigues

The bill designates strawberry shortcake with natural Florida dairy topping as the state dessert.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 36-0; House 109-4

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

CS/HB 1097 — Florida Citrus

by State Affairs Committee and Rep. Burton (CS/SB 1002 by Community Affairs Committee and Senator Burgess)

The bill creates the "Citrus Recovery Act." Specifically, the bill:

- Increases the membership of the Florida Citrus Commission (commission) from nine members to eleven;
- Increases the number of citrus districts from three to six and revises the counties that comprise each district;
- Requires certain entities to provide reports on citrus production research to the commission at specified intervals and upon request of the commission;
- Requires that new varieties of citrus fruit and certain technology produced from research or studies funded by state funds be made exclusively available for licensing and purchase to certain Florida producers for a specified timeframe;
- Requires producers who receive such exclusivity to retain the exclusivity for a specified timeframe and providing pricing requirements for such arrangements; and
- Requires moneys in the Florida Citrus Advertising Trust Fund to be expended for the activities authorized by s. 601.13, F.S.

If approved by the Governor, these provisions take effect July 1, 2022

Vote: Senate 39-0; House 114-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

SB 1186 — Agritourism

by Senator Albritton

The bill revises the Legislature's intent regarding agritourism and how associated activity affects the assessment of property classified as agricultural.

The bill removes the requirement that agritourism be a secondary stream of revenue for a bona fide agricultural operation. Additionally, it clarifies that an agricultural land classification may not be denied or revoked solely due to the conduct of agritourism on a bona fide farm or due to the construction, alteration, or maintenance of a nonresidential farm building, structure, or facility on a bona fide farm which is used to conduct agritourism activities. However, the buildings, structures, or facilities must be an integral part of the agricultural operation.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 114-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

CS/HB 3 — Law Enforcement

by Appropriations Committee and Reps. Leek, Brannan, and others

This bill provides law enforcement agencies with additional tools to bolster the recruitment and retention of qualified officers by providing financial incentives, enhanced training, expanded educational opportunities, and recognition that honors law enforcement officers' service to the state of Florida. The bill:

- Creates the Florida Law Enforcement Recruitment Bonus Program to provide one-time bonus payments of up to \$5,000 to newly employed law enforcement officers in Florida;
- Creates the Florida Law Enforcement Academy Scholarship Program to cover tuition, fees, and up to \$1,000 of eligible education expenses for trainees enrolled in a law enforcement officer basic recruit training program;
- Creates a reimbursement program to pay for up to \$1,000 of equivalency training costs for certified law enforcement officers who relocate to Florida or members of the special operations forces who become full-time law enforcement officers;
- Provides law enforcement officers who adopt a child from within the state child welfare system with a \$25,000 benefit for adopting a child with special needs or a \$10,000 benefit for adopting a child without special needs;
- Makes dependent children of law enforcement officers eligible to receive a Family Empowerment Scholarship;
- Increases the base salary for each county sheriff by \$5,000;
- Allows a sheriff to transfer funds between the fund and functional categories and the object and subobject code levels after the budget has been approved by the board of county commissioners or budget commission;
- Exempts veterans and applicants with an associate degree or higher from taking the basic skills test as a prerequisite to entering a law enforcement officer basic recruit training program;
- Requires that law enforcement officers receive training in health and wellness principles as part of their initial certification training and continued employment training;
- Allows law enforcement officers or former law enforcement officers to receive postsecondary credit at Florida public postsecondary educational institutions for training and experience acquired while serving;
- Encourages each district school board to establish public safety telecommunication training programs and law enforcement explorer programs in public schools; and
- Designates May 1 of each year as "Law Enforcement Appreciation Day."

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 34-0; House 114-3

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

CS/SB 96 — Emergency Preparedness and Response Fund

by Appropriations Committee and Senator Burgess

The bill (Chapter 2022-1, L.O.F.) amends the financing provisions related to state expenditures made in response to a declared state of emergency. The bill requires funding to first come from funds specifically appropriated to state and local agencies for disaster relief or response. If those funds are insufficient, the bill authorizes the Governor to make funds available by transferring and expending moneys in the Emergency Preparedness and Response Fund.

The bill authorizes the Governor to request the Legislative Budget Commission to approve a request to transfer additional funds to the Emergency Preparedness and Response Fund. The bill directs the immediate transfer of \$500 million from the General Revenue Fund to the Emergency Preparedness and Response Fund.

These provisions became law upon approval by the Governor on February 17, 2022.

Vote: Senate 31-4; House 95-22

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 98 — Emergency Preparedness and Response Fund

by Senator Burgess

The bill (Chapter 2022-2, L.O.F.) creates the Emergency Preparedness and Response Fund within the Executive Office of the Governor. Moneys specifically appropriated to the fund are available as a primary funding source for the Governor for purposes of preparing or responding to a disaster declared by the Governor as a state of emergency that exceeds regularly appropriated funding sources.

In accordance with Art. III, s. 19(f)(2) State Constitution, the Emergency Preparedness and Response Fund terminates four years after the bill becomes a law, unless terminated sooner. Before the fund terminates the Executive Office of the Governor must recommend to the Legislature whether to recreate the fund or allow it to terminate.

These provisions became law upon approval by the Governor on February 17, 2022.

Vote: Senate 34-1; House 99-17

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2508 — Environmental Resources

by Appropriations Committee

The bill, relating to Environmental Resources, conforms statutes to funding decisions relating to environmental resources in the General Appropriations Act for Fiscal Year 2022-2023.

Specifically, the bill:

- Expands the Rural and Family Lands Protection Program within the Department of Agriculture and Consumer Services (DACS) to authorize the DACS to purchase fee interests in land, in addition to less-than-fee interests in land, such as conservation easements.
- Authorizes the Department of Environmental Protection (DEP) to enter into agreements with public entities to expedite evaluation of environmental resource permits and Section 404 permits related to a project or activity that serves a public purpose.
- Requires the South Florida Water Management District (district) to annually certify before the release of state funds that its recommendations to the United States Army Corps of Engineers (corps) are consistent with its district programs and plans.
- Requires water shortages within the Lake Okeechobee Region to be managed pursuant to Rules 40E-21 and 40E-22 F.A.C., and provides that any changes to such rules may not take effect until ratified by the Legislature and presented to the Governor, or if the Legislature fails to act and present to the Governor during the next regular legislative session, such rules shall take effect after the next regular legislative session.
- Reenacts s. 570.93, F.S., relating to a cost-share program for agricultural irrigation systems.
- Transfers, through a type II transfer, the William J. (Billy Joe) Rish State Park from the Agency for Persons with Disabilities to the DEP.

If approved by the Governor, these provisions take effect on July 1, 2022, except where otherwise provided.

Vote: Senate 33-0; House 99-8

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2510 — Florida Gaming Control Commission
by Appropriations Committee

The bill, relating to Florida Gaming Control Commission, conforms statutes to funding decisions related to the Florida Gaming Control Commission (commission) in the General Appropriations Act for Fiscal Year 2022-2023. Specifically, the bill:

- Deletes a requirement that each member of the commission be appointed from each one of the five appellate court districts in light of the Supreme Court's request to create a new Sixth Appellate District.
- Allows a person who has lobbied for a state agency to be appointed as a commissioner or employed as a commission employee.
- Moves the hearing and notice requirements exemption in ch. 120, F.S., for pari-mutuel stewards, judges, and boards of judges from the Division of Pari-mutuel Wagering (division) to the commission.
- Deletes the Pari-mutuel Wagering Trust Fund (PMW) from the Department of Business and Professional Regulation and, instead authorizes the commission to administer the PMW Trust Fund.
- Provides that the daily license fees for pari-mutuel wagering are to be used to fund the operating cost of the commission rather than the division and the proportionate share of the office of the secretary and administration. Provides that slot machine fees shall be used to fund the operating expenses of the commission rather than the division for slot machine regulation operations.
- Deletes the transfer of funds from the PMW Trust Fund to the General Revenue Fund.
- Deletes the transfer of excess funds from the slot machine regulation operations to the General Revenue Fund.
- Requires the commission to evaluate the license fee for slot machine regulatory requirements and make recommendations to the President and Speaker on the level of slot machine license fees by January 1, 2026.
- Provides that the game promotion statute (s. 849.094, F.S.) does not apply to actions regulated by the Florida Gaming Control Commission.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 33-0; House 102-5

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2512 — Aircraft

by Appropriations Committee

The bill, relating to Aircraft, conforms statutes to the funding decisions in the General Appropriations Act for Fiscal Year 2022-2023, which appropriates \$25 million from the General Revenue Fund and \$5.8 million in recurring funds from the Department of Management Services' (department) Operating Trust Fund for the purpose of implementing and administering the executive aircraft pool.

The bill creates an executive aircraft pool within the department for the purpose of furnishing executive air travel.

The bill designates and assigns each aircraft in the executive aircraft pool to a tier of traveler and a priority ranking is assigned for both aircrafts. Trip requests must be scheduled on a first-call, first-served basis, except in the event of a scheduling conflict, when the priority order applies.

The bill provides the executive aircraft pool be operated on a full cost recovery basis, less available funds. The department must charge all users established rates for travel. The department's Operating Trust Fund is to be used as the depository for fee collections for persons traveling on an executive aircraft and for expenditures associated with the costs incurred to operate aircraft management activities of the department.

The bill revises provisions, relating to the list of approved manufacturers from which governmental agencies may purchase drones, to prohibit manufacturers located in or substantially owned, controlled, sponsored, commanded, managed, or dominated by a foreign country of concern. In addition, the bill authorizes the department to update the list of approved manufacturers annually and to provide waivers to governmental agencies overseeing the Florida Forest Service.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 32-1; House 95-11

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2514 — Electronic Filing of Taxes

by Appropriations Committee

The bill, relating to Electronic Filing of Taxes, conforms statutes to the funding decisions in the General Appropriations Act for Fiscal Year 2022-2023.

The bill authorizes the Executive Director of the Department of Revenue to reduce the electronic filing threshold for taxpayers remitting and filing taxes, from \$20,000 to \$5,000. Lowering the electronic filing and payment threshold will result in efficiencies in the department's General Tax Administration Program of \$329,572 in recurring general revenue.

If approved by the Governor, these provisions take effect January 1, 2023.

Vote: Senate 33-0; House 107-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2516 — Office of the Judges of Compensation Claims
by Appropriations Committee

The bill, relating to the Office of the Judges of Compensation Claims (OJCC), conforms statutes to the funding decisions in the General Appropriations Act for Fiscal Year 2022-2023, which reduces \$0.3 million in funding to consolidate and align office locations of the OJCC based on workload cases and realize technological efficiencies.

The bill removes the requirement that the Office of the Judges of Compensation Claims must maintain 17 district offices, 31 judges of compensation claims, and 31 mediators as they existed on June 30, 2001. Removing specified district offices, judges of compensation claims, and mediators allows the OJCC flexibility to consolidate and align district offices based on case workloads and realize technological efficiencies to the adjudication processes.

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

Vote: Senate 33-0; House 107-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2518 — Information Technology

by Appropriations Committee

The bill, relating to Information Technology, conforms statutes to the funding decisions in the General Appropriations Act for Fiscal Year 2022-2023.

The bill separates the State Data Center from the Florida Digital Service within the Department of Management Services. Florida Digital Service duties and responsibilities related to the State Data Center are assigned directly to the State Data Center.

The bill designates the Northwest Regional Data Center as an official State Data Center and transfers all current State Data Center resources, personnel, contracts, and assets to the Northwest Regional Data Center. By July 1, 2022, the secretary of the Department of Management Services is required to contract with the Northwest Regional Data Center to manage the State Data Center operations and provide data center services to state agencies.

The bill maintains existing exemptions for data center consolidation and allows for the Northwest Regional Data Center to provide services from the Department of Management Services State Data Center facility.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 33-0; House 107-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2524 — Education

by Appropriations Committee

The Conference Committee Amendment for SB 2524, relating to education funding, provides for the following:

Section 1 amends s. 435.02, F.S., to include in the definition of ‘specified agency’ in the chapter of law related to employment screening school districts, lab schools, the Florida School for the Deaf and the Blind, the Florida Virtual School, virtual instruction providers, charter schools, hope operators, and private schools participating in an educational scholarship program.

Section 2 modifies s. 435.12, F.S., to require school districts, lab schools, the Florida School for the Deaf and the Blind, the Florida Virtual School, virtual instruction providers, charter schools, hope operators, and private schools participating in an educational scholarship program to conduct background screenings using the Clearinghouse beginning January 1, 2023. These entities must be fully implemented into the Clearinghouse by January 1, 2024, or by a date determined by Agency for Health Care Administration (AHCA).

The AHCA must follow a staggered schedule when conducting rescreening for education entities entering the Clearinghouse:

- Employees last screened on or before June 30, 2019, must be rescreened by June 30, 2024;
- Employees last screened between July 1, 2019, and June 30, 2021, must be rescreened by June 30, 2025; and
- Employees last screened between July 1, 2021, through December 31, 2021, must be rescreened by June 30, 2026.

Section 3 amends s. 464.0195, F.S., to revise the goals of the Florida Center for Nursing. The Florida Center for Nursing must conduct a statistically valid biennial data-driven gap analysis of the healthcare workforce. The gap analysis must include the Florida Center for Nursing’s current law responsibilities to establish and maintain a database on nursing supply and demand in the state and how supply and demand impact the state’s participation in the Nurse Licensure Compact.

Section 4 amends s. 800.101, F.S., to provide criminal penalties for certain individuals for failing to report certain offenses against students by authority figures. A person commits a first degree misdemeanor if the person knowingly or willingly:

- Fails to make a report regarding an incident of an authority figure engaging in or soliciting sexual, romantic, or lewd conduct with a student;
- Submits false, inaccurate, or incomplete information while reporting an authority figure engaging in or soliciting sexual, romantic, or lewd conduct with a student; or

- Coerces or threatens another person with the intent to alter his or her testimony or written report regarding an incident of an authority figure engaging in or soliciting sexual, romantic, or lewd conduct with a student.

Section 5 amends s. 943.0585, F.S., to prohibit individuals seeking employment in school districts, lab schools, the Florida School for the Deaf and the Blind, the Florida Virtual School, virtual instruction providers, charter schools, hope operators, and private schools participating in an educational scholarship program from denying or failing to acknowledge arrests covered by an expunged record.

Section 6 amends s. 943.059, F.S., to prohibit individuals seeking employment in school districts, lab schools, the Florida School for the Deaf and the Blind, the Florida Virtual School, virtual instruction providers, charter schools, hope operators, and private schools participating in an educational scholarship program from denying or failing to acknowledge arrests covered by a sealed record.

Section 7 modifies s. 1001.51, F.S., to require school district superintendents to maintain records of any determination to withhold from a parent information regarding the provision of any services to support the mental, physical, or emotional well-being of the parent's minor child. Any determination must be child-specific and must be annually reviewed.

Sections 8 and 9 amend s. 1001.92, F.S., to modify the criteria for awards under the State University System Performance-Based Incentive. The graduation rate for associate in arts transfer students is changed, for the 2022-2023 fiscal year, from a 2-year rate to a 3-year graduation rate. In addition, a new criterion is added to specify that any institution that has been found to have a substantiated violation of the anti-discrimination principles of individual freedom specified in s. 1000.05(4)(a), F.S., (contingent upon CS/HB 7 becoming law) is ineligible to receive performance funding during the next fiscal year following the year in which the violation is substantiated. Substantiated findings are those as determined by a court of law, a standing committee of the Legislature, or the Board of Governors.

Section 10 amends s. 1002.31, F.S., which modifies provisions related to controlled open enrollment and requires school districts and charter schools to identify and disclose on their websites the capacity for its schools, by grade level, and to update such data every 12 weeks. Each virtual charter school and each school district with a contract with an approved virtual instruction provider must determine capacity based upon specified enrollment requirements. In addition, each district school board must adopt by rule and post on its website the process required to participate in controlled open enrollment. School districts must maintain a wait list of students who are denied access due to capacity and notify parents and accept students when capacity becomes available.

Section 11 amends s. 1002.33, F.S., which modifies provisions related to charter schools and requires the Department of Education to develop a standard virtual charter school contract and

renewal contract for use by the school district and the virtual charter school. A virtual charter school must comply with applicable controlled open enrollment requirements.

Section 12 amends s. 1002.394, F.S., which modifies provisions related to the Family Empowerment Scholarship program and increases the base eligibility from 20,000 to 26,500 beginning in the 2022-2023 school year for the unique ability scholarship option. The act maintains the current annual growth rate, however the growth rate goes into effect in the 2023-2024 school year rather than the 2022-2023 school year. The act maintains the requirement that the Department of Education (DOE) complete a cross check of the list of participating students to verify eligibility, but removes the requirement that the cross-check be completed before to the distribution of each quarterly scholarship payment. The act adds a provision requiring the DOE to adjust scholarship payments to eligible nonprofit scholarship-funding organizations and recalculate the Florida Education Finance Program allocation for school districts upon completion of the cross-check. The act also modifies conditions for a student to be eligible for a scholarship outside of the maximum number of students authorized to participate in the program and increases the transportation scholarship option from \$750 to the per student amount expended by the school district on students riding a bus, whichever is greater.

Section 13 amends s. 1002.395, F.S., which modifies provisions related to the Florida Tax Credit Scholarship program and maintains the requirement that the Department of Education (DOE) complete a cross check of the list of participating students to verify eligibility, but removes the requirement that the cross-check be completed before the distribution of each quarterly scholarship payment and adds a provision requiring the DOE to adjust scholarship payments to eligible nonprofit scholarship-funding organizations upon completion of the cross-check. The act increases the transportation scholarship option from \$750 to the per student amount expended by the school district on students riding a bus, whichever is greater. The act also authorizes administrative expenses to include specified transportation programs.

Section 14 amends s. 1002.40, F.S., which modifies provisions related to the Hope Scholarship program and maintains the requirement that the Department of Education (DOE) complete a cross check of the list of participating students to verify eligibility, but removes the requirement that the cross-check be completed before the distribution of each quarterly scholarship payment and adds a provision requiring the DOE to adjust scholarship payments to eligible nonprofit scholarship-funding organizations upon completion of the cross-check.

Section 15 modifies s. 1002.411, F.S., to align the eligibility for Reading Scholarship Accounts to that of the New Worlds Reading Initiative to now apply to students enrolled in a public school in kindergarten through grade 5, rather than students in grades 3 through 5, who have a substantial reading deficiency identified under s. 1008.25(5)(a), F.S., or who scored below a level 3 on the statewide, standardized English Language Arts assessment in the prior school year.

The act allows instructional personnel to provide services to students receiving a Reading Scholarship Account on the school campus outside of regular work hours.

Section 16 amends s. 1002.421, F.S., to conform provisions to changes made by the act.

Section 17 amends s. 1002.45, F.S., which modifies provisions related to virtual instruction programs (VIP) and authorizes an approved VIP provider to enroll students residing in the school district executing the contract with the provider as well as students in other school districts throughout the state pursuant to the controlled open enrollment requirements. The act requires all VIPs to operate under their own Master School Identification Number as prescribed by the Department of Education, and requires approval of a VIP provider by the State Board of Education. In addition, the act modifies specified accountability and compliance requirements that an approved provider must meet to maintain approval.

The act also aligns the calculation methodology for determining the amount of funds that district virtual full time equivalent (FTE) students receive in the Florida Education Finance Program (FEFP) with the FEFP calculation methodology for students enrolled and reported by the Florida Virtual School, and specifies that only state FEFP funds can be used for out-of-district virtual FTE students enrolled in a school district VIP.

Section 18 amends s. 1002.455, F.S., which modifies provisions related to eligibility for K-12 virtual instruction and clarifies that school districts must comply with specified enrollment requirements established in law.

Section 19 amends s. 1002.81, F.S., to conform provisions to changes made by the act.

Section 20 amends s. 1002.82, F.S., requiring the Department of Education to establish procedures for the calculation of the prevailing market rate and the annual collection of data; conforming cross-references to changes made by the act.

Section 21 amends s. 1002.84, F.S., establishing the distribution methodology that early learning coalitions must use to distribute school readiness program funds to eligible providers; providing requirements for early learning coalitions.

Section 22 amends s. 1002.85, F.S., revising the requirements for the school readiness program plan submitted to the Department of Education by early learning coalitions.

Section 23 amends s. 1002.87, F.S., to conform provisions to changes made by the act.

Section 24 amends s. 1002.89, F.S., providing for the determination of the school readiness program funding for early learning coalitions; providing requirements for such funding calculations.

Section 25 amends s. 1002.895, F.S., providing for the determination of the market rate schedule; requiring the Department of Education to establish procedures for the annual collection of specified data; requiring the Department of Education to provide certain data to the Early Learning Programs Estimating Conference.

Section 26 creates s. 1002.90, F.S., requiring the principals of the Early Learning Programs Conference to develop the official cost of care information; providing requirements for conference principals; requiring the Department of Education to provide conference principals with specified data; requiring the conference to annually provide the official cost-of-care information to the Legislature by a specified date.

Section 27 amends s. 1002.92, F.S., requiring certain child care facilities to annually provide specified data to the statewide child care and resource and referral network.

Section 28 amends s. 1002.995, F.S., to require, subject to an appropriation, the Department of Education to provide incentives to school readiness personnel and Voluntary Prekindergarten Education Program (VPK program) instructors who possess a reading certification or endorsement or a literacy micro-credential and teach students in the school readiness program or the VPK education program.

Section 29 modifies s. 1003.485, F.S., to add to the purposes of the New Worlds Reading Initiative and responsibilities for the administrator. In addition to current law which requires students to be provided options for book topics or genres at the beginning of each school year, the act requires students to be provided the options upon enrollment. The act also:

- Defines “micro-credential” as evidence-based professional development activities that are competency-based, personalized, and on-demand.
- Requires educators to demonstrate their competence via evidence submitted and reviewed by trained evaluators.
- Maintains the purpose of the New Worlds Reading Initiative to improve literacy skills and instill a love of reading by providing high quality books to students in kindergarten through grade 5 who are reading below grade level and redefines the New Worlds Reading Initiative to also include:
 - Improving the literacy skills of students kindergarten through grade 12.
 - The provision of high-quality, free books to students.
 - New Worlds Reading Scholarship Accounts.
 - The New Worlds Scholar program, which rewards high school students who instill a love of reading and improve the literacy skills of students in kindergarten through grade 3.
 - The micro-credential program which emphasizes strong core instruction and a tiered model of reading interventions for struggling readers.
 - Incentives to reward educators who earn a micro-credential or reading endorsement and provide intensive interventions to students who struggle with reading.
- Adds to existing responsibilities of the administrator of the New Worlds Reading Initiative that the administrator must:
 - Provide to teachers professional development and resources that correlate with the books provided through the initiative.
 - Develop micro-credentials that require teachers to demonstrate competency to diagnose literacy difficulties and determine the appropriate range of literacy interventions, use evidence-based instructional and intervention practices, including

evidence-based reading strategies identified by the Just Read, Florida! Office, and effectively use progress monitoring and intervention materials.

Section 30 modifies s. 1003.498, F.S., which specifies that funding for virtual courses must be provided pursuant to the methodology established in the amendment.

Section 31 modifies s. 1003.52, F.S., to require that eligible students enrolled in a juvenile justice education program be funded the same as students enrolled in a traditional public school funded in the Florida Education Finance Program (FEFP) and as specified in the General Appropriations Act.

Section 32 amends s. 1003.621, F.S., to conform provisions to changes made by the act.

Section 33 amends s. 1004.015, F.S., to revise the duties of the Florida Talent Development Council (FTDC). The act adds additional data that must be collected as part of the 10-year trend information on nursing education programs, including the outcomes of the Linking Industry to Nursing Education (LINE) Fund under s. 1009.896, F.S., or the Prepping Institutions, Programs, Employers, and Learners through Incentives for Nursing Education (PIPELINE) Fund under s. 1009.897, F.S., and the outcomes of graduates who received nursing student loan forgiveness.

Section 34 amends s. 1004.04, F.S., to revise program evaluation criteria for teacher preparation programs to remove subgroup performance on statewide, standardized assessments and teacher retention and replace it with candidate readiness based on Florida Teacher Certification Examination (FTCE) passage rates and provide additional weight for placement in teacher shortage areas.

Section 35 creates s. 1004.6496, F.S., to authorize the Board of Trustees of the University of Florida to use funds provided in the General Appropriations Act to establish the Hamilton Center for Classical and Civic Education as an academic unit within the University of Florida. The purpose of the center is to support teaching and research concerning the ideas, traditions, and texts that form the foundations of western and American civilization.

Section 36 amends s. 1004.85, F.S., to revise the uniform core curricula for teacher preparation programs to include strategies that support evidence-based, standards-aligned content and grading practices. It authorizes the State Board of Education (SBE) to weight certain evaluation criteria and approve programs based on national accreditation. The act requires the SBE to adopt criteria for streamlining evaluations for small programs. The act requires that, beginning with candidates entering a program in the 2023-2024 school year, candidates in a traditional preparation program complete 60 hours of field experience before participating in a culminating field experience and candidates in an educator preparation institute complete a period of field experience as determined by SBE rule before becoming the teacher of record.

Section 37 amends s. 1006.12, F.S., to conform provisions to changes made by the act.

Section 38 amends s. 1006.22, F.S., which modifies provisions related to the safety and health of students being transported and expands flexibility for use of motor vehicles other than school buses.

Section 39 amends s. 1006.27, F.S., which modifies provisions related to pooling of school buses and related purchases by district school boards and establishes the Driving Choice Grant Program with the Department of Education to improve access to reliable and safe transportation for students participating in public educational school choice and to support innovative solutions that increase the efficiency of public school transportation.

Section 40 amends s. 1006.73, F.S., by requiring the Florida College System (FCS), State University System (SUS), and Florida Postsecondary Academic Library Network to provide specified support for certain open education resources (OER). The section requires the chancellors of the FCS and SUS to collaborate and take the lead in identifying and developing processes to coordinate and support the adaptation or development of OER. The section establishes the Student Open Access Resources (SOAR) Repository, a statewide, searchable database of open education resources. Additionally, the section establishes the SOAR Grant Program providing funding support to FCS and SUS institutions for the development and curation of open education resources and for migrating existing content to the SOAR Repository.

Section 41 amends s. 1007.271, F.S., to specify that instructional materials for use in dual enrollment courses must be made available to all participating students free of charge, rather than only to public school students. This is consistent with the provisions in s. 1009.30, F.S., relating to reimbursements for instructional materials under the Dual Enrollment Scholarship Program.

Section 42 creates s. 1007.36, F.S., to establish the Inclusive Transition and Employment Management (ITEM) Program and authorize financial support for the program that provides services to young adults with disabilities with transitional skills, education, and on-the-job experience to allow them to gain and retain employment.

Section 43 amends s. 1008.33, F.S., to codify current practice that requires a school that initially receives a grade of “D” to begin implementing intervention and support strategies authorized in State Board of Education rule. Any school receiving an initial grade of “F” or two consecutive grades of “D” must continue to initiate the school improvement turnaround process, but may submit a turnaround plan prior to earning a second consecutive grade of “D.” Additionally, the act provides school districts flexibility in implementing an external operator turnaround option by specifying services that may be contracted, including the option to contract with a charter school network as the external turnaround contractor. A school district and an outside entity that enter in a performance-based contract must establish the contract for a minimum of 2 years.

Section 44 amends s. 1008.34, F.S., to require the State Board of Education to annually review the school grading scale and to adjust the grading scale when more than 75 percent of schools of a school type (i.e. elementary, middle, high, or combination schools) receive a grade of “A” or “B.” The adjustment must raise the minimum number of percentage points required for each

grade to the next closest number ending in 5 or 0. The annual adjustments must be suspended upon the achievement upon a grading scale for each school type as specified in the act.

Section 45 creates an unnumbered section of law requiring the Department of Education (DOE) to collect from each school district the range and median number of minutes, per school year, of time spent testing on district-required assessments and state-required assessments for students in grades PreK-5. The DOE must submit a report, annually, beginning January 1, 2023 through January 1, 2025, of the information collected from school districts and provide recommendations to minimize duplicative testing.

Section 46 amends s. 1009.26, F.S., to increase the number of waiver-eligible Programs of Strategic Emphasis (PSE) from eight to 10. Beginning in the 2022-2023 academic year, students will be eligible to receive the tuition and fee waiver in two additional PSE, specifically in the critical workforce gap analysis category, as adopted by the Board of Governors.

Section 47 amends s. 1009.30, F.S., to modify reimbursements under the Dual Enrollment Scholarship Program. The act modifies the timeline for reporting dual enrollment students and for reimbursements to specify that a postsecondary institution must report students within 30 days after the end of regular registration, and reimbursements must be distributed no later than 30 days after the end of the term.

Section 48 modifies s. 1009.89, F.S., to require each institution eligible to receive funds under the Effective Access to Student Education Grant Program to post prominently on its website, by October 1 of each year, its performance on the metrics specified in law, as reported to the department.

Section 49 modifies s. 1009.895, F.S., to expand the list of institutions eligible for the Open Door Grant Program to include school districts with eligible integrated education and training programs. Additionally, the act removes the requirement that students must complete a yearly Free Application for Federal Student Aid to be considered eligible for the Open Door Grant Program. Lastly, the act provides that an institution may cover the student's one-third of the cost of the program, based on student need, as determined by the institution.

Section 50 creates s. 1009.896, F.S., to establish the Linking Industry to Nursing Education (LINE) Fund, a competitive grant program that provides matching funds, on a dollar-to-dollar basis, to participating institutions that partner with a healthcare provider to recruit faculty and clinical preceptors, increase capacity of high-quality nursing education programs, and increase the number of nursing education program graduates who are prepared to enter the workforce. The act also specifies institution eligibility and participation requirements, including reporting requirements. Additionally, the section requires the Board of Governors and the State Board of Education to adopt regulations and rules, respectively, to administer the LINE Fund.

Section 51 creates s. 1009.897, F.S., to establish the Prepping Institutions, Programs, Employers, and Learners through Incentives for Nursing Education (PIPELINE) Fund to reward school

districts, Florida College System (FCS) institutions, and State University System (SUS) institutions that meet nursing education program performance metrics.

Section 52 modifies s. 1010.20, F.S., to increase the percent of funds that a school district must spend for juvenile justice programs, from 90 to 95 percent of the funds generated by such programs.

Section 53 amends s. 1011.48, F.S., to specify that the fees for a university educational research center for child development are determined by the university board of trustees, and are not required to be approved by the Board of Governors.

Section 54 modifies s. 1011.62, F.S., to include the district cost differential in the formula on determining the basic amount for current operation to be included in the Florida Education Finance Program. The act also increases from 24,000 to 30,000 the upper limit of school district full-time equivalent membership for that district to be eligible for the sparsity supplement. The act also provides schools flexibility in using funds from the evidence-based reading instruction allocation. The act:

- Removes the specific requirement for the 300 lowest performing schools to use the allocation to provide an additional hour of intensive reading instruction. The act provides flexibility for all schools to provide additional time per day in intensive reading instruction.
- Clarifies that reading coaches must be certified or endorsed in reading.
- Provides flexibility for professional development options by authorizing school boards to use funds from the allocation to help instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program (FEFP) earn a certification, a credential, an endorsement, or advanced degree in scientifically researched and evidence-based reading instruction.
- Authorizes teachers or other district personnel who possess an early literacy micro-credential to teach summer camps for students in kindergarten through grade 5. The act does not modify the requirement that a retained grade 3 student in a summer reading camp be provided instruction by a teacher who is certified or endorsed in reading.
- Removes the requirement that scientifically researched and evidence-based supplemental instructional materials purchased with allocation funds must be identified by the Just Read, Florida! Office.
- Authorizes allocation funds to be used for incentives for instructional personnel and certified prekindergarten teachers funded in the FEFP who possess a reading certification or endorsement or a literacy micro-credential and provide educational support to improve student literacy.
- Authorizes allocation funds to be used to provide tutoring in reading.
- Authorizes intensive reading interventions to be provided by instructional personnel who possess a literacy micro-credential.

The act removes the requirement for the Department of Education to prescribe the format for and approve district comprehensive reading plans. The act requires school districts to submit a

comprehensive reading plan, approved by the applicable district school board, charter school governing board, or lab school board of trustees, in consultation with the State Regional Literacy Director, for the specific use of the evidence-based reading instruction allocation.

The act provides that instructional personnel who possess a literacy micro-credential and are delivering intensive reading interventions must be supervised by an individual who is certified or endorsed in reading. The act specifies that “supervision” means the ability to communicate by way of telecommunication with or physical presence of the certified or endorsed personnel for consultation and direction of the actions of the personnel with the micro-credential.

Section 55 amends s. 1011.68, F.S., to expand the use of transportation funds to specify that student transportation funds may be used to pay for specified alternative vehicles when a school bus is impractical, or to support parents or carpools.

Section 56 amends s. 1011.71, F.S., to conform provisions to changes made by the act.

Section 57 amends s. 1012.22, F.S., to require that any compensation for longevity of service awarded to instructional personnel who are not on a performance pay salary schedule must be used in the calculation of salary adjustments for highly effective or effective teachers.

Section 58 amends s. 1012.315, F.S., to clarify that a person is prohibited from becoming certified as a teacher if he or she is ineligible for an exemption from a disqualifying offense under s. 435.07, F.S., which enumerates eligibility for exemptions.

Section 59 modifies s. 1012.32, F.S., to revise the procedure for background screenings, remove the right to appeal certain terminations, and revise provisions specifying financial responsibility and reimbursement for background screenings. Because charter schools will conduct background screenings using the Clearinghouse, the requirement that a district school board reimburse a charter school for the cost of background screening if the district school board fails to notify the charter school of eligible personnel or board members within a specified number of days is repealed.

Section 60 requires that the changes to s. 1012.315, F.S., apply to individuals who are screened after January 1, 2024.

Section 61 amends s. 1012.34, F.S., to clarify that the procedures established by the district school superintendent to evaluate the performance of instructional, administrative, and supervisory personnel are the standards of service to be offered to the public and are not subject to collective bargaining.

Section 62 modifies s. 1012.465, F.S., which modifies background screening requirements for noninstructional personnel to conform to screening provisions established in this act.

Section 63 amends s. 1012.467, F.S.; to require that certain noninstructional personnel complete specified background screening.

Section 64 amends 1012.56, F.S.; to prohibit certain persons from having specified responsibilities before the results of a background screening are available.

Section 65 specifies that the changes to ss. 1012.32 and 1012.56, F.S., must be implemented by January 1, 2024, or by a date set by the Agency for Health Care Administration.

Section 66 amends s. 1012.584, F.S., to conform provisions to changes made by the act.

Section 67 creates s. 1003.4204, F.S., to establish the Safer, Smarter Schools Program (program), which is intended to implement the revised Health Education standards established in the required instruction specified in law. The program curriculum is a comprehensive personal safety curriculum that helps support students in the attainment of learning protective principles to help keep them safe from abuse and exploitation.

Section 68 amends s. 1013.40, F.S., to increase the number of beds from 300 to 340 that may be constructed for dormitories at a Florida College System (FCS) institution within a municipality designated as an area of critical state concern. It also allows the FCS institution to construct an additional 25 beds for employees, educators and first responders.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 31-2; House 83-24

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2526 — Health

by Appropriations Committee

The bill, relating to Health, conforms statutes to the funding decisions related to Health Care in the Senate General Appropriations Act for Fiscal Year 2022-2023. The bill:

- Provides a \$20 million appropriation, beginning in Fiscal Year 2022-2023 through Fiscal Year 2052-2053, to the H. Lee Moffitt Cancer Center and Research Institute (Moffitt) for construction and development of Moffitt's Pasco County life sciences park.
- Authorizes a pharmacist or wholesaler employed by or under contract with a forensic facility managed by the Agency for Persons with Disabilities for dispensing to clients treated in such center to import prescription drugs from an eligible Canadian supplier.
- Requires the Department of Children and Families (DCF) to make contracts with managing entities available in a publicly accessible format on the DCF's website.
- Requires the DCF to conduct a comprehensive, biennial review of the revenues, expenditures, and financial positions of managing entities covering the most recent two consecutive fiscal years.
- Requires managing entities to provide notice to a provider before it may be removed from the managing entity's comprehensive provider network.
- Requires the Agency for Healthcare Administration (AHCA) to base the rates of payments in accordance with the minimum wage requirements as provided in the General Appropriations Act.
- Provides that the Tobacco Settlement Clearing Trust Fund shall be referred to as the Lawton Chiles Trust Fund.
- Renames the Florida National Cancer Institute (NCI) Cancer Centers Program to the Casey DeSantis Cancer Research Program.
- Provides Title XXI extended postpartum coverage for a Title XXI-funded child who reaches 19 years of age to be consistent with Medicaid policy if the child is ineligible for Medicaid.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 33-0; House 107-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2530 — Motor Vehicle Title Fees

by Appropriations Committee

The bill changes the distribution of fees collected for titling motor vehicles to deposit \$30 million into the Highway Safety Operating Trust Fund, reducing the amount deposited into the General Revenue Fund by that amount. The bill does not affect the distribution to the State Transportation Trust Fund.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 33-0; House 106-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5001 — General Appropriations Act

by Appropriations Committee and Representative Trumbull (SB 2500 by Appropriations Committee)

The bill, relating to the General Appropriations Act for Fiscal Year 2022-2023, provides for a total budget of \$112.1 billion, including:

- \$43.7 billion from the General Revenue Fund (GR)
- \$2.8 billion from the Education Enhancement Trust Fund
- \$ 1.2 billion from the Public Education Capital Outlay Trust Fund (PECO TF)
- \$64.3 billion from other trust funds (TF)
- 112,472.26 full time equivalent positions (FTE)

Reserves

Total: \$8.9 billion

- An additional \$1 billion for Inflation Fund was reserved for budget amendments necessary to counter increased costs due to inflation, which is not included in the \$8.9 billion in reserves

Major Issues

Compensation and Benefits

- Minimum Wage Increase to \$15 per hour
 - State Employees (including OPS)
 - FEFP (funding provided in overall BSA increase)
 - VPK Additional Payments
 - Agency for Health Care Administration - Medicaid Services
 - Agency for Persons with Disabilities - Medicaid Waiver Services
 - Nursing Homes
 - Department of Juvenile Justice - Contracted services
 - Department of Veterans Affairs - Contracted services
- 5.38 percent State Employee across-the-board increase to address inflation

Other Pay Issues - All in addition to 5.38 percent across-the-board increase

- State Law Enforcement Officers/Troopers - Increase minimum salary to \$50,000 or an additional 5 percent pay increase, whichever is greater
- Correctional and Probation Officers - Increase minimum salary to \$41,600 (\$20 per hour) and other position classifications ranging from \$45,760 to \$57,886
- State Firefighters - Increase minimum salary to \$41,600 (\$20 per hour)
- Juvenile Justice Detention Officers - Increase minimum salary to \$39,520 (\$19 per hour)
- Juvenile Justice Probation Officers - Increase minimum salary to \$41,600 (\$20 per hour)
- Veterans' Homes Nurses - \$5.6 million for salary and recruitment incentives

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- Assistant State Attorneys and Public Defenders - \$5,000 - \$10,000 pay increase

Education Capital Outlay

Total: \$1.9 billion [\$470.8 million State Funds, \$1.46 billion State Fiscal Recovery Funds]

- Charter School Repairs and Maintenance - \$195.8 million
- Public School Maintenance - \$11.4 million
- College and University Maintenance - \$843.7 million
- Developmental Research School Repairs and Maintenance - \$8.1 million
- Small School District Special Facilities - \$64.4 million
- District Tech Center Projects - \$13.9 million
- Florida College System Projects - \$216.2 million
- State University System Projects - \$563.9 million
- School for the Deaf and Blind Maintenance and Renovation Projects - \$8.5 million
- Public Broadcasting - Health and Safety Issues - \$5 million
- Authorization for State University System (SUS) Capital Improvement Student Fee Projects - \$44.7 million

Education Appropriations

Total Appropriations: \$25.7 billion [\$18.7 billion GR; \$7 billion TF, excludes tuition]

Total Funding - Including Local Revenues: \$39.2 billion [\$25.7 billion state/federal funds; \$13.5 billion local funds][\[1\]](#)

Major Issues

Early Learning Services

Total: \$1.7 billion [\$610.9 million GR; \$1.1 Billion TF]

- Partnerships for School Readiness - \$53.2 million
- School Readiness Program - \$1.1 billion
- Early Learning Standards & Accountability - \$4.9 million
- Voluntary Prekindergarten Program - \$553.4 million
 - Decrease of 2,645 fewer students (\$6.4 million)
 - Voluntary Prekindergarten Program Additional Base Student Allocation (BSA) Payments - \$151.3 million; these additional payments are provided to ensure all VPK instructors are paid a minimum wage of at least \$15 per hour

Public Schools/K12 FEFP

Total Funding: \$24.3 billion [\$13.5 billion state funds; \$10.7 billion local funds]

- FEFP Total Funds increase is \$1.69 billion or 7.5 percent
- FEFP increases in Total Funds per Student is \$384.55, a 4.96 percent increase [from \$7,758.3 to \$8,142.8]
- Base Student Allocation (BSA) increase by \$214.49 or 4.9 percent
- FEFP Base Funds (flexible \$) increase of \$1 billion or 7.15 percent
- Required Local Effort (RLE) increase of \$633.2 million; RLE millage maintained at prior year level of 3.606 mills
- Teacher Salary Increase Allocation - \$250 million increase for a total of \$800 million that school districts must use to increase the minimum salaries of classroom teachers to at least \$47,500
- Safe Schools Allocation - \$30 million increase for a total of \$210 million for School Safety Officers and school safety initiatives
- Mental Health Assistance Allocation - \$20 million increase for a total of \$140 million to help school districts and charter schools address youth mental health issues
- Reading Instruction Allocation - \$40 million increase for a total of \$170 million to provide comprehensive reading instruction
- Turnaround School Supplemental Services Allocation - \$24.4 million - funds for services designed to improve the overall academic and community welfare of students and their families at designated lower performing schools
- Funding Compression & Hold Harmless Allocation - \$68.2 million - compression funds for districts with total funds per FTE that are less than the statewide average and hold harmless funds for districts that have a reduction in the District Cost Differential
- FEFP increases are provided to school districts to ensure all employees are paid a minimum wage of at least \$15 per hour beginning in the 2022-23 school year

Public Schools/K12 Non-FEFP & Ed Media

Total: \$574.1 million [\$565.7 million GR; \$8.3 million TF]

- Coach Aaron Feis Guardian Program - \$6.5 million
- School Recognition Program - \$200 million
- Community School Grant Program - \$7.6 million
- Mentoring Programs - \$11.9 million
- Florida Diagnostic and Learning Resources Centers - \$8.7 million
- New World Reading - \$29 million
- Schools of Hope - \$40 million
- SEED School of Miami - \$11.7 million
- Transition Support Funding for Jefferson County School District - \$5 million
- Computer Science and Teacher Bonuses - \$10 million
- School District Foundation Matching Grants - \$6 million
- Florida Association of District School Superintendents Training - \$750,000
- School and Instructional Enhancement Grants - \$46.4 million
- Florida School for the Deaf & Blind - \$53.2 million

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- School Hardening Grants - \$20 million
- Capital Projects - \$37.3 million

State Board of Education

Total: \$301 million [\$132.1 million GR; \$168.9 million TF]

- Assessment and Evaluation - \$134.7 million
 - VPK and Student Literacy Program Monitoring Systems - \$15.5 million
- Just Read Florida Early Literacy Professional Development - \$1 million
- ACT and SAT Exam Administration - \$8 million

School District Workforce

Total: \$619.7 million [\$328.9 million GR; \$253.8 million TF; \$37 million tuition/fees]

- Workforce Development for career and technical education and adult education - \$390.4 million
- Perkins Career and Technical Education grants and Adult Education and Literacy funds - \$123.3 million
- CAPE Incentive Funds for students who earn Industry Certifications - \$6.5 million
- School and Instructional Enhancement Grants - \$4.4 million
- Pathways to Career Opportunities Grant Program for apprenticeships - \$15 million
- Open Door Grant Program - \$15 million
- Workers Compensation Insurance Premiums for apprenticeship and pre-apprenticeship students - \$2 million
- Nursing Education Initiatives - \$20 million
- No tuition increase

Vocational Rehabilitation

Total: \$246.9 million [\$59.1 million GR; \$187.8 million TF]

- Adults with Disability Funds - \$11.6 million
 - Inclusive Transition and Employment Management Program - \$1.5 million

Florida College System

Total: \$2.2 billion [\$1.3 billion GR; \$241 million TF; \$715.6 million tuition/fees]

- CAPE Incentive Funds for students who earn Industry Certifications - \$14 million GR
- Nursing Education Initiatives - \$59 million
- Open Door Grant Program - \$20 million
- System Wide Base Funding Increases - \$55 million
- Student Open Access Resources (SOAR) - \$5.4 million
- Student Success Incentive Funds - \$30 million GR
 - 2+2 Student Success Incentive Funds - \$20 million GR

- Work Florida Incentive Funds - \$10 million GR
- No tuition increase

State University System

Total: \$5.6 billion [\$3.0 billion GR; \$620.8 million TF; \$1.97 billion tuition/fees]

- Performance Based Funding - \$560 million
- State Investment - \$265 million
- Institutional Investment - \$295 million
- Moffitt Cancer Center Workload - \$10 million in additional funds
- Johnson Matching Grant Program Workload - \$20,000 in additional funds
- IFAS Workload - \$3.6 million
- Nursing Education Initiatives - \$46 million
- Student Open Access Resources (SOAR) - \$5.4 million
- Cybersecurity Resiliency - \$20.5 million
- No tuition increase

Private Colleges

Total: \$173.5 million GR

- HBCUs - \$680 thousand in additional funds
- Nursing and Health related education initiatives - \$2 million
- Engineering and Technology initiatives - \$29 million

Student Financial Aid

Total: \$994 billion [\$268 million GR, \$726 million TF]

- Bright Futures - \$620.9 million
- Benacquisto Scholarship Program - \$36.4 million
 - \$2.2 million workload increase
- Children/Spouses of Deceased or Disabled Veterans - \$13.5 million
 - \$2.5 million workload increase
- Dual Enrollment Scholarship - \$18.05 million
- Law Enforcement Academy Scholarship - \$5 million

Health and Human Services Appropriations

Total Budget: \$48.9 billion [\$14.7 billion GR; \$34.2 billion TF]; 31,191.26 positions

Major Issues

Agency for Health Care Administration

Total: \$38.6 billion [\$10.2 billion GR; \$28.4 billion TF]; 1,539.5 positions

- Medicaid Price Level and Workload - \$2,207.5 billion
- KidCare Workload (Due to Caseload Shift to Medicaid) - (\$58.8) million
- Minimum Wage for Medicaid Providers - \$273.6 million
- Minimum Wage for Nursing Homes - \$212.8 million
- Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) Reimbursement Rates - \$29.6 million
- Maternal Fetal Medicine Provider Rate Increase - \$2.5 million
- Organ Transplant Rate Increase - \$6.3 million
- Specialty Children's Hospitals - \$84.9 million
- Hospital Outlier Payments - \$50.2 million
- Florida Cancer Hospitals - \$156.2 million
- Florida Medicaid Management Information System (FMMIS) - \$112 million
- Program of All-Inclusive Care for the Elderly (PACE) - \$82.7 million

Agency for Persons with Disabilities

Total: \$2.1 billion [\$912.2 million GR; \$1.2 billion TF]; 2,698.5 positions

- Establish Recurring Dental Services Program for the Developmentally Disabled - \$8.5 million
- Direct Service Provider Rate Increases to Address Minimum Wage - \$403 million
- Waiver Rates for Behavior Services - \$14.2 million
- Home and Community Based Services Waiver Waitlist - \$59.6 million

Department of Children and Families

Total: \$4.2 billion [\$2.5 billion GR; \$1.7 billion TF]; 12,231.75 positions

- Child Welfare:
 - Community Based Care Funding Increase - \$158.4 million
 - Mitigate Title IV-E Earnings Shortfall - \$32.6 million
 - Foster Care Child Daycare Subsidy - \$24.9 million
 - Foster Care Board Rate Parity - \$19.1 million
 - Fatherhood Engagement and Family Involvement Programs - \$31.8 million
 - Increased Subsidy for Foster Youth Attending Postsecondary Education - \$16.9 million
 - Maintenance Adoption Subsidies - \$10.1 million
 - Guardianship Assistance Program - \$8.7 million
 - Foster Care Board Rate Adjustment - \$3.3 million
 - Expand Adoption Incentive Benefits to Law Enforcement Officers - \$4 million
- Mental Health and Substance Abuse:
 - Community Based Behavioral Health Services - \$211.1 million
 - Opioid Response Grant - \$24.6 million

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- State Mental Health Treatment Facilities Forensic Beds - \$20 million
- Legal Settlement Funds for Opioid Epidemic Abatement - \$11.3 million
- Florida Assertive Community Treatment (FACT) Team Funding - \$7 million
- Florida System and Florida Safe Families Network Technology Modernization - \$31.5 million

Department of Elder Affairs

Total: \$349.9 million [\$208 million GR; \$141.9 million TF]; 407 positions

- Alzheimer's Disease Initiative - \$12 million
- Community Care for the Elderly - \$9 million
- Aging Resource Centers - \$1 million

Department of Health

Total: \$3.4 billion [\$750.6 million GR; \$2.7 billion TF]; 12,832 positions

- Casey DeSantis Cancer Research Program - \$37.7 million
- H. Lee Moffitt Cancer Center and Research Institute - \$20 million
- Leon Haley, Jr., MD Trauma Center - \$80 million
- Tampa General Hospital - \$10 million
- Fatherhood Grants - Home Visiting Program - \$4.4 million
- Primary Care Health Professional Loan Repayment Program - \$6.6 million and 3 positions
- Mayo Clinic of Jacksonville - \$4 million
- Hearing Aids for Children - \$5 million
- Dental Student Loan Repayment Program - \$1.8 million
- Hormonal Long-acting Reversible Contraception Program - \$2 million

Department of Veterans Affairs

Total: \$186 million [\$71.5 million GR; \$101 million TF]; 1,482.5 positions

- State Veterans' Nursing Homes - Nurses Salary and Recruitment Incentives - \$5.6 million
- State Veterans' Nursing Homes - Contracted Services Increase to Increase Wages to \$15 per hour - \$6.9 million
- Nonrecurring Trust Fund Shift to General Revenue Due to Trust Fund Deficit as a result of the New Homes Delayed Opening, and Decreased Occupancy Rates Due to COVID-19 - \$41.3 million
- Florida is For Veterans Increase for Administration and Programs - \$2.06 million

Criminal and Civil Justice Appropriations

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Total Budget: \$6.9 billion [\$6 billion GR; \$938 million TF]; 45,211.5 positions

Major Issues

- Prison Construction - Two New Facilities:
 - One 4,500 bed facility - \$650 million
 - One 250 bed hospital facility - \$200 million
- Offender Based Information System (OBIS) replacement - \$10.2 million
- Statewide Prosecutor Workload - \$1.8 million and 12 positions
- Solicitor General Workload - \$1.7 million and 10 positions
- Election Crimes Investigations - \$1.5 million and 10 positions
- Cyberfraud Analysis and Education - \$0.5 million and 6 positions
- Increase DJJ Provider Pay to Minimum Wage - \$5.3 million
- Salary Increases for Deputy Sheriffs and County Correctional Officers in Fiscally Constrained Counties - \$15.0 million
- Appellate Court Operational Increases - \$9.7 million and 62 positions
- Sixth DCA Courthouse - \$50.0 million

Department of Corrections

Total: \$3.8 billion [\$3.75 billion GR; \$63.9 million TF]; 23,380 positions

- Construction of one 4,500 Bed Prison - \$650.0 million
- Construction of one 250 Bed Prison Hospital - \$200.0 million
- Price Level Increase for Correctional Officers in Private Prisons - \$33.9 million
- Offender Based Information System (OBIS) Replacement - \$10.2 million
- Information Technology Infrastructure Improvements - \$5.1 million
- Critical Security Equipment - \$3.0 million
- Statewide Recruitment Staffing - \$1.9 million and 12 positions
- Critical Legal Positions - \$1.2 million and 13 positions
- Prison Rape Elimination Act (PREA) Program Compliance - \$1.2 million and 11 positions

Attorney General/ Legal Affairs

Total: \$345.7 million [\$77.3 million GR; \$268.4 million TF]; 1,293.5 positions

- Statewide Prosecutor Workload - \$1.8 million and 12 positions
- Solicitor General Workload - \$1.7 million and 10 positions

Florida Department of Law Enforcement

Total: \$387.6 million [\$226.0 million GR; \$161.6 million TF]; 1,954 positions

- Cyberfraud Analysis and Education - \$0.5 million and 6 positions
- Pensacola Regional Operations Center Facility - \$6.3 million
- Tampa Bay Facility Rent - \$1.7 million

- Sexual Assault Kit Tracking System - \$0.9 million and 2 positions
- Election Crimes Investigations - \$1.5 million and 10 positions
- Salary Increases for Deputy Sheriffs and County Correctional Officers in Fiscally Constrained Counties - \$15.0 million
- Increase Federal Grants Trust Fund Authority - COPS Anti-Methamphetamine Program (CAMP) Grant - \$0.8 million
- Criminal Justice Data Technical Assistance Grant - \$5.0 million
- Biometric Identification Solution (BIS) Modernization - \$3.5 million
- Criminal Justice Data Transparency - \$3.0 million
- Statewide Behavioral Threat Assessment Management Strategy - \$1.3 million and 3 positions

Department of Juvenile Justice

Total: \$607.4 million [\$457.7 million GR; \$149.6 million TF]; 3,247.5 positions

- Increase Provider Pay to Minimum Wage - \$5.3 million
- Expansion of Vocational and Educational Services - \$3.7 million
- Continuation and Expansion of Prevention and Early Intervention Programs - \$1.6 million
- Electronic Monitoring Enhancements - \$1.0 million
- Establishment of an Electronic Health Record - \$0.7 million and 3 positions

Justice Administrative Commission

Total: \$1.07 billion [\$885.1 million GR; \$182.9 million TF]; 10,684 positions

- Child Representation Pilot Program - \$2.4 million and 3 positions
- Staffing Support for the Justice Administrative Commission - \$0.5 million and 4 positions
- Clerks of Court Pandemic Recovery Plan - \$6.3 million
- Guardian ad Litem Trust Fund Authority - \$4.4 million and 67.5 positions
- State Attorney and Public Defender Motor Vehicle Replacement - \$2.5 million

State Court System

Total: \$702.8 million [\$591.3 million GR; \$111.4 million TF]; 4,506.5 positions

- Appellate Court Operational Increases - \$9.7 million and 62 positions
- Sixth DCA Courthouse - \$50.0 million
- Appellate Case Management Solution - \$4.5 million
- Maintain Early Childhood Courts - \$1.0 million and 9 positions
- Trial Courts Pandemic Recovery Plan - \$10.0 million
- Support for Post-Pandemic Proceedings - \$1.9 million
- Supreme Court Fellows Program - \$0.6 million
- Courthouse Furnishings - \$0.9 million

Transportation, Tourism, and Economic Development Appropriations

Total Budget: \$16.5 billion [\$1.0 billion GR; \$15.5 billion TF]; 13,126 positions

Major Issues

- Transportation Work Program - \$11.6 billion
- Affordable Housing Programs - \$362.7 million
- Library, Cultural, and Historical Grants, Initiatives, and Facilities - \$175.3 million
- Urban Search and Rescue Teams Training and Equipment Grants - \$10 million
- Florida National Guard Tuition Assistance - \$5.2 million

Department of Economic Opportunity

Total: \$1.3 billion [\$236.9 million GR; \$1.1 billion TF]; 1,510 positions

- Reemployment Assistance Program Operations and Tax Services Provider - \$33.4 million
- State Housing Initiatives Partnership (SHIP) - \$209.5 million (allocated to local governments)
- Affordable Housing Programs - \$153.3 million, including the State Apartment Incentive Loan (SAIL) and \$100 million for a Florida Hometown Hero Housing Program
- Job Growth Grant Fund - \$50 million SFRF
- VISIT Florida - \$50 million
- Noncustodial Parent Employment Program - \$7.0 million *recurring*
- Law Enforcement Recruitment Bonus Program - \$20 million
- First Responders Recognition Payments - \$125 million SFRF
- Broadband Opportunity Grant Program - \$400 million SFRF
- Consumer-First Workforce Information System - \$150 million SFRF
- Rural Infrastructure Fund - \$30 million (\$25 million SFRF)
- Economic Development Projects - \$6.0 million
- Housing and Community Development Projects - \$107.9 million
- Workforce Projects - \$9.5 million

Department of Highway Safety and Motor Vehicles

Total: \$529.2 million [\$10 million GR; \$519.2 million TF]; 4,340 positions

- Florida Highway Patrol Taser Replacement - \$1.5 million *recurring*
- Florida Highway Patrol Academy Driving Track - \$10 million
- Increased Authority for Work Zone Traffic Enforcement - \$5.8 million
- Additional Commercial Driver License Third Party Testing - \$570,119; 6.0 positions
- Motorist Modernization Project - Phase II - \$10 million

Department of Military Affairs

Total: \$75.3 million [\$31.8 million GR; \$43.5 million TF]; 459 positions

- Florida National Guard Tuition Assistance - \$5.2 million for FYs 2021-2022 and 2022-2023
- Florida State Guard - \$10 million; 6.0 positions
- New Counterdrug Program Headquarters Building - \$2.2 million

Department of State

Total: \$193.7 million [\$163.6 million GR; \$30.1 million TF]; 444 positions

- Libraries Maintenance of Effort - \$23.9 million; and Additional Aid - \$2 million
- Cultural and Museum Programs and Initiatives - \$73.2 million
 - General Program Support Grants - \$46.0 million (fully funds all 556 projects)
 - Culture Builds Florida Ranked List - \$3.1 million (funds all 131 projects)
 - Cultural Facilities Grants Ranked List - \$10 million SFRF (funds 24 projects)
 - Cultural and Museum Projects - \$14.1 million
- Historical Preservation Programs and Initiatives - \$31.1 million
 - Historic Preservation Small Matching Grants Ranked List - \$1.6 million (funds all 58 projects)
 - Historic Preservation Special Category Ranked List - \$21.5 million (funds all 77 projects)
 - Historic Preservation Projects - \$9.4 million
- African-American Cultural and Historical Grants Ranked List - \$30.3 million (SFRF)
- Elections - \$16.2 million GR and TF - includes:
 - Additional Positions for Voter Registration Activities - \$1.1 million; 15.0 positions
 - Office of Election Crimes and Security Investigators - \$1.1 million; 15.0 positions
 - Florida Voter Registration System Modernization Feasibility Study - \$450,000
 - Grants to Supervisors of Elections for Cyber Security - \$8 million
- Memorial for Champlain Towers South - \$1.0 million
- New Artifacts Curation Facility - \$13.8 million SFRF

Department of Transportation

Total: \$12.7 billion [\$498.6 million GR; \$12.3 billion TF]; 6,175 positions

- Transportation Work Program - \$11.6 billion
- County Transportation Programs:
 - Small County Road Resurface Assistance Program (SCRAP) - \$47.7 million (\$20 million SFRF)
 - Small County Outreach Program (SCOP) - \$115.2 million (\$30 million SFRF)
 - County Transportation Programs - \$49.6 million
- Local Transportation Initiatives (Road Fund) Projects - \$498.6 million
- Innovative Grant Program for Transportation Disadvantaged - \$4 million
- Commercial Driver License Training, Testing, and Licensing - \$500,000 *recurring* TF

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Division of Emergency Management

Total: \$1.6 billion [\$63.4 million GR; \$1.6 billion TF]; 198 positions

- New Positions - 11.0 positions; \$1.2 million GR
- Urban Search and Rescue Teams Training and Equipment Grants - \$10 million GR
- Mobile Home Tie-Down Program Increased Funding - \$7 million GR
- Open Federally Declared Disaster (FEMA reimbursement and pass-through) - \$1.5 billion
- Community Recovery, Preparedness, and Critical Facilities Projects - \$30.8 million GR

Agriculture, Environment, and General Government Appropriations

Total Budget: \$9.3 billion [\$2.5 billion GR; \$1.6 billion LATF; \$5.2 billion Other TF]; 20,385 positions

Major Issues***Department of Agriculture & Consumer Services***

Total: \$2 billion [\$271 million GR; \$209.4 million LATF; \$1.5 billion TF]; 3,876 positions

- Rural and Family Lands Protection Program/Wildlife Corridors - \$300 million
- Emergency Wildfire Management - \$93.8 million
- Wildfire Suppression Equipment/Aircraft - \$42.7 million
- Florida Forest Service Aerial Protection Program - \$15 million
- Road/Bridge and Facility Maintenance - \$8.4 million
- Citrus Protection and Research - 5 positions and \$16.6 million
- Lake Okeechobee Agriculture Projects - \$5 million
- Florida Agriculture Promotion Campaign - \$19 million
- Licensing Concealed Weapons Program - 25 positions and \$1.7 million
- Office of Energy Grants - \$3.5 million
- Feeding Programs/Farm Share/Feeding Florida - \$15.1 million
- Agriculture Education and Promotion Facilities - \$31.8 million

Department of Citrus

Total: \$41.8 million [\$20.6 million GR; \$21.2 million TF]; 28 positions

- Citrus Recovery Program - \$13 million
- Building Repair and Maintenance - \$1.5 million

Department of Environmental Protection

Total: \$4.2 billion [\$1.4 billion GR; \$1.3 billion LATF; \$1.5 billion TF]; 3,088 positions

- Everglades Restoration - \$885.9 million
- Water Quality Improvements - \$782.4 million
- Wastewater Grant Program - \$125 million
- Staffing for Environmental Permitting - 33 positions and \$3.3 million
- Indian River Lagoon WQI - \$38 million
- Biscayne Bay Water Quality Improvements - \$20 million
- Springs Coast Watershed - \$20 million
- Caloosahatchee WQI - \$6 million
- Peace River WQI - \$4 million
- Water Projects - \$368.4 million
- C-51 Reservoir - \$65 million
- Florida Keys Aqueduct - \$20 million
- Total Maximum Daily Loads - \$50 million
- Septic Upgrade Incentive Program - \$10 million
- Non-Point Source Planning Grants - \$10 million
- Dade City Wastewater - \$39.7 million
- Water Restoration Assistance Staff - 25 positions and \$3 million
- Flood and Sea-Level Rise Program - \$470.9 million
- Alternative Water Supply - \$50 million
- Water Quality Improvements - Blue Green Algae Task Force - \$10.8 million
- Innovative Technology Grants for Harmful Algal Blooms - \$15 million
- Resilient Florida Program - 25 positions and \$2.4 million
- Springs Restoration - \$75 million
- Florida Forever Programs and Land Acquisition - \$168.7 million
- Division of State Lands - \$100 million
- Florida Recreational Development Assistance Grants - \$10.7 million
- Green Heart of the Everglades Acquisition - \$35 million GR
- Rattlesnake Key Acquisition - \$23 million GR
- Florida Keys Area of Critical State Concern - \$20 million
- Petroleum Tanks Cleanup Program - \$180 million
- Volkswagen Settlement - \$53 million
- Hazardous Waste and Dry Clean Site Cleanup - \$40 million
- Beach Management Funding Assistance - \$50 million
- Drinking Water Revolving Loan Program - \$202.6 million
- Wastewater Revolving Loan Program - \$264.8 million
- Water Infrastructure Improvements - \$178.9 million
- Small County Wastewater Treatment Grants - \$12 million
- Land and Water Conservation Grants - \$13.5 million
- Local Resiliency Projects - \$5 million
- Local Parks - \$58.2 million
- State Parks Maintenance and Repairs - \$239.5 million
- State Park Beach Projects - \$55 million

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Department of Business & Professional Regulation

Total: \$160.2 million [\$1.8 million GR; \$158.5 million TF]; 1,545 positions

- Customer Experience Modernization - \$4.4 million

Florida Gaming Control Commission

Total: \$26.9 million TF; 185 positions

Department of Financial Services

Total: \$477.2 million [\$55.4 million GR; \$421.8 million TF]; 2,568.5 positions

- Florida Planning, Accounting & Ledger Management (PALM) Project - \$45.7 million
- Information Technology Upgrades to Software, Hardware, and Equipment - \$7.7 million
- Florida Firefighter Cancer Research - \$2.0 million
- Local Government Fire and Firefighter Services - \$46.3 million
- Law Enforcement Positions, Equipment, Training and Enhancements - 12 positions and \$4.3 million

Fish & Wildlife Conservation Commission

Total: \$481.2 million [\$108.6 million GR; \$107.6 million LATF; \$265 million TF]; 2,149 positions

- Marine Fisheries Recovery Grant Program - \$2.5 million
- Law Enforcement Equipment Replacement - \$12.7 million
- Law Enforcement Enhanced Patrol and Support - 12 positions and \$2.6 million
- FWC Buildings Maintenance and Repair - \$4.2 million
- Manatee Management Care - \$20 million
- Boating Infrastructure and Improvement Program - \$7.2 million
- Derelict Vessel Removal - \$19.9 million
- Nuisance and Invasive Species Response - \$2 million
- Apalachicola Bay Oyster Restoration - \$3.2 million
- Land Use Planning Program - 10 positions and \$0.8 million

Department of the Lottery

Total: \$210 million TF; 418.5 positions

- Increased Payments Related to Ticket Purchases - \$6.7 million
- Prize Payment System - \$4.0 million

Department of Management Services

Total Budget: \$1 billion [\$421.2 million GR; \$623.4 million TF]; 1,025.5 positions

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- Florida Facilities Pool (FFP) Fixed Capital Outlay - 16 positions and \$61.8 million
- Capitol Complex Renovations and Repairs - \$115 million
- State Emergency Operations Center - \$80 million
- Department of Corrections Facilities Master Plan - \$5 million
- MyFloridaMarketPlace - \$5.8 million
- Division of Retirement Critical Workload - 20 positions and \$2.4 million
- Executive Aircraft Program - 17 positions and \$30.8 million
- Cybersecurity - 8 positions and \$119.2 million
- Cloud Modernization and Migration - \$163.4 million
- Northwest Regional Data Center (NWRDC)/State Data Center - \$20 million
- State Data Center Contract with NWRDC - 7 positions and \$1 million

Division of Administrative Hearings

Total Budget: \$29.2 million TF; 216 positions

Public Service Commission

Total: \$27.8 million TF; 274 positions

Department of Revenue

Total: \$637.8 million [\$230 million GR; \$407.8 million TF]; 5,012 positions

- Fiscally Constrained Counties - \$38.8 million
- IT Issues - \$9 million

If approved by the Governor, these provisions take effect July 1, 2022, except where otherwise expressly provided.

[\[1\]](#) Local revenues include required and discretionary local effort for the public schools and tuition and fees for workforce, colleges, and universities.

Vote: Senate 33-0; House 105-3

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5003 — Implementing the 2022-2023 General Appropriations Act
by Appropriations Committee and Rep. Trumbull (SB 2502 by Appropriations Committee)

The bill, relating to implementing the Fiscal Year 2022-2023 General Appropriations Act, provides the following substantive modifications for the 2022-2023 fiscal year:

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the GAA for Fiscal Year 2022-2023.

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 appropriated for instructional materials shall be released and expended as required in the GAA.

Section 4 amends s. 1013.62, F.S., to provide that for the 2022-2023 fiscal year, charter school capital outlay funding shall consist of state funds appropriated in the General Appropriations Act and not revenue resulting from discretionary millage.

Section 5 provides that the amendments to s. 1013.62(1), F.S., expire July 1, 2023.

Section 6 amends s. 1011.62, F.S., to extend for 1 year the authorization for the Legislature to provide a funding compression and hold harmless allocation in the FEFP.

Section 7 reenacts s. 1001.26, F.S., to allow public colleges and universities that are part of a public broadcasting system to qualify to receive state funds.

Section 8 provides that the amendments to s. 1001.26(1), F.S., expire July 1, 2023.

Section 9 amends s. 1002.45, F.S., revising conditional approval for virtual instruction programs to remain valid for 2 years, rather than 1 school year.

Section 10 provides that the amendments to s. 1002.45, F.S., expire July 1, 2023.

Section 11 amends s. 1008.36, F.S., revising provisions addressing the Florida School Recognition Program.

Section 12 provides that the amendments to s. 1008.36, F.S., expire July 1, 2023.

Section 13 authorizes the Florida State University to use revenues derived from student facilities fees to pay and secure debt with annual debt service in an amount not to exceed \$4 million to finance or refinance the University's new Student Union Project.

Section 14 authorizes the Agency for Health Care Administration (AHCA) to submit a budget amendment to realign funding between the AHCA and the Department of Health (DOH) for the Children’s Medical Services (CMS) Network for the implementation of the Statewide Medicaid Managed Care program to reflect actual enrollment changes due to the transition from fee-for-service into the capitated CMS Network.

Section 15 authorizes the AHCA to submit a budget amendment to realign funding within the Medicaid program appropriation categories to address any projected surpluses and deficits and maximize the use of state trust funds. A single budget amendment must be submitted in the last quarter of the 2022-2023 fiscal year only.

Section 16 authorizes the AHCA and the DOH to each submit a budget amendment to realign funding within the Florida KidCare program appropriation categories, or to increase budget authority in the Children’s Medical Services Network category, to address projected surpluses and deficits within the program or to maximize the use of state trust funds. A single budget amendment must be submitted by each agency in the last quarter of the 2022-2023 fiscal year only.

Section 17 amends s. 381.986, F.S., to provide that DOH is not required to prepare a statement of estimated regulatory costs when promulgating rules relating to medical marijuana and any such rules adopted prior to July 1, 2023, are exempt from the legislative ratification provision of s. 120.541(3), F.S.

Section 18 reenacts and amends s. 14(1) of chapter 2017-232, L.O.F., to provide limited emergency rulemaking authority to the DOH and applicable boards to adopt emergency rules to implement the Medical Use of Marijuana Act. The DOH and applicable boards are not required to prepare a statement of estimated regulatory costs when promulgating rules to replace emergency rules, and any such rules are exempt from the legislative ratification provision of s. 120.541(3), F.S., until July 1, 2023.

Section 19 provides that the amendments to s. 14(1) of chapter 2017-232, L.O.F., expire on July 1, 2023, and the text of that provision reverts back to that in existence on June 30, 2019.

Section 20 authorizes the AHCA to submit a budget amendment to implement the federally approved Directed Payment Program and the Indirect Medical Education Program.

Section 21 authorizes the Department of Children and Families (DCF) to submit a budget amendment to realign funding within appropriations for the Guardianship Assistance Program.

Section 22 authorizes the DCF to submit a budget amendment to realign funding within the Family Safety Program to maximize the use of Title IV-E and other federal funds.

Section 23 authorizes the DCF to submit a budget amendment to realign funding between appropriation categories to support contracted staffing equivalents to sustain forensic bed capacity and resident-to-workforce ratios at state's mental health treatment facilities.

Section 24 authorizes the DOH to submit a budget amendment to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues specific to the program become available in the 2022-2023 Fiscal Year.

Section 25 authorizes the DOH to submit budget amendments to increase budget authority for the department if additional federal revenues specific to COVID-19 relief funds become available.

Section 26 reenacts and amends subsections (1)-(5) of s. 42 of Chapter 2020-114, L.O.F., to provide the components of the new Medicaid Enterprise System (MES) included in the AHCA's new Florida Health Care Connection (FX) system, the executive steering committee membership for the FX information technology project, and the procedures for executive steering committee meetings and decisions for the FX project.

Section 27 requires the ACHA, in consultation with the DOH, the APD, the DCF, and the Department of Corrections (DOC), to competitively procure a contract with a vendor to negotiate prices for prescription drugs, including insulin and epinephrine, for all participating agencies. The contract must require the vendor be compensated on a contingency basis paid from a portion of the savings achieved through the negotiation and purchase of prescription drugs.

Section 28 provides that the unexpended balance of funds provided to the DCF for the Family Support Services of Suncoast Community Based Care lead agency must be carried forward and made available to the lead agency for the same purpose.

Section 29 notwithstanding s. 381.915, F.S., to exclude \$37,771,257 from the calculation for the distribution of funds.

Section 30 amends s. 216.262, F.S., to allow the Executive Office of the Governor to request additional positions and appropriations from unallocated general revenue funds during the 2022-2023 fiscal year for the DOC, if the actual inmate population of the DOC exceeds the Criminal Justice Estimating Conference forecasts of January 13, 2022. 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.

Sections 31 amends s. 1011.80(8)(b), F.S., to permit the expenditure of appropriations for the education of state or federal inmates to the extent funds are specifically appropriated in the GAA.

Section 32 provides that the amendments to s. 1011.80(8)(b), F.S., expire July 1, 2023.

Section 33 amends s. 215.18, F.S., to provide the Chief Justice of the Florida Supreme Court the authority to request a trust fund loan to ensure the state court system has sufficient funds to meet its appropriations contained in the GAA for Fiscal Year 2022-2023.

Section 34 requires the Department of Juvenile Justice (DJJ) to ensure that counties are fulfilling their financial responsibilities required in s. 985.6865, F.S., and to report any deficiencies to the Department of Revenue. If DJJ determines that a county has not met its obligations, it must direct the Department of Revenue to deduct the amount owed to DJJ from shared revenue funds provided to the county under s. 218.23, F.S. to be deposited into the Shared County/State Juvenile Detention Trust Fund in DJJ. The section also includes procedures to provide assurance to holders of bonds for which shared revenue fund distributions are pledged.

Section 35 reenacts s. 27.40, F.S., relating to criminal case conflicts to require written certification of conflict by a public defender. If the office of criminal conflict and civil regional counsel cannot accept a case from the public defender due to conflict, the office of civil regional counsel is required to specifically identify and describe the conflict of interest and certify the conflict to the court before a court-appointed counsel may be assigned. Each public defender and regional counsel must report, in the aggregate, the basis of all conflicts of interest certified to the court on a quarterly basis.

In addition, contracts with appointed counsel and forms used in billing by court-appointed counsel are required to be consistent with ss. 27.5304 and 216.311, F.S. A contract with court-appointed counsel must specify that payment is contingent upon an appropriation by the Legislature. The flat fee established in s. 27.5304, F.S., is required to be presumed to be sufficient compensation.

The Justice Administrative Commission (JAC) also is required to review appointed counsel billings, and objections by the JAC are required to be presumed correct unless a court determines, in writing, that competent and substantial evidence exists to justify overcoming the presumption. If an attorney does not permit the JAC or the Auditor General to review billing documentation, the attorney waives the claim for attorney fees. A finding by the JAC that the appointed counsel waived the right to seek compensation above the flat fee is required to be presumed correct, unless a court determines, in written findings, that competent and substantial evidence exists to overcome the presumption.

Section 36 provides that the amendments to s. 27.40, F.S., expire July 1, 2023.

Section 37 reenacts s. 27.5304, F.S., to increase, for the 2022-2023 fiscal year, the statutory compensation limits for fees paid to court-appointed attorneys in noncapital, nonlife felony and life felony cases. The Legislature is authorized to establish the actual amounts paid to attorneys in these categories in the GAA for Fiscal Year 2022-2023.

In addition, court-appointed counsel may be compensated only in compliance with ss. 27.40(1), (2)(a), (7) and 27.5304, F.S., and the GAA. The JAC is required to review all billings and must

contemporaneously document its review before authorizing payment to an attorney. Objections by the JAC to billings by an attorney are required to be presumed correct by a court unless the court determines, in writing, that competent and substantial evidence supports overcoming the presumption. Motions to exceed the flat fee are required to be served on the JAC at least 20 business days before the hearing date, and the JAC may appear at the hearing in person or telephonically.

Section 38 provides that the amendments to s. 27.5304, F.S., expire July 1, 2023.

Section 39 notwithstanding proviso in the GAA to provide \$4.5 million from General Revenue to Department of Corrections to grant special pay adjustments to address compression issues for eligible employees in institutions and community corrections management positions.

Section 40 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, 2025.

Section 41 notwithstanding s. 216.292(2)(a), F.S., which authorizes transfers of up to 5 percent of approved budget between categories. Agencies will be prohibited from transferring funds from data center appropriation category to a category other than a data center appropriation category.

Section 42 requires the DMS to contract with the NWRDC, effective July 1, 2022, for the management, operation, and staffing of the State Data Center. Provides contract requirements. Specifies that all functions, records, personnel, contracts, interagency agreements, and assets of the SDC are transferred to the NWRDC.

Section 43 transfers all functions, records, personnel, contracts, interagency agreements, and assets of the current DMS SDC to the NWRDC.

Section 44 allows Executive Office of the Governor (EOG) to transfer funds appropriated in the Northwest Regional Data Center appropriations category between departments in order to align the budget authority granted based on estimated billings.

Section 45 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 46 authorizes the EOG to transfer funds in the appropriation category “Special Categories - Transfer to DMS - Human Resources Services Purchased per Statewide Contract” of the GAA for Fiscal Year 2021-2022 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 47 authorizes the DMS to use certain facility disposition funds from the Architects Incidental Trust Fund to pay for relocation costs associated with disposing of a state-owned building.

Section 48 amends s. 550.135, F.S., authorizing certain pari-mutuel fees to be used to fund the operation of the Florida Gaming Control Commission.

Section 49 provides that the amendments to s. 550.135, F.S., expire July 1, 2023.

Section 50 amends s. 849.086, F.S., to revise a cross-reference.

Section 51 provides that the amendments to s. 849.086, F.S., expire July 1, 2023.

Section 52 reenacts and amends subsections (1)-(5) of s. 72 of chapter 2020-114, L.O.F., to define 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 membership and the procedures for executive steering committee meetings and decisions.

Section 53 reenacts s. 282.709(3), F.S., to carry forward the DMS's authority to execute a 15-year contract with the Statewide Law Enforcement Radio System (SLERS) operator.

Section 54 provides that the amendment to s. 282.709(3), F.S., expires July 1, 2023, and the text of that section reverts to that in existence on June 30, 2021.

Section 55 authorizes state agencies and other eligible users of the SLERS to, notwithstanding s. 287.057, F.S., use the DMS SLERS contract for the purchase of equipment and services related to the SLERS.

Section 56 reduces the transaction fee collected for use of the online procurement system from one percent to 0.7 percent for Fiscal Year 2022-2023.

Section 57 provides that lottery ticket sale commissions must be 5.75 percent for Fiscal Year 2022-2023.

Section 58 provides that the amendment to s. 24.105, F.S., expires July 1, 2023.

Section 59 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, State Constitution. This transfer is a temporary loan, and the funds must be repaid to the trust funds from which the moneys are loaned by the end of the 2022-2023 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 60 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 the LATF within the Fish and Wildlife Conservation Commission for cash flow purposes.

Section 61 amends s. 576.045, F.S., to extend the repeal date for the following supplemental fees:

- One hundred dollars for each license to distribute fertilizer.
- One hundred dollars for each specialty fertilizer registration.
- Fifty cents per ton for all fertilizer that contains nitrogen or phosphorous that is sold in this state.

Section 62 reenacts and amends s. 375.041, F.S., to provide that the distribution from the Land Acquisition Trust Fund for restoration of Lake Apopka for the 2022-2023 fiscal year not occur.

Section 63 reenacts s. 570.93, F.S., to revise the agricultural water conservation program to enable cost-share funds to continue to be used for irrigation system retrofits and mobile irrigation lab evaluations. The revision also permits the funds to be expended on additional water conservation activities pursuant to s. 403.067(7)(c), F.S.

Section 64 provides that the amendments to s. 570.93, F.S., expire July 1, 2023.

Section 65 reenacts s. 376.3071, F.S., to revise the requirements for the usage of the Inland Protection Trust Fund for ethanol and biodiesel damage to petroleum tanks.

Section 66 provides that the amendments to s. 376.3071, F.S., expire July 1, 2023.

Section 67 provides that in order to expedite the closure of the Piney Point facility located in Manatee County, the DEP is exempt from the competitive procurement requirements of s. 287.057, F.S., for any procurement of commodities or contractual services in support of the site closure or to address the environmental impacts associated with the system failure.

Section 68 notwithstanding ch. 255, F.S., to allow the Department of Agriculture and Consumer Services to administer a program to expedite the expansion of citrus tree propagation.

Section 69 notwithstanding ch. 287, F.S., to allow the Department of Citrus to enter into agreements to expedite the increased production of disease free citrus trees.

Section 70 amends s. 321.04, F.S., to provide that for the 2022-2023 fiscal year, the Department of Highway Safety and Motor Vehicles may assign a patrol officer to a Cabinet member if the department deems such assignment appropriate or if requested by such Cabinet member in response to a threat. Additionally, the Governor may request the department to assign one or more highway patrol officers to the Lieutenant Governor for security services.

Section 71 amends s. 215.559, F.S., providing for the Manufactured Housing and Mobile Home Mitigation and Enhancement Program to be operated by the Gulf Coast State College; delaying the repeal of the Hurricane Loss Mitigation Program within the Division of Emergency Management.

Section 72 amends s. 288.0655, F.S., relating to the Rural Infrastructure Fund, to provide that funds appropriated for the grant program for Florida Panhandle counties must be distributed pursuant to and for the purposes described in proviso.

Section 73 amends s. 288.80125, F.S., relating to the Triumph Gulf Coast Trust Fund, to provide that funds shall be used for the Rebuild Florida Revolving Loan Fund Program to provide assistance to businesses impacted by Hurricane Michael as provided in the GAA.

Section 74 amends s. 339.08, F.S., extending for 1 year a requirement that certain funds appropriated from the General Revenue Fund be used on State Highway System projects and grants to Florida ports as provided in the GAA.

Section 75 amends s. 339.135(7), F.S., to authorize the chair and vice chair of the Legislative Budget Commission to approve, pursuant to s. 216.177, F.S., a work program amendment that adds a new project, or a phase of a new project, in excess of \$3 million if a commission meeting does not occur within 30 days of submittal of the amendment by the Department of Transportation.

Section 76 amends s. 288.9015, F.S., deleting authority for Enterprise Florida, Inc., to carry forward unexpended state appropriations.

Section 77 provides that the amendments to s. 288.9015, F.S., expire July 1, 2023.

Section 78 amends s. 420.0005, F.S., extending by 1 fiscal year the authorization to use funds in the State Housing Trust Fund as provided in the GAA.

Section 79 amends s. 331.3101, F.S., to limit Space Florida's expenditures on entertainment and lodging and require Space Florida to submit additional information in its annual report relating to itemized expenses and information related to corrective actions taken by Space Florida to address the findings in the 2022-049 Auditor General Report.

Section 80 creates s. 251.001, F.S., creating the Florida State Guard. Subject to appropriation, authorizes the creation of the guard to be used exclusively within the state, separate and apart from the Florida National Guard. Provides that the maximum number of personnel that may be commissioned, enrolled, or employed as members of the Florida State Guard is 400. Provides that the Florida State Guard may be activated when the Florida National Guard is in active federal service and the Governor has declared a state of emergency.

Section 81 provides that for Fiscal Year 2022-2023, toll rates may not be adjusted for inflation under s. 338.165, F.S.

Section 82 amends s. 112.061, F.S., to authorize a lieutenant governor who permanently resides outside of Leon County to designate an official headquarters in his or her county as his or her official headquarters for purposes of s. 112.061, F.S. A lieutenant governor for whom an official headquarters in his or her county of residence is established may be paid travel and subsistence expenses when traveling between their official headquarters and the State Capitol to conduct state business.

Section 83 revises the DMS's authority relating to the procurement of HMOs, including notwithstanding the requirement for metal plans. Authorizes the DMS to enter into contracts that may require the payment of administrative fees in excess of 110 percent of the amount appropriated in the GAA.

Section 84 maintains legislative salaries at the July 1, 2010, level.

Section 85 reenacts 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 General Appropriations Act.

Section 86 provides that the amendment to s. 215.32(2)(b), F.S., expires July 1, 2023, and the text of that section reverts to that in existence on June 30, 2011.

Section 87 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 88 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 \$175 per day. An employee may expend his or her own funds for any lodging expenses in excess of \$175 per day. Exempts travel for conducting an audit, examination, inspection or investigation or travel activities relating to a litigation or emergency response.

Section 89 reenacts and amends s. 216.181, F.S., to authorize the Legislative Budget Commission (LBC) to increase the amounts appropriated to state agencies for certain fixed capital outlay projects using specified federal funds for deferred maintenance. The bill also authorizes the LBC to approve budget amendments to increase the approved operating budgets for operational and fixed capital outlay expenditures of a state agency or an entity of the judicial branch when deemed necessary to offset cost increases driven by inflation.

Section 90 amends s. 350.0614, F.S., to provide that the operating budget, as approved jointly by the President of the Senate and the Speaker of the House of Representatives, from moneys appropriated to the Public Counsel by the Legislature constitutes the allocation under which the Public Counsel must manage the duties of his or her office and requires the Public Counsel to submit annual budget amendments to the Legislature in the format, detail, and schedule determined by the President of the Senate and the Speaker of the House of Representatives.

Sections 91 through 95 provide that the electronic submission of forms must begin January 1, 2023, rather than January 1, 2022. Requires the commission to provide notice on its website and send forms by email.

Section 96 for Fiscal Year 2022-2023, prohibits a state agency, political subdivision, public school, state college, or state university from entering into a cultural agreement or accepting a grant from the Russian Federation.

Section 97 requires the Department of Management Services to review all state agency contracts and procurements to determine what, if any, state funds are spent on goods and services from Russian-based companies. The DMS must submit its findings in a report to the Legislature by December 1, 2022.

Section 98 specifies that no section of the bill shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 99 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 100 provides a severability clause.

Section 101 provides effective dates.

If approved by the Governor, these provisions take effect July 1, 2022, except where otherwise expressly provided.

Vote: Senate 33-0; House 105-3

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5005 — Collective Bargaining

by Appropriations Committee and Rep. Trumbull (SB 2504 by Appropriations Committee)

The bill, relating to collective bargaining, directs that the resolution of collective bargaining issues at impasse for the 2022-2023 fiscal year which are not addressed by the General Appropriations Act shall be resolved in accordance with the personnel rules in effect on January 11, 2022, and by otherwise maintaining the status quo under the language of the applicable current collective bargaining agreement.

Vote: Senate 33-0; House 108-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5009 — State Group Insurance Program

by Appropriations Committee and Rep. Stevenson (SB 2506 by Appropriations Committee)

The bill, relating to the State Group Insurance Program, conforms to the Fiscal Year 2022-2023 General Appropriations Act (GAA). The GAA contains \$2.5 million and 3.00 positions related to the creation of an anti-fraud unit within the Division of State Group Insurance.

The State Group Insurance Program (SGI Program) is created by s. 110.123, F.S., and is administered by the Division of State Group Insurance (DSGI) within the Department of Management Services (DMS). The SGI Program is an optional benefit for most state employees employed by executive branch agencies, state universities, the court system, and the Legislature and includes health, life, dental, vision, disability, and other supplemental insurance benefits. The SGI Program typically makes benefits changes on a plan year basis, January 1 through December 31.

In Fiscal Year 2021-2022, the SGI Program will serve nearly 170,000 enrolled employees at the cost of \$2.9 billion. The Revenue Estimating Conference forecasts the SGI Program will serve approximately the same number of employees at a cost of \$3.1 billion in Fiscal Year 2022-2023.

The bill amends statutes to make the following changes:

- Provides that eligible former employees of state government may reenroll in the SGI Program within 24 months of separation from employment which occurred on or after July 1, 2022. All eligible former employees must pay the same premiums as early retirees.
- Directs the DMS to establish an anti-fraud unit within DSGI by December 31, 2022. Specifically, the DMS must establish and maintain a designated anti-fraud unit to investigate and report possible fraudulent insurance acts by insureds, persons making claims for services against the State Employees Health Insurance Trust Fund, or vendors under contract with the division. The bill authorizes the division to contract for the provisions related to the anti-fraud division and requires the DMS to designate staff with the primary responsibility of implementing those provisions.
- Waives member cost share within the Price Transparency Program.
- Deletes obsolete language relating to additional state appropriations to the state group health insurance program.
- Ratifies the DMS's rule to create nine HMO regions across the state pursuant to s. 110.123(3)(h)2.d., F.S.
- Repeals the Metal Tier health plan contained in s. 110.123(3)(j), F.S.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 33-0; House 108-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5011 — Inflation Fund

by Appropriations Committee and Rep. Trumbull

The bill creates the Inflation Fund within the Executive Office of the Governor. The bill provides that unprecedented inflation driven by federal economic policies necessitates the need for a reserve to ensure there are sufficient funds, as appropriated in the General Appropriations Act, available to allow for budget amendments when inflation-driven costs exceed appropriations in the General Appropriations Act.

Article III, s. 19(f), State Constitution requires every trust fund to be created by a three-fifths vote of the membership of each house of the Legislature in a separate bill for the sole purpose of creating a trust fund. The bill creates a trust fund; thus, it requires a three-fifths vote for final passage.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 33-0; House 82-26

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5013 — Trust Fund/Opioid Settlement Clearing Trust Fund/DFS

by Appropriations Committee and Rep. Trumbull

The bill creates an Opioid Settlement Clearing Trust Fund within the Department of Financial Services.

The bill provides funds credited to the trust fund shall consist of payments received by the state from settlements reached from opioid related litigation or bankruptcy. The bill clarifies moneys received from such settlements and deposited into the trust fund are exempt from the General Revenue Fund service charge. The bill requires the trust fund to be subdivided into specific subfunds to comply with nationwide settlement agreement terms.

Upon notification to the Chief Financial Officer by the Department of Legal Affairs, the bill authorizes the department to draw warrants from specified subfunds to pay counties in accordance with the state-subdivision allocation agreement or settlements. The bill specifies the moneys disbursed or transferred from the fund must be used to abate the opioid epidemic.

The bill requires the department to disburse funds from the state subfund, by nonoperating transfer, as appropriate and as provided within the General Appropriations Act. The bill further specifies the trust fund is exempt from termination provisions of Art. III, s. 19(f)(2), State Constitution.

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

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5301 — Capitol Complex

by State Administration and Technology Appropriations Subcommittee and Rep. Stevenson

The bill, relating to the Capitol Complex, requires the Department of Management Services (DMS) to:

- Consult with the Governor, the President of the Senate, and the Speaker of the House of Representatives before closing or reopening access to any portions of the Capitol Complex to the public or certain employees in response to a declared state of emergency.
- Obtain the approval of the President of the Senate and the Speaker of the House of Representatives prior to closing or opening any portion of the Capitol Complex used for legislative business.
- Submit a report detailing the maintenance and upkeep for the Capitol Complex by December 1, 2022, and annually thereafter to the Governor, President of the Senate, and the Speaker of the House of Representatives.
- Provide recommendations to be considered by the Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, President of the Senate, Speaker of the House of Representatives, or their designees before constructing and placing a monument on the premises of the Capitol Complex.

The bill defines the term “Capitol Complex,” for the purposes of s. 272.09, F.S., to mean the portion of the Capitol Center, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, and the curtilage of each, including the state owned lands and public streets adjacent thereto within an area bounded by and including Monroe Street, Jefferson Street, Duval Street, and Gaines Street.

In addition, the Florida Historical Commission must provide recommendations to the Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, President of the Senate, and Speaker of the House of Representatives on the design and placement of monuments authorized to be placed on the premises of the Capitol Complex.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 32-0; House 108-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

CS/HB 7027 — The Judicial Branch

by Appropriations Committee; Judiciary Committee; and others

The bill, relating to the judicial branch, creates a sixth appellate district court of appeal, which will have its headquarters in Lakeland, Polk County, Florida. The bill realigns the judicial circuits within the existing First, Second, and Fifth districts and creates a sixth district composed of the Ninth, Tenth, and Twentieth circuits. The Third and Fourth districts remain unchanged. Under the bill, the First DCA will decrease from 15 appellate judges to 13; the Second DCA will decrease from 16 appellate judges to 15; the Fifth DCA will increase from 11 appellate judges to 12; and the Sixth DCA will have 9 appellate judges. The bill ultimately adds a total of seven new appellate judgeships overall, in accordance with the Supreme Court's certification. The creation of the Sixth DCA and the realignment of existing districts is effective January 1, 2023.

The bill makes conforming changes to statute to account for the creation of the sixth district and specifies which judicial circuits constitute the five Criminal Conflict and Civil Regional Counsel districts. The bill recognizes the addition of a judicial nominating commission for the sixth district, effective January 1, 2023. The bill also makes conforming changes to the Office of the Judges of Compensation Claims, to account for the addition of a sixth appellate district.

The bill adds one additional county court judgeship in Lake County, Florida, as recommended in the Supreme Court's certification.

The bill will have a significant fiscal impact on state government expenditures.

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

Vote: Senate 33-0; House 93-14

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

CS/HB 7029 — Time Limitations for Preadjudicatory Juvenile Detention Care

by Judiciary Committee; Criminal Justice and Public Safety Subcommittee; and Rep. Brannan and others (CS/SB 7040 by Rules Committee and Appropriations Committee)

The bill amends s. 985.24, F.S., providing that a child who is placed on supervised release detention care may be required to comply with any available condition established by the Department of Juvenile Justice (DJJ) or ordered by the court, including electronic monitoring, if the court finds such condition necessary to preserve public safety or to ensure the child's safety or appearance in court.

The bill clarifies that a child who is alleged to be dependent under ch. 39, F.S., but who is not alleged to have committed a delinquent act or violation of law, may not be placed into secure detention.

The bill authorizes a court to order a child be placed on supervised release detention care for any time period until an adjudicatory hearing for the case has been completed. If a child has served 60 days on supervised release detention care, the court must conduct a hearing within 15 days after the 60th day, to determine if continued supervised release detention care is warranted.

The bill specifies that, except in specified circumstances, a child may not be held in secure detention for longer than 21 days unless an adjudicatory hearing has been completed. Under current law, a child generally may not be held in secure or supervised release detention care for longer than 21 days, except in specified circumstances.

Additionally, the bill provides that the court may transition a child between secure detention care and supervised release detention care, including electronic monitoring, if the court finds such placement is necessary. Each period of secure detention care or supervised release detention care counts toward the time limitations, whether served consecutively or nonconsecutively.

Currently, upon a showing of good cause that additional time for the prosecution or defense is needed, the court may extend the length of detention for an additional 9 days, for specified offenses. The bill authorizes a court to also extend the length of detention based upon the totality of the circumstances, including the preservation of public safety, warranting an extension. Additionally, the bill increases the length of such extension from 9 days to up to 21 days. The bill expands the list of specified offenses to include:

- Any second degree felony; and
- A third degree felony involving violence against any individual.

The court may continue to extend the period of secure detention in increments of up to 21 days by conducting a hearing before the expiration of the current period. At such hearing the court must make required written findings. If the court extends the time period of secure detention care, it must ensure that an adjudicatory hearing for the case commences as soon as is reasonably

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possible and prioritize the efficient disposition of those cases in which the child has served 60 or more days in secure detention care.

The bill updates a cross reference in s. 985.26(4), F.S., to specify that the time limits relating to preadjudicatory secure detention care do not include periods of delay resulting from a continuance granted by the court. The bill removes language contained in s. 985.26(4)(b), F.S., relating to time limitations of preadjudicatory detention care because this language conflicts with new provisions relating to time limitations in the bill.

Any electronic monitoring ordered by a court as a condition of supervised release detention care may be supervised by the DJJ, a law enforcement agency, or the department and a law enforcement agency working in partnership. However, the bill specifies that it does not require a law enforcement agency to supervise a child placed on electronic monitoring.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 27-10; House 77-37

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

SB 156 — Loss Run Statements

by Senator Broxson

The bill requires admitted and nonadmitted insurers to provide a loss run statement within 15 days after an individual or entity designated by the insurer receives the insured's written request. For personal lines of insurance, the insurer must provide loss run statements within 15 days of an insured's request after first providing information on how to obtain a loss run statement from a consumer reporting agency. For nonadmitted insurers, the insurer is deemed to be in compliance if the surplus lines agent provides the loss run statement on behalf of the nonadmitted insurer.

The bill reduces the number of preceding years of claims history that a group health insurer must include within a loss run statement from 5 years to 3 years. For group health insurers, the loss run statement must include certain information. The bill specifies that only the group policyholder may request and receive a loss run statement for a group health insurance policy, and repeals a conflicting statute related to group health insurance claims data.

The bill also exempts life insurers from the requirement to provide loss run statements.

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

Vote: Senate 38-1; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/HB 273 — Money Services Businesses

by Insurance and Banking Subcommittee and Rep. Aloupis and others (CS/SB 486 by Appropriations Committee and Senator Brodeur)

The bill amends the money services businesses statutes related to cryptocurrency. The bill defines virtual currency as a medium of exchange in electronic or digital format that is not currency; subjects money transmitters to licensing requirements when transacting business involving a virtual currency; and prohibits payment instrument sellers from transacting business involving virtual currency. Mediums of exchange in electronic or digital format that are issued by or on behalf of an online game, game platform, or family of games sold by the same publisher or offered on the same game platform, or used exclusively as part of a consumer affinity or reward program but cannot be converted or redeemed for currency or another medium of exchange, are expressly exempt from the definition of virtual currency.

The bill clarifies that a money transmitter license is only required for a person acting as an intermediary between two parties. The bill also requires a money transmitter, during the period of transmission, to hold virtual currency of the same type and amount owed or obligated to the other location or person on the receiving end of the transmission.

The bill makes additional conforming changes under the Financial Technology Sandbox in s. 559.952, F.S. and ch. 560, F.S., to reflect the addition of virtual currency to money transmitter regulations.

If approved by the Governor, these provisions take effect January 1, 2023.

Vote: Senate 35-1; House 112-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

HB 357 — Pharmacies and Pharmacy Benefit Managers

by Rep. Toledo and others (SB 1476 by Senators Wright and Perry)

The bill revises provisions of the Florida Insurance Code relating to the oversight of pharmacy benefit managers (PBMs) by the Office of Insurance Regulation (OIR). A PBM is a person or entity doing business in Florida, which contracts to administer prescription drug benefits on behalf of a health insurer or a health maintenance organization (HMO) to residents of Florida.

Specifically, the bill:

- Requires a health insurer or HMO, and any entity acting on their behalf, including a PBM, to comply with the pharmacy audit provisions;
- Specifies that a health insurer or HMO that contracts with a PBM is responsible for any violation of the pharmacy audit provisions committed by such PBM;
- Transfers pharmacy audit rights relating to audits by a PBM or an insurer to the Florida Insurance Code and authorizes the OIR to enforce these provisions;
- Authorizes an audited pharmacy to appeal certain final audit findings made by a health insurer or HMO, or PBM acting on their behalf; and
- Provides that a person who fails to register with the OIR while operating a PBM is subject to a \$10,000 fine for each violation.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 36-0; House 106-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/HB 381 — Breach of Bond Costs

by Judiciary Committee and Rep. Maney (CS/CS/SB 1182 by Rules Committee; Banking and Insurance Committee; and Senator Broxson)

The bill requires a bail bond agent to pay the costs and expenses incurred in returning the defendant to the original court's jurisdiction. The bail bond agent is only responsible for the itemized costs and expenses incurred for the transport of a defendant to whom the bail bond agent has a fiduciary duty and is not liable for the costs and expenses incurred in transporting any other defendant.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 111-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/HB 389 — Money Services Businesses

by State Administration and Technology Appropriations Subcommittee; Insurance and Banking Subcommittee; and Rep. Zika (CS/CS/SB 1536 by Commerce and Tourism Committee; Banking and Insurance Committee; and Senator Boyd)

The bill revises provisions and definitions regarding the control persons of a money services business (MSB). The purpose of these revisions is to more specifically define the persons subject to fingerprinting and background checks pursuant to an MSB licensure application. The changes are intended to ensure that the Office of Financial Regulation will retain authorization to submit fingerprints of money services business control persons to the Federal Bureau of Investigation criminal history record information system pursuant to the licensure requirements of ch. 560, F.S.

The bill amends s. 560.103, F.S., to create an extensive definition of a “control person” for an MSB and simplify the definition of an affiliated party to be a control person, employee, or foreign affiliate of an MSB, or a person who has a controlling interest in an MSB. In addition, the bill updates a change in control notification requirement to conform to the revisions to s. 560.103, F.S., utilizing the newly created "control person" definition. The bill requires the Office of Financial Regulation to evaluate newly added control persons and ensure that such control persons have been fingerprinted—for the purpose of making sure that the addition of the new control person would not cause the MSB to no longer meet licensure requirements. Finally, the bill:

- Relocates the definition of “publicly traded” from s. 560.141, F.S., to s. 560.103, F.S.;
- Deletes no longer needed definitions;
- Makes additional conforming changes; and
- Re-enacts s. 559.952(4)(a), F.S. (relating to the Financial Technology Sandbox), and s. 560.114(2)(c), F.S. (relating to disciplinary actions and penalties), to incorporate the changes made in the bill.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 38-0; House 115-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

HB 459 — Step-therapy Protocols

by Rep. Willhite and others (SB 730 by Senators Harrell, Polsky, and Ausley)

The bill requires a health insurer or health maintenance organization (HMO) to prescribe the manner, form, and timeframe in which an insured or subscriber may request a protocol exception or exemption and publish such information on its website. A step-therapy protocol is a written protocol used by an insurer or an HMO that specifies the order in which certain medical procedures, treatments, or prescription drugs are used to treat a condition. A protocol exemption is a determination by an insurer or HMO to authorize the use of an alternate procedure, treatment, or prescription drug to treat a condition of an insured or subscriber rather than the procedure, treatment, or drug indicated by the step-therapy protocol.

The bill requires the insurer or HMO to authorize or deny a protocol exemption in a reasonable amount of time. If the insurer or HMO denies the protocol exemption, the insurer or HMO must provide the insured or subscriber with a written response that explains the reason and clinical rationale for the denial and the procedure for appealing a denial.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 107-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

SB 546 — Consumer Finance Loans

by Senator Gruters

The bill prohibits prepayment penalties for consumer finance loans.

The bill also authorizes an applicant for licensure as a consumer finance lender or a licensee to provide a surety bond, certificate of deposit, or letter of credit issued by a financial institution in the amount of \$25,000, in lieu of the current \$25,000 liquid asset requirement. Consumer finance lenders with at least one licensed location must provide a rider, surety bond, certificate of deposit, or letter of credit issued by a financial institution in the amount of \$5,000 for each additional license, not to exceed an aggregate amount of \$100,000. The applicant must file the surety bond, certificate of deposit, or letter of credit with the Office of Financial Regulation (OFR), name the OFR as beneficiary, and ensure instrument is payable on a pro rata basis. The licensee must furnish additional instruments, or an endorsement from the company that issued the original instrument, to restore the required principal amount in the event the licensee's surety bond, certificate of deposit, or letter of credit is reduced below statutory requirements during the licensee's activity.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 39-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/HB 689 — Workers' Compensation Benefits for Posttraumatic Stress Disorder

by State Affairs Committee and Reps. Giallombardo, Fischer, and others (CS/SB 1066 by Banking and Insurance Committee and Senators Burgess, Hooper, and Bradley)

Effective October 1, 2022, the compensability standards for posttraumatic stress disorder (PTSD) benefits for first responders is revised by extending the deadline for filing the notice of injury to 90 days after a qualifying event or a diagnosis, whichever is later. Current law provides the time for notice of injury or death is measured from one of the qualifying events or the manifestation of the disorder, whichever is later. The bill also extends the deadline for a first responder to file a claim to 52 weeks after the qualifying event or the diagnosis, whichever is later. Current law requires a claim be filed within 52 weeks after the qualifying event.

The bill provides wage replacement benefits to a correctional officer who suffers PTSD, in certain circumstances, without the correctional officer having also sustained a physical injury in the course and scope of employment. PTSD is deemed an occupational disease, thereby providing wage replacement benefits, as well as the current medical benefits for the correctional officer. The correctional officer will qualify for PTSD disability benefits if the correctional officer was acting within the course and scope of employment; and the correctional officer is diagnosed with PTSD due to experiencing a qualifying event. A correctional officer must file a notice of injury within 90 days of a qualifying event or a diagnosis of the disorder, whichever is later. A claim must be noticed within 52 weeks after the qualifying event or the diagnosis of the disorder, whichever is later.

If approved by the Governor, these provisions take effect July 1, 2022, except as otherwise provided.

Vote: Senate 39-0; House 115-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/CS/HB 749 — Fraud Prevention

by Commerce Committee; State Administration and Technology Appropriations Subcommittee; Insurance and Banking Subcommittee; and Rep. Clemons and others (CS/CS/SB 1292 by Appropriations Committee; Banking and Insurance Committee; and Senators Gruters and Bradley)

Electronic Insurance Verification

The bill requires that, in addition to driver licenses and identification cards, the Department of Highway Safety and Motor Vehicle's (DHSMV) electronic credentialing system display vehicle registration and insurance information, provide a driver with notification of any lapse in insurance coverage, and allow the driver to update policy information in the system. The bill requires DHSMV to provide the legislature with recommendations by October 1, 2023, regarding electronic verification of drivers' compliance with ch. 324, F.S., the Financial Responsibility Law of 1955.

The bill also appropriates \$1,413,270 to implement the electronic credentialing system administered by DHSMV.

Service Contracts and Agreements

The bill provides that a seller of a service contract that includes an automatic renewal provision must allow a consumer to cancel the contract in the same manner, and by the same means, as the consumer accepted the contract.

The bill expands the advertising violations for which a service agreement company or salesperson can be subject to licensure discipline or criminal penalties; requires that a service agreement company's or salesperson's disclosures in written advertisements meet certain requirements; requires such company or salesperson disclose the company's or salesperson's full name in radio or television advertisements; and requires that a service agreement salesperson provide his or her full legal name and license number when beginning a solicitation call and his or her telephone number when ending a call.

Public Adjusters and Public Adjuster Apprentices

The bill creates a new maximum fine amount, not to exceed \$20,000 per act, for a public adjuster or public adjuster apprentice who commits certain prohibited acts during a state of emergency declared by the Governor. Unlicensed persons who engage in these prohibited acts are subject to the same penalties as licensed persons.

Investigations by the Division of Investigative and Forensic Services (DIFS) or the State Fire Marshal (SFM)

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The bill authorizes the Department of Financial Services (DFS) to fine insurers up to \$2,000 per day if the insurer fails or refuses to comply with the investigation of a fire or explosion by DIFS or the SFM.

Prosecution of False and Fraudulent Insurance Claims

The bill authorizes an insurer damaged as a result of insurance fraud to recover reasonable investigation and litigation expenses, including attorney fees, at the trial and appellate court, if the insurer had reported the possible fraudulent insurance act to DIFS and the possible fraudulent insurance act was criminally adjudicated as guilty. The bill clarifies that prosecutions of workers' compensation fraud or false and fraudulent insurance claims must be commenced within five years of a violation.

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

Vote: Senate 39-0; House 115-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/HB 837 — Hurricane Loss Mitigation Program

by Infrastructure and Tourism Appropriations Subcommittee; Insurance and Banking Subcommittee; and Rep. Willhite (CS/CS/CS/SB 578 by Appropriations Committee; Community Affairs Committee; Banking and Insurance Committee; and Senator Hooper)

The bill extends the Hurricane Loss Mitigation Program (HLMP) within Florida’s Division of Emergency Management (DEM) until June 30, 2032. The HLMP operations are funded through an annual appropriation of \$10 million from Florida Hurricane Catastrophe Fund to DEM. The bill expands the type of projects eligible for the Shelter Retrofit Program within the HLMP for retrofitting existing public facilities used as hurricane shelters to include construction of new public facilities to be used as hurricane shelters.

The bill also transfers administration of the Mobile Home Mitigation and Enhancement Program within the HLMP from Tallahassee Community College to Gulf Coast State College.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/SB 838 — Fire Investigators

by Appropriations Committee and Senators Wright, Polsky, and Hooper

The bill makes a fire investigator eligible for certain benefits under s. 112.1816, F.S., upon diagnosis of one of 21 enumerated cancers. The benefits are an alternative to pursuing a workers' compensation claim, and entitle the fire investigator to a one-time cash payout of \$25,000; cancer treatment with the employer reimbursing the fire investigator for any out-of-pocket deductible, copayment, or coinsurance related to the cancer treatment; enhanced disability benefits under an employer-sponsored retirement plan or employer-sponsored disability retirement plan if fire investigator is totally or permanently disabled due to the cancer; and a higher death benefit for the beneficiary of a fire investigator who dies from the cancer or circumstances that arise from the cancer treatment.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 112-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/HB 925 — Benchmark Replacements for London Interbank Offered Rate

by Insurance and Banking Subcommittee and Rep. Stevenson and others (CS/SB 1246 by Commerce and Tourism Committee and Senator Gruters)

The bill provides for a transition to the Secured Overnight Financing Rate (SOFR) as the replacement rate for the London Interbank Offered Rate (LIBOR) for all contracts and instruments lacking transition provisions. The Federal Reserve Board and the Federal Reserve Bank of New York identified SOFR as its recommended alternative to the U.S. Dollar LIBOR, which expires at the end of June 2023. The bill provides for conforming changes to be made to contracts or instruments, voids fallback provisions based on LIBOR, and provides for construction of rights and duties under contracts affected by the expiration of LIBOR. The bill precludes liability, a claim, or a cause of action arising out of or related to the selection or use of a recommended benchmark replacement or the determination, implementation, or performance of a benchmark replacement conforming change.

The bill provides a statement demonstrating the overpowering public necessity for the bill and a finding that there are no alternative means to meet this public necessity. The bill also contains a statement of legislative intent indicating that the provisions are remedial in nature and apply retroactively to all contracts, agreements, mortgages, deeds of trust, leases, instruments, obligation, or securities, whether representing debt or equity, and including all interests in a corporation, partnership, or limited liability company, in existence on December 31, 2021.

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

Vote: Senate 38-0; House 114-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/CS/HB 959 — Department of Financial Services

by Commerce Committee; Finance and Facilities Subcommittee; Insurance and Banking Subcommittee; and Rep. LaMarca (CS/CS/SB 1874 by Appropriations Committee; Banking and Insurance Committee; and Senator Boyd)

The bill amends sections of Florida Statutes relating to the powers and duties of the Department of Financial Services (DFS) and the head of DFS, the Chief Financial Officer (CFO). The bill provides the following changes:

Service of Process

- Requires the DFS to create a secure online portal as the sole means for the Chief Financial Officer to accept service of process as the agent for service of process on insurers, insurance agents, and other specified persons regulated under the Florida Insurance Code.
- Provides that service of process is valid and binding upon the insurer on the date the process served on the CFO is delivered to the insurer, or the insurer has been notified by the DFS that such information has made been made available on the DFS online portal.

Division of Insurance Agents and Agencies

- Adds an exemption to the examination requirements for an all-lines adjuster.
- Authorizes an adjuster who holds an adjuster license and who is an unaffiliated insurance agent to obtain an adjuster appointment while maintaining his or her unaffiliated agent appointment.
- Revises provisions relating to fingerprinting requirements to comply with federal law.
- Creates notice requirements for agencies that cease doing business, and creates penalties for noncompliance.
- Increases the authority of the DFS to investigate and prosecute violations committed by a licensee while licensed under ch. 626, F.S., even if the license has expired, is not renewed, or is surrendered.
- Revises provisions relating to the qualifications and bond requirements of public adjusters.
- Specifies that public adjuster compensation may not be:
 - Based on attorney fees and costs paid to the insured;
 - Increased solely because the claim is litigated;
 - Based on amounts attributable to additional living expenses coverage, unless a specified disclosure is made.
 - Clarifies that in addition to the agent, the insurance agency must also hold an appointment issued by an insurer in order to sell a title insurance policy.

Funeral, Cemetery, and Consumer Services

- Eliminates the fee cap of \$50 for a consumer transferring the burial rights from one purchaser to another and revises the licensure requirements for embalmers and funeral directors.
- Allows funeral directors and embalmers licensed in other states to obtain reciprocal licensure in Florida if they have engaged in full-time licensed practice in that state for at least five years. A funeral director may also obtain reciprocal licensure if the applicant meets certain educational requirements.

State Fire Marshal

- Authorizes expenditure of funds from the Firefighter Assistance Grant Program for the purchase of other equipment and tools and protective clothing and equipment compliant with certain standards;
- Revises firefighter certification requirements by eliminating the option of passing an exam, rather than completing 54 hours of continuing education, to renew a fire safety certificate;
- Increases penalties the State Fire Marshal may impose on contractors and unlicensed persons by authorizing the State Fire Marshal to impose an administrative fine of up to \$10,000, in addition to or in lieu of revocation or suspension of a fire protection contractor's certificate; and
- Updates provisions relating to the inspection of boiler rooms to reflect current industry standards and clarifies that a fee is required if an inspector is required to make a special trip to conduct a testing and verification inspection.

Division of Workers' Compensation

- Specifies an employer applying for an exemption from workers' compensation coverage to provide a valid driver license or valid identification card and complete an online tutorial as a condition for application;
- Revises the formula for calculating coverage penalties to reduce the period subject to a penalty, with exceptions;
- Provides a penalty credit for an employer who has been issued a stop-work order or an enforcement action if the employer successfully completes an online tutorial;
- Extends the deadline for an employer to produce requested business records from 10 business days to 21 days before the DFS can take an administrative action;
- Requires the carrier to send an informational brochure to the injured worker within three business days, instead of three days, after the employee or employer notifies the carrier of an injury; and
- Revises onsite audit requirements of construction classes by requiring such annual audits if the estimated annual premium is \$10,000 or more.

Division of Accounting and Auditing

Updates the state's cash management and financial system provisions to reflect the transition to the Planning and Accounting, Ledger Management (PALM) system and specifies the electronic file format local governments must use to file financial reports.

Division of Rehabilitation and Liquidation

Provides employees and retired employees of the Division of Rehabilitation and Liquidation or their surviving spouses are enrollees of the state group insurance program.

Florida Patient's Compensation Fund (Fund)

- Revises the structure and authority of the Fund by eliminating the board of governors of the Fund and transferring the supervision of the Fund to the CFO or his or her designee; and
- Prescribes duties of the CFO and the DFS to wind down the Fund, and to dissolve the Fund on or before December 31, 2023.

If approved by the Governor, these provisions take effect July 1, 2022, except as otherwise provided.

Vote: Senate 39-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

SB 968 — Individual Retirement Accounts

by Senator Polsky

The bill clarifies that any interest in an individual retirement account (IRA) or individual retirement annuity received in a transfer incident to divorce remains exempt from creditor claims after the transfer is complete. As the bill clarifies, but does not modify, existing law or practice, the bill is remedial in nature and applies retroactively to all transfers made incident to divorce.

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

Vote: Senate 35-0; House 118-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/HB 1023 — Insolvent Insurers

by Commerce Committee and Rep. Fabricio (CS/CS/SB 1430 by Appropriations Committee; Banking and Insurance Committee; and Senator Burgess)

The bill makes several technical changes to the assessment mechanisms for the Florida Insurance Guaranty Association (FIGA) and the Florida Workers' Compensation Insurance Guaranty Association (FWCIGA). The FIGA provides a mechanism for the payment of covered claims under certain lines of property and casual insurance policies to avoid delay and financial loss due to the financial insolvency of an insurer. The FWCIGA provides a mechanism for the payment of covered workers' compensation claims to avoid delay and financial loss due to the insolvency of a workers' compensation insurer.

The bill makes the following changes to FIGA's assessment mechanism:

- Allows FIGA to request that the Office of Insurance Regulation, in its order levying an assessment, authorize insurers to make advance assessment payments to the FIGA in quarterly installments;
- Authorizes an insurer to forego recouping advances of FIGA assessments;
- Requires an insurer electing to not recoup advances of assessment to the FIGA to either reduce a recorded asset to zero or record as no asset, depending on the levying mechanism; and
- Requires insurers making assessment payments to the FIGA to file reconciliation reports on a form and schedule adopted by the FIGA regardless of assessment payment method.

The bill makes the following changes to FWCIGA's assessment mechanism:

- Authorizes FWCIGA to allow an insurer to make assessment payments in a single payment or on a quarterly basis based on cash-flow needs; and
- Reduces the frequency of annual reconciliation reports subsequently filed with the FWCIGA after the assessment year from a period of three years to a period of two years.

The bill also amends Florida's Rating Law to require that past loss experience and prospective loss experience for insolvent insurers be used in the determination and fixing of workers' compensation rates, and provides that data previously reported by insolvent insurers may be used to assess the impact on rates.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 36-0; House 116-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

SB 1058 — Property Insurer Reimbursements

by Senator Hutson

The bill authorizes the State Board of Administration to provide Florida Hurricane Catastrophe Fund (Cat Fund) coverage to authorized insurers or Citizens Property Insurance Corporation (Citizens) for the policies of unsound insurers that the authorized insurer or Citizens assumes or otherwise provides coverage. The authorized insurer or Citizens may obtain Cat Fund coverage for such policies either through the authorized insurer's or Citizens' reimbursement contract with the Cat Fund or by accepting an assignment of the unsound insurer's contract with the Cat Fund.

Effective June 1, 2023, the bill also requires that the Cat Fund provide reimbursement for a loss under collateral protection insurance when the coverage amount differs from the coverage amount under the lapsed policy if the homeowner received notice of the collateral protection insurance coverage amount, or the homeowner requested a different coverage amount from the collateral protection insurer.

If approved by the Governor, these provisions take effect July 1, 2022, except where otherwise provided.

Vote: Senate 37-1; House 110-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/HB 1099 — Living Organ Donors in Insurance Policies

by Finance and Facilities Subcommittee and Reps. Latvala, Barnaby, and others (CS/SB 1026 by Banking and Insurance Committee and Senators Cruz and Harrell)

The bill creates s. 626.97075, F.S., within Florida’s Unfair Trade Practices law (ch. 626, part IX, F.S.). The section creates a definition of “policy” as a life insurance policy, including those for individual life insurance, industrial life insurance, and group life insurance; a credit life insurance and credit disability insurance policy; and a long-term care insurance policy. The section specifies that an insurer may not, in a policy, as defined by the section:

- Decline or limit coverage of a person solely due to that person’s status as a living organ donor;
- Preclude an insured person from donating all, or part of, an organ as a condition to continuing to receive coverage under that person’s insurance policy; or
- Otherwise discriminate in the offering, issuance, cancellation, coverage, premium, or any other condition of a person’s policy without any additional actuarial risk, and based solely on that person’s status as a living organ donor.

Finally, the bill states that the Financial Services Commission may adopt rules and take actions necessary to enforce these prohibitions.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-1; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/SB 1502 — Estates and Trusts

by Banking and Insurance Committee and Senator Powell

The bill codifies an existing procedure presently used in Florida courts regarding a creditor's pending action against a decedent at the time of the decedent's death. Specifically, the bill provides that if an action or proceeding by the claimant is pending against a decedent at the time of the decedent's death, the requirement to bring an independent action under present s. 733.705(5), F.S., is satisfied if, within 30 days after the filing of an objection to the claim, one of the following conditions are met:

- A motion complying with all applicable rules of procedure is filed, or a similar procedure is initiated, to substitute the proper party (i.e. the decedent's estate instead of the decedent).
- An order substituting the proper party is entered.

The bill also provides a similar procedure for circumstances where the decedent entered into a binding arbitration agreement relating to the claim during that person's lifetime, or if arbitration is required under s. 731.401, F.S., (regarding arbitration of disputes when arbitration provisions are included in the will or trust instrument). The bill, in this circumstance, requires a motion to compel arbitration against the decedent's estate (instead of the decedent). If voluntary arbitration had already commenced at the time of the decedent's death, the bill requires notice of the substitution consistent with the arbitration agreement. If the arbitration was court ordered, a motion for substitution is required.

The bill amends current law regarding creditor claims against settlors. Currently, if a settlor-spouse creates a lifetime trust for a beneficiary-spouse and names themselves as a subsequent beneficiary if the beneficiary-spouse dies, assets in the trust may be available to the settlor-spouse's creditors, during the lifetime of beneficiary-spouse. Under the bill, creditors of a settlor may not attach assets that the settlor previously transferred to an irrevocable trust where the beneficiary of the trust is the settlor's spouse for that spouse's lifetime and the transfers to the trust are completed gifts pursuant to s. 2511 of the Internal Revenue Code of 1986.

Finally, the bill provides a trustee may resign pursuant to whatever procedure is set forth in the terms of the trust. In part, this allows a trustee to resign with less than 30 days' notice if the trust instrument allows. A trustee resigning under the terms of a trust must give notice of the resignation to cotrustees. If there are no cotrustees, notice must be given to the successor trustee who has accepted the appointment. If there are no cotrustees or successor trustee, notice must be given to whomever has the authority to appoint a successor trustee. These notice provisions are mandatory.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/SB 1526 — Public Records/Annuity Contract Payees

by Banking and Insurance Committee and Senator Boyd

The bill amends s. 119.0714(1), F.S., to make exempt from public records disclosure requirements, if not already closed by order of a court, the following information in a court file relating to a proceeding for the approval of the transfer of structured settlement payment rights:

- Personal identifying information and annuity contract numbers of a payee of a structured settlement as defined in s. 626.99296(2), F.S.; and
- The names of family members, dependents, and beneficiaries of such a payee.

The bill limits this exemption to the pendency of the transfer proceeding and for six months after the final order approving, or not approving, the transfer is entered. The section also provides that this new exemption is subject to the Open Government Sunset Review Act, s. 119.15, F.S., and will be repealed, unless saved from repeal by the Legislature, on October 2, 2027.

The bill also provides the public necessity statement, required pursuant to Art. 1, s. 24(c), State Constitution, for the public records exemption. It states, in part, that recipients of structured settlements have been targets of criminal and fraudulent acts based upon publicly available identifying information. Further, it states that protecting the personal identifying information and annuity contract numbers of a payee of a structured settlement and the names of family members, dependents, and beneficiaries of such payee outweighs any public benefit that may be derived from the disclosure of such information during the period specified in the exemption.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 108-3

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/SB 1680 — Financial Institutions

by Rules Committee and Senator Gruters

The bill makes a number of revisions to Florida law relating to financial institutions. The bill:

- Allows foreign nationals proposing to own 10 percent or more of any class of voting securities of a proposed or established bank to appear by video during the public hearing considering approval of the application;
- Revises the required scheduling dates for examination of financial institutions;
- Allows the Office of Financial Regulation (OFR) 90 additional days to meet its statutory obligation to periodically examine a financial institution when a federal agency suspends or cancels a previously scheduled examination;
- Changes from “all or substantially all” assets to 50 percent of assets, liabilities, or a combination of assets and liabilities, the limit of assets that a mutual financial institution may sell to a stock financial institution, absent first converting to a capital stock financial institution;
- Revises the definition of “financial institution” for the Florida Control of Money Laundering and Terrorist Financing in Financial Institutions Act;
- Requires credit unions, within 30 days following a meeting where any director, officer, member of the supervisory or audit committee, member of the credit committee, or credit manager is elected or appointed, to notify the OFR;
- Revises the scope of the OFR’s investigation of applicants seeking authority to start a bank or trust company to include the need for bank and trust facilities in a target market as well as in the primary service area, and the ability of the target market to support the proposed bank or trust company;
- Revises a requirement that the proposed president or chief executive officer of a proposed banking corporation have at least one year of direct experience as an executive officer, director, or regulator of a financial institution within the last five years to allow the OFR to waive the five-year requirement after considering specified factors;
- Requires persons acquiring a controlling interest in a state bank or state trust company through probate or trust notify the OFR within 90 days after acquiring such interest;
- Defines a “de novo branch” for the purposes of an existing de novo interstate branching provision;
- Authorizes a family trust company, licensed family trust company, or foreign licensed family trust company to maintain the deposit account, required under current law, with any bank that is insured by the Federal Deposit Insurance Corporation, or with any credit union insured by the National Credit Union Administration, either of which must be located within the United States;
- Revises when family trust companies, licensed family trust companies, or foreign licensed family trust companies must file a required annual renewal application;
- Allows international bank agencies and international branches to maintain a required deposit in banks outside of Florida, provided the deposit is in a bank within the United States; and

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- Requires qualified limited service affiliates to suspend otherwise permissible activities if the jurisdiction of an international trust entity served by the qualified limited service affiliate is identified on the Financial Action Task Force's list of High-Risk Jurisdictions subject to a Call for Action (black list) or on the list of Jurisdictions Under Increased Monitoring (grey list).

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 112-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

SB 7016 — OGSR/Information Submitted by Insurers/Department of Financial Services

by Banking and Insurance Committee

The bill removes the scheduled repeal of a public records exemption for certain information submitted to the Department of Financial Services (DFS) related to an insurer's anti-fraud plan or annual fraud report pursuant to s. 626.9891, F.S. The exemption is subject to review pursuant to the Open Government Sunset Review Act five years after enactment. The bill saves the public record exemption from repeal, thereby continuing the confidential and exempt status of the information.

The public records exemption for insurer's anti-fraud plans and annual fraud reports applies to:

- A description of the required anti-fraud education and training;
- A description or chart of the insurer's anti-fraud investigative unit, including the position titles and descriptions of staffing;
- The rationale for the level of staffing and resources being provided for the anti-fraud investigative unit which may include objective criteria, such as the number of policies written, the number of claims received on an annual basis, the volume of suspected fraudulent claims detected on an annual basis, an assessment of the optimal caseload that one investigator can handle on an annual basis, and other factors;
- 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 Division of Investigative and Forensic Services of the DFS or other agencies.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 35-0; House 111-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

SB 7018 — OGSR/Injured or Deceased Employee/Department of Financial Services

by Banking and Insurance Committee

The Open Government Sunset Review Act requires the Legislature to review each public record five years after enactment. Section 440.1851, F.S., was originally passed and signed into law in 2017. Pursuant to the Act, the section is set to stand repealed on October 2, 2022, unless saved from repeal through reenactment.

SB 7018 saves from repeal the current public records exemption for personal identifying information of an injured or deceased employee which is contained in reports, notices, records, or supporting documentation held by the Department of Financial Services pursuant to the Workers' Compensation Law (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. This information will continue to be confidential and exempt from public disclosure, subject to the disclosures permitted pursuant to s. 440.1851(1)(b), F.S.

These provisions were approved by the Governor and take effect October 1, 2022.

Vote: Senate 35-0; House 116-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

SB 7020 — OGSR/Office of Financial Regulation

by Banking and Insurance Committee

The bill removes the scheduled repeal of two public records exemptions. The first relates to international trust entities and qualified limited service affiliates. The second public records exemption relates to financial institutions generally. Both exemptions were subject to review pursuant to the Open Government Sunset Review Act, five years after enactment. The exemptions are contained in ss. 663.416, 663.540, and portions of s. 655.057, F.S. The bill saves the public records exemptions from repeal, thereby continuing the confidential and exempt status of the information. The Office of Financial Regulation (OFR) regulates these entities.

The public records exemption for international trust entities and qualified limited service affiliates applies to:

- Any personal identifying information of the customers or prospective customers of an affiliated international trust entity that appears in the records of an international trust company representative office or a qualified limited service affiliate.
- Any personal identifying information of the customers or prospective customers of an affiliated international trust entity that appears in records relating to reports of examinations, operations, or condition, including working papers, of an international trust company representative office or a qualified limited service affiliate.
- Any portion of a list of names of the shareholders or members of an affiliated international trust entity or a qualified limited service affiliate.
- Information received by OFR from a person from another state or country or the federal government, which is otherwise confidential or exempt pursuant to the laws of that state or country or pursuant to federal law.

The public records exemption for financial institutions, generally, applies to:

- Certain information held by OFR relating to investigations, reports of examinations, operations, or condition, including working papers, prepared by, or for the use of, OFR, or any state or federal agency responsible for the regulation or supervision of financial institutions in this state.
- Any confidential information supplied to OFR or to employees of any financial institution by other state or federal governmental agencies.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 33-2; House 113-0

Committee on Children, Families, and Elder Affairs

CS/SB 282 — Mental Health and Substance Use Disorders

by Appropriations Committee and Senators Rouson, Jones, Book and Rodrigues

The bill (Chapter 2022-13, L.O.F.) promotes the use of peer specialists to assist an individual's recovery from substance use disorder (SUD) or mental illness. Peer specialists are persons who have recovered from a substance use disorder or mental illness who support a person with a current substance use disorder or mental illness.

Specifically, the bill:

- Adds the use of peer specialists as an essential element of a coordinated system of care;
- Provides legislative findings and intent related to the use of peer specialists in the provision of behavioral health care;
- Requires the Department of Children and Families (DCF) to designate a managing entity with an existing certified recovery peer specialist training program to provide training for persons seeking certification as peer specialists and requires the managing entity to give preference to trainers who are currently certified peer specialists;
- Requires the training program to coincide with a competency exam and be based on current practice standards;
- Revises background screening requirements for peer specialists;
- Adds offenses for which individuals seeking certification as a peer specialist may seek an exemption from eligibility disqualification, thereby expanding the number of people that may become certified as peer specialists under Florida law;
- Allows peer specialists to work with adults with mental health disorders, in addition to SUDs and co-occurring disorders, while a request for an exemption from a background check disqualification is pending;
- Increases the number of days during which a service provider can work under the supervision of a certified peer specialist while a request for an exemption from a background check disqualification is pending to 180 days from the current 90 days; and
- Provides that individuals certified as peer specialists by July 1, 2022, will be deemed to have met the requirements for certification under the bill, but requires these individuals to comply with minimum standards and requirements needed to maintain certification.

The bill is expected to have an insignificant negative fiscal impact on state government.

These provisions were approved by the Governor and will take effect July 1, 2022.

Vote: Senate 37-0; House 114-0

Committee on Children, Families, and Elder Affairs

CS/HB 615 — Human Trafficking

by Criminal Justice and Public Safety Subcommittee and Rep. Overdorf (CS/SB 1436 by Children, Families, and Elder Affairs Committee and Senator Garcia)

The bill requires the Statewide Council on Human Trafficking (Statewide Council) to evaluate how social media platforms are used to facilitate human trafficking within Florida and to make recommendations on how to stop or prevent them from being used for such purposes.

The bill also requires certain entities to develop and implement training related to human trafficking, including to require:

- The direct-support organization of the Statewide Council to develop training on human trafficking for fire safety inspectors which is eligible for continuing education credit; and
- Foster parents and agency staff to complete preservice and inservice training on human trafficking at specified intervals.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 112-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Children, Families, and Elder Affairs

CS/CS/SB 692 — Sexual Offenses Definitions

by Rules Committee; Criminal Justice Committee; and Senators Stewart and Harrell

This bill amends numerous statutes relating to various sexual offenses, to replace the terms “vagina” or “vaginal” with “female genitals.” The bill defines “female genitals” to include the labia majora, labia minora, clitoris, vulva, hymen, and vagina.

The bill amends the following sections to replace such terms and apply the above-described definition:

- Section 365.161, F.S., relating to the prohibition of certain obscene telephone calls;
- Section 491.0112, F.S., relating to sexual misconduct by a psychotherapist;
- Section 775.0847, F.S., relating to possession or promotion of certain images of child pornography;
- Section 794.011, F.S., relating to sexual battery;
- Section 794.05, F.S., relating to the unlawful sexual activity with certain minors;
- Section 796.07, F.S., relating to prohibiting prostitution and related acts;
- Section 800.04, F.S., relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age;
- Section 825.1025, F.S., relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person;
- Section 827.071, F.S., relating to sexual performance by a child;
- Section 847.001, F.S., providing definitions relating to obscenity;
- Section 872.06, F.S., relating to abuse of a dead human body;
- Section 944.35, F.S., relating to authorized use of force; malicious battery and sexual misconduct; and
- Section 951.27, F.S., relating to blood tests of inmates.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Children, Families, and Elder Affairs

SB 704 — Substance Abuse Service Providers

by Senator Harrell

The bill makes several changes to provisions governing the licensure and regulation of substance abuse treatment programs and providers, including recovery residences and recovery residence administrators.

The bill requires applicants for substance abuse service provider licensure to include the names and locations of recovery residences the applicant plans to refer patients to or accept patients from in their licensure application.

By July 1, 2022, the bill requires licensed substance abuse service providers to record the names and locations of recovery residences to which the applicant has referred patients, or from which the applicant has accepted patients, in the Provider Licensure and Designations System (PLADS) maintained by the Department of Children and Families (the DCF). Providers must update PLADS with the names and locations of any new recovery residences to which patients have been referred, or from which patients have been received, within 30 business days of referring or receiving patients. The bill subjects providers to a \$1,000 administrative fine for non-compliance beginning on July 1, 2022.

The bill prohibits certified recovery residence administrators from managing more than 50 patients at once without written justification and approval from a certification credentialing entity and prohibits management of more than 100 patients without exception. The bill also removes a cap on the number of recovery residences a certified recovery residence administrator can manage at any given time. The bill requires substance abuse service providers to return an individual's personal effects upon the individual's discharge from treatment.

The bill also requires the DCF to include approval for contingency management programs in the triennial plan's regional funding priorities component. Contingency management is a type of behavioral therapy used as part of substance abuse treatment in which individuals are rewarded for evidence of positive behavioral change. Every three years, the DCF must create a state master plan for the delivery and financing of substance abuse and mental health services throughout Florida, including funding priorities developed by regions of the state. Currently, the master plan does not include a requirement for such regional funding priorities to include contingency management programs.

The bill is expected to have an indeterminate fiscal impact on the DCF.

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

Vote: Senate 37-0; House 113-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 893 — Child Welfare Placements

by Health and Human Services Committee; Children, Families, and Seniors Subcommittee; and Reps. Melo, Williams, and others (CS/CS/SB 1120 by Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senator Rodriguez)

The bill, in part, makes changes to Florida law to align with the new requirements of the Family First Prevention Services Act (Act) related to Qualified Residential Treatment Programs (QRTP), one of a limited type of congregate care settings approved for placements under the Act. The bill will ensure placements in QRTPs are made in accordance with rule and in compliance with federal requirements. Specifically, the bill:

- Defines the term “therapeutic group home” (TGH) to mean a residential treatment center that offers a 24-hour residential program providing community-based mental health treatment and mental health support services in a nonsecure, homelike setting to children who meet certain criteria.
- Amends the definition of “residential treatment” or “residential treatment program” to include a therapeutic group home as defined above.
- Clarifies the definition of “suitable for residential treatment” or “suitability” to apply when the child requires residential treatment program if the child is expected to benefit from mental or behavioral health treatment.
- Codifies current practice that requires the DCF, rather than the Agency for Health Care Administration (AHCA), to appoint the qualified evaluator to conduct suitability assessments.
- Requires the qualified evaluator for TGH and QRTP to be a psychiatrist licensed under ch. 458, F.S., or ch. 459, F.S., psychologist licensed under ch. 490, F.S., or a mental health counselor licensed under ch. 491, F.S., with at least two years of experience in the diagnosis and treatment of serious emotional disturbances in children and adolescents, as opposed to the stricter requirements for a (PRTF/SIPP) Psychiatric Residential Treatment Facility/Statewide Inpatient Psychiatric Program (PRTF/SIPP) placement which requires the evaluator to be a psychiatrist or a psychologist licensed in Florida with three years of experience. Modifies the time frame for providing a copy of the assessment to the child’s guardian ad litem and the court to within five days of receipt of the assessment, rather than immediately upon placement as required in current law.
- Modifies the time frame for providing a copy of the assessment to the child’s guardian ad litem and the court to within five days of receipt of the assessment, rather than immediately upon placement as required in current law.
- Removes the specific rulemaking authority from the DCF and ACHA to administer the provisions of s. 39.407, F.S.

Additionally, the bill replaces the term “special needs child” with the term “difficult to place child” regarding children who are not likely to be adopted because of certain characteristics. The bill also amends the term, in part, to include a child who is a member of a racial group that is

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disproportionally represented among children whose permanent custody has been awarded to the DCF or to a licensed child-placing agency. The term is defined in current law, in part, to mean a child who is black or of racially mixed parentage. The terminology changes do not appear to have any effect on eligibility for adoption subsidies.

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

Vote: Senate 38-0; House 116-0

Committee on Children, Families, and Elder Affairs

CS/HB 899 — Mental Health of Students

by Education and Employment Committee and Rep. Hunschofsky and others (SB 1240 by Senator Harrell)

The bill specifies that charter schools must comply with involuntary examination data reporting requirements established by the Legislature in 2021 for traditional public schools and requires the Department of Education to share school-related involuntary examination data with the Department of Children and Families (the DCF) annually by July 1 each year. The bill also requires that the DCF use this data in its biennial analysis of involuntary examinations of minors in Florida.

The bill revises requirements for a school district's annual mental health assistance allocation plan to include policies and procedures that require the provision of information on additional behavioral health services and resources for students currently receiving services and their families. Additionally, the plan's policies and procedures must require school districts to provide any individual living in the same household as a student currently receiving services with information about available behavioral health services, when receipt of such services could benefit the well-being of the student.

The bill requires each district school superintendent to designate a mental health coordinator for their district. The mental health coordinator is required to serve as the district's primary point of contact for the district's coordination, communication, and implementation of student mental health policies, procedures, responsibilities, and reporting.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 114-0

Committee on Children, Families, and Elder Affairs

SB 934 — Public Records/Homelessness Counts and Information Systems

by Senators Gruters and Perry

The bill makes confidential and exempt from public inspection and copying requirements individual identifying information of a person contained in a Point-In-Time Count and Survey or data in a Homeless Management Information System collected pursuant to federal law and regulations. “Individual identifying information” is defined as information that directly or indirectly identifies a specific person, or can be linked with other available information to identify a specific person.

The bill provides for retroactive application of the exemption to protect similar information collected prior to the bill becoming a law.

The bill does not prohibit the release of aggregate information from a Point-In-Time Count and Survey or data in a Homeless Management Information System that does not disclose individual identifying information of a person.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2027, unless reviewed and reenacted by the Legislature. The bill also includes a public necessity statement for the exemption as required by law.

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

Vote: Senate 38-1; House 113-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 963 — Funding for Sheriffs

by Appropriations Committee; Health Care Appropriations Subcommittee; and Rep. Hunschofsky and others (CS/SB 1452 by Children, Families, and Elder Affairs Committee and Senators Book and Jones)

The bill addresses a sheriff's authority to carry forward state funds. Specifically, the bill:

- Authorizes a sheriff to carry forward documented unexpended state funds from one fiscal year to the next;
- Restricts the cumulative amount of state funds that may be carried forward to no more than 8 percent of the sheriff's office total contract or grant agreement amount;
- Requires any unexpended state funds in excess of the maximum cumulative amount and all federal funds to be returned to the Department of Children and Families (DCF);
- Restricts any funds carried forward from being used to create increased recurring future obligations or for any type of program or service that is not currently authorized by the existing contract or grant award agreement with the DCF;
- Requires the expenditure of funds carried forward to be separately reported to the DCF; and
- Requires a sheriff to return all unexpended funds to the DCF if that sheriff will no longer be providing child protective investigation services.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 120-0

Committee on Children, Families, and Elder Affairs

CS/HB 1249 — Treatment of Defendants Adjudicated Incompetent to Stand Trial

by Children, Families and Seniors Subcommittee and Rep. Persons-Mulicka and others
(CS/CS/SB 1600 by Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senator Bradley)

The bill amends s. 916.106, F.S., revising the definition of “forensic facility” to include separate and secure facilities that, in part, are contracted using funding from the Department of Children and Families (DCF), and to include a mental health facility serving forensic clients committed to the DCF that is operated by a community mental health provider through a contract that may be co-located in a county jail.

The bill may alleviate the waitlist for forensic treatment beds at existing facilities operated by the DCF by creating additional venues where individuals deemed incompetent to stand trial due to a mental illness, but who are likely to regain competence to proceed in the foreseeable future, can receive restoration treatment.

The DCF anticipates that the proposed language would also provide flexibility in identifying and securing community-based or jail-based competency restoration treatment for individuals who can be served in a less restrictive environment.

The bill is likely to have a negative indeterminate fiscal impact on the DCF and may have a positive fiscal impact on private sector entities.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 114-0

Committee on Children, Families, and Elder Affairs

CS/CS/SB 1262 — Mental Health and Substance Abuse

by Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senators Burgess, Rouson, and Perry

The bill makes several changes to procedures surrounding voluntary and involuntary examinations of individuals under the Baker and Marchman Acts. The bill prohibits restrictions on visitors, phone calls, and written correspondence for Baker Act patients unless certain qualified medical professionals document specific conditions are met. The bill requires law enforcement officers to search certain electronic databases for Emergency Contact Information (ECI) of Baker and Marchman Act patients being transported to a receiving facility. The bill also expands the entities who can access the ECI to specifically include receiving facilities, hospitals, and licensed detoxification and addictions receiving facilities.

Under the bill, patients subject to an involuntary Baker Act examination who do not meet the criteria for a petition for involuntary services must be released at the end of 72 hours, regardless of whether the examination period ends on a weekend or holiday, as long as certain discharge criteria are met. The bill also permits psychiatric advanced practice registered nurses practicing under the protocol of a psychiatrist in a nationally accredited community mental health center to conduct discharge examinations for patients held under an involuntary Baker Act.

Additionally, the bill makes it a first degree misdemeanor for a person to knowingly and willfully:

- Furnish false information for the purpose of obtaining emergency or other involuntary admission for any person;
- Cause, or conspire with another to cause, any emergency or other involuntary mental health procedure for the person under false pretenses; or
- Cause, or conspire with another to cause, without lawful justification, any person to be denied their rights under the Baker Act statutes.

The bill requires receiving facilities to offer voluntary Baker and Marchman Act patients the option to authorize the release of clinical information to certain individuals known to the patient within 24 hours of admission.

The bill clarifies that telehealth may be used when discharging patients under an involuntary Baker Act examination, and directs facilities receiving transportation reports detailing the circumstances of a Baker Act to share such reports with the Department of Children and Families (DCF) for use in analyzing annual Baker Act data.

The bill also makes several changes to the Commission on Mental Health and Substance Abuse (Commission), including:

- Authorizing the Commission to conduct meetings in person at locations throughout the state or via teleconference or other electronic means;
- Authorizing members to receive per diem and reimbursement and travel expenses;

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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- Authorizing the Commission to access information and records necessary to carry out its duties, including exempt and confidential information, provided that the Commission does not disclose such exempt or confidential information; and
- Modifying the due date for the Commission's interim report from September 1, 2022 to January 1, 2023.

The DCF anticipates that collecting and processing Baker Act transportation reports will cost approximately \$90,000 for the first year of reporting.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 117-0

Committee on Children, Families, and Elder Affairs

CS/CS/CS/HB 1349 — Guardianship Data Transparency

by Health and Human Services Committee; Appropriations Committee; Children, Families and Seniors Subcommittee; and Rep. Chaney and others (CS/CS/SB 1710 by Rules Committee; Children, Families, and Elder Affairs Committee; and Senators Bradley, Brandes, and Brodeur)

The bill requires the Florida Clerks of Court Operations Corporation (CCOC) and the Clerks of Court to establish a database of guardian and guardianship information. Specifically, the bill:

- Requires the CCOC to create a statewide database to increase judicial oversight that may not be operational to end users until on or after July 1, 2023, and limits access to the database to judges and their direct staff, and court personnel and Clerks of Court personnel authorized by a judge to assist with guardianship matters.
- Provides an enumerated list of data elements that must, at a minimum, be included and list of data elements by which the database must, at a minimum, be searchable.
- Requires the CCOC to upload certain professional guardian information from the database to a publicly accessible webpage and prohibits personal identifying information of wards from inclusion in the publicly accessible webpage.
- Requires the CCOC to generate monthly reports of statewide, circuit-level, and county-level statistical data, including only aggregated and deidentified data, and to publish the reports on the publicly accessible webpage.
- Requires the CCOC to generate other reports from information in the database at the request of the Legislature, the judiciary, or the Department of Elderly Affairs (DOEA).
- Requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a comparative analysis and to study trends in the use of Florida's guardianship system and provide an annual report to the Governor and the Legislature beginning in 2024 through 2027.
- Requires the DOEA to publish profiles of professional guardians on their webpage on or before July 1, 2023 and prohibits the DOEA from including information from the CCOC database in professional guardian profiles published on the DOEA website.
- Appropriates the CCOC \$2.4 million nonrecurring General Revenue to develop the database and the DOEA \$340,000 from General Revenue, of which \$300,000 is nonrecurring and \$40,000 is recurring, to implement the provisions of the bill.

The bill is anticipated to have a significant negative fiscal impact on the CCOC and the Clerks of Court due to the cost of creating and maintaining the database. Additionally, the bill will likely have an indeterminate negative fiscal impact on the DOEA related to the transmission of data for inclusion in the database and from publishing professional guardian profiles on their website.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 35-0; House 117-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 1577 — Homeless Youth

by Health and Human Services Committee; Children, Families, and Seniors Subcommittee; and Rep. Woodson and others (SB 1708 by Senators Garcia, Jones, and Book)

The bill addresses the needs of children and young adults who are experiencing homelessness, including those who are certified by the local school district liaison under current Florida law, and amends provisions that will improve access for youth who are currently in, or were formerly in, foster care.

Specifically, the bill:

- Requires district school boards to issue a homeless youth certified under s. 743.067, F.S., a card that includes information on his or her rights and available benefits, and allows health care providers to accept the issued card as proof of the young adult's status as a certified homeless youth.
- Expands the Keys-to-Independence program that provides assistance with the costs of driver education, licensure, and motor vehicle insurance to children in foster care to include certified homeless youth who meet certain requirements.
- Waives fees for certified copies of a birth certificate for certified homeless youth and young adults who aged out of foster care.
- Requires postsecondary institutions to have knowledgeable, accessible, and responsive liaisons to assist children and young adults who were formerly in foster care and those experiencing homelessness with issues related to the use of a tuition and fee exemption.
- Requires postsecondary institutions to retain original documents on a student's tuition and fee exemption and prohibits additional request for such documentation.
- Clarifies provisions related to homeless youth who are certified under s. 743.067, F.S., and updates the definition and criteria for certification to align with federal law.
- Amends the definition of which students qualify for a tuition and fee exemption as homeless children and youth to align this definition with federal law.
- Requires any student determined to be eligible for a tuition and fee exemption as a result of being a homeless child or youth for a preceding year to be presumed homeless for subsequent years unless an institution has conflicting information.
- Directs the Office of Program Policy Analysis and Government Accountability to evaluate the effectiveness of campus liaisons and of local school districts' delivery of benefits and services available under the federal McKinney-Vento Homeless Assistance Act.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 36-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Children, Families, and Elder Affairs

CS/SB 1844 — Mental Health and Substance Abuse

by Children, Families, and Elder Affairs Committee and Senators Bean and Perry

The bill revises the voluntariness provision under the Baker Act to allow a minor's voluntary admission to a receiving facility or hospital after a clinical review of the minor's assent has been conducted, rather than a hearing on the minor's consent as required under current law.

The bill also requires that a clinical review be held to verify the voluntariness of a minor's assent before a minor patient's status is transferred from involuntary to voluntary status under the Baker Act.

The bill requires law enforcement officers transporting an individual to a receiving facility for an involuntary examination under the Baker and Marchman Acts to restrain the individual in the least restrictive manner available and appropriate under the circumstances.

The bill would have an indeterminate, positive fiscal impact on the State Courts System and no fiscal impact on local governments.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Children, Families, and Elder Affairs

SB 7008 — OGSR/Substance Abuse Impaired Persons

by Children, Families, and Elder Affairs Committee

The bill saves from repeal the public records exemption for all petitions for involuntary assessment and stabilization, pleadings, court orders, and related records filed with or by a court under Part V of the Marchman Act, relating to involuntary admissions procedures. Such information is confidential and exempt from public record requirements but may be disclosed by the clerk of the court under certain circumstances to specific parties and entities.

The public records exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act. The bill removes the scheduled repeal of the exemption to continue the confidential and exempt status of the petitions, court orders, and related records.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 35-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Children, Families, and Elder Affairs

SB 7010 — OGSR/Public and Professional Guardians

by Children, Families, and Elder Affairs Committee

The bill saves from repeal the public records exemption for certain information held by the Department of Elder Affairs (the DOEA) in connection with a complaint filed against, or an investigation of, a professional guardian. Specifically, the exemption covers the following investigative information:

- The names and identifying information of a ward and guardian;
- The ward's personal health and financial records; and
- All photographs and video recordings. All other investigative information becomes public once an investigation concludes.

The bill defines what is considered an 'active' investigation and modifies the exemption for photos and video recordings to cover only photos and video recordings of a complainant or ward. Narrowing the exemption will provide the public with important information on the status of ongoing guardianship investigations without compromising the privacy of wards and their families.

The public records exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act. The bill removes the scheduled repeal of the exemption to continue the confidential and exempt status of the information.

The bill will likely have an indeterminate fiscal impact on the DOEA.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 38-0; House 113-1

Committee on Children, Families, and Elder Affairs

CS/SB 7034 — Child Welfare

by Appropriations Committee and Children, Families, and Elder Affairs Committee

The bill makes three important changes to current law aimed at benefiting the lives of children in foster care.

First, the bill increases the monthly payment amounts for relative and nonrelative caregivers who have children placed with them in out-of-home care to achieve parity with the rates for Level II through Level V family foster home placements under the following circumstances:

- For caregivers who have obtained licensure as a child-specific Level I foster placement who have a child placed with them, regardless of whether a court has found that the child is dependent, from the time the child is placed in their care until the child reaches permanency.
- For caregivers, regardless of whether they have obtained a child-specific Level I license, who have a dependent child placed with them, from the date the child is found to be dependent or from the date the child is placed with them, whichever is later, for a period of not more than 6 months or until the child achieves permanency, whichever occurs first. This provision ensures that the 6 month timeline for licensure only begins once two circumstances are satisfied, including both that the child has been found to be dependent and that the child has actually been placed with the relative or nonrelative.

Additionally, the bill provides that relatives or nonrelatives who do not obtain licensure as a child-specific Level I foster placement within 6 months from the specified date will receive a monthly payment less than the \$333 monthly payment provided to a participant enrolled in the Guardianship Assistance Program (GAP) as determined by rule and will be applicable until the child achieves permanency or the relative or nonrelative caregiver obtains licensure as a child-specific Level I foster placement, whichever occurs first.

The bill also provides a \$200 per month per child subsidy to any foster parents and relative and nonrelative caregivers who have a child placed in their home between the ages of birth to school entry regardless of whether the caregiver is licensed or not. The subsidy may be provided as long as the child is placed in out-of-home care with the caregiver and is the subject of an open dependency proceeding.

Lastly, the bill expands the scope of potential students eligible for a tuition and fee exemption at a workforce education program, a Florida College System institution or a state university, to certain students who have been the subject of a shelter, dependency, or termination of parental rights proceeding, and who:

- Is in a Temporary Assistance for Needy Families relative caregiver placement at the time he or she reached 18 years of age;
- After reaching 14 years of age, spent at least 18 months in out-of-home care and were then reunited with his or her parents who were the subject of the dependency proceeding before reaching 18 years of age; and

- Were placed in a permanent guardianship and remains in such guardianship either until the student either reaches 18 years of age or, if before reaching 18 years of age, he or she enrolls in an eligible institution.

The bill is expected to have a significant recurring fiscal impact on state government expenditures.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 112-0

Committee on Children, Families, and Elder Affairs

HB 7065 — Child Welfare

by Children, Families, and Seniors Subcommittee and Rep. Altman and others

The bill aids in creating and sustaining safe, stable, nurturing relationships and environments for children and families that allow children to grow up to their full potential. The bill contains provisions aimed at addressing the needs of children and young adults by:

- Requiring the Department of Children and Families (DCF) and the Department of Juvenile Justice (DJJ) to identify children that are dually involved with both systems of care and provide a report to the Legislature that includes actions taken by both agencies to better serve such children.
- Requiring the DJJ to be invited to participate in multidisciplinary team assessment staffings if the child is involved in both the DCF and the DJJ systems of care for open dependency and delinquency proceedings, respectively.
- Providing additional requirements related to transition plans for older children in foster care and young adults who are receiving funding through the Independent Living Program that includes an emphasis on financial literacy.
- Requires postsecondary institutions to have knowledgeable, accessible, and responsive liaisons to assist children and young adults who were formerly in foster care and those experiencing homelessness with issues related to the use of a tuition and fee exemption.

In addition, the bill addresses needs specific to fathers and at-risk youth by:

- Directing the DCF to contract for an initiative to promote responsible fatherhood with the goal of providing all fathers resources and inspiration to enhance their positive involvement with their children.
- Creating opportunities for not-for-profit organizations who address the needs of fathers and provide mentorships for at-risk boys to receive funding through grant programs established within the DCF.
- Providing for increased engagement with and provision of services to fathers by requiring Florida's community-based care lead agencies to hire father engagement specialists and requiring the Department of Health to include father engagement activities in the current programs that offer home visiting services.
- Requiring the Legislature to designate the month of June as "Responsible Fatherhood Month" to recognize the importance of fathers in their children's lives.
- Requiring the Department of Revenue to establish a dedicated webpage on its website to provide obligors who have difficulty paying child support due to economic hardship certain information that will, in part, assist the obligor with modifying a child support order or access services from CareerSource Florida.
- Requiring the notification related to delinquent child support to be in writing and include certain information about accessing services to assist the father is satisfying his obligation.
- Requiring the Department of Economic Opportunity to expand grants for organizations that assist certain noncustodial parents with becoming self-sufficient and to be better able to satisfy child support payments.

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- Requiring a children's initiative to update the strategic community plan every five years to reflect the current status of the area served and providing requirements for a children's initiative to receive state funding.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

SB 288 — Electronic Dissemination of Commercial Recordings and Audiovisual Works

by Senator Garcia

The bill subjects websites that electronically transmit, make available, or offer a commercial recording or audiovisual work for distribution, display, or performance to the Florida True Origin of Digital Goods Act. These websites will be required to post their operator's or owner's contact information and may be subject to injunction for failure to do so.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 112-1

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/SB 336 — Uniform Commercial Code

by Judiciary and Senator Berman

The bill amends ss. 679.4061 and 679.4081, F.S., of the Florida Uniform Commercial Code (UCC), which currently favors the free transferability of certain business interests, by overriding any provision that would restrict a transfer of these rights. The bill exempts general intangible interests (ownership interests) and security interests in a payment intangible (the monetary portion of an ownership interest) within the context of partnerships, limited partnerships, and limited liability companies from the “anti-override” provisions of Florida’s UCC.

If approved by the Governor, these provisions take effect January 1, 2023.

Vote: Senate 36-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

SB 434 — Florida Tourism Marketing

by Senators Hooper, Torres, and Stewart

The bill extends the scheduled repeal date for the Florida Tourism Industry Marketing Corporation, doing business as VISIT FLORIDA, and the Division of Tourism Marketing within Enterprise Florida, Inc., from October 1, 2023, to October 1, 2028.

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

Vote: Senate 36-3; House 98-17

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

SB 542 — Evidentiary Standards for Actions Arising During an Emergency

by Senator Rodriguez

The bill specifies that the following actions taken by a business during a declared public health emergency or a declared state of emergency may not be used as evidence against the business in certain enumerated civil causes of action to establish the existence of an employer-employee relationship:

- Providing financial assistance to individuals who are unable to work because of health and safety concerns;
- Directly providing benefits related to health and safety, including medical or cleaning supplies, personal protective equipment, health checks, or medical testing;
- Providing training or information related to health and safety; or
- Taking any action, including action required or suggested by any federal, state, or local law, ordinance, order, or directive intended to protect public health and safety.

The bill applies to civil actions relating to workers' compensation, retaliatory personnel actions, state minimum wage, labor pool violations, devices used in payment for labor, and unclaimed wages. Additionally, the bill applies to civil actions to recover lost wages, salary, employment benefits, or other compensation.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 115-2

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/CS/SB 1474 — Online Training for Private Security Officers

by Appropriations Committee; Commerce and Tourism Committee; and Senator Bradley

The bill will allow Class “D” unarmed Security Officers and Class “G” Statewide Firearm applicants to obtain the training required as a qualification for licensing through either in-person or online instruction. The online instruction must be provided through the secure website of a licensed school or training facility, or through the secure website of a Class “K” licensee that has a physical location in Florida. Additionally, the online training course must:

- Include security questions to ensure that the applicant is actively using the computer and is following along with the online training;
- Establish a minimum amount of time that each applicant must spend on each screen;
- Include randomized test questions; and
- Maintain a digital attendance log and keep other required records.

The bill further requires the Department of Agriculture and Consumer Services to adopt related rules.

If approved by the Governor, these provisions take effect on July 1, 2022.

Vote: Senate 38-0; House 112-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/HJR 1 — Additional Homestead Property Tax Exemption for Specified Critical Public Service Workforce

by State Affairs Committee; Ways and Means Committee; Rep. Tomkow and others (CS/SJR 1746 by Finance and Tax Committee and Senator Brodeur)

The resolution proposes an amendment to the Florida Constitution to authorize the Legislature to provide, through general law, for all levies other than school district levies, an additional homestead exemption on the value greater than \$100,000 and up to \$150,000 for a classroom teacher, law enforcement officer, correctional officer, firefighter, emergency medical technician, paramedic, child welfare services professional, active duty member of the United States Armed Forces, or a member of the Florida National Guard. Property maintained as a homestead by the owner for a person legally or naturally dependent upon the owner is eligible for the exemption.

The proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election in November 2022.

If approved by at least 60 percent of the electors, the proposed amendment will take effect on January 1, 2023.

Vote: Senate 37-1; House 115-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

HB 31 — Firefighter Inquiries and Investigations

by Reps. Busatta Cabrera, Casello, and others (SB 264 by Senator Hooper)

The Firefighters’ Bill of Rights provides specific rights when a firefighter is under investigation and subject to interrogation for a reason which could lead to disciplinary action, including reprimand, suspension, or dismissal. There is a similar law for law enforcement and correctional officers known as the Law Enforcement Officers’ Bill of Rights.

The bill amends the Firefighters’ Bill of Rights to expand the rights given to a firefighter during questioning conducted under an informal inquiry. Currently, questioning pursuant to an informal inquiry is not subject to the Firefighters’ Bill of Rights.

The bill requires that an informal inquiry be conducted at a reasonable time and for a reasonable duration, allowing reasonable periods of rest for the firefighter. Additionally, during an informal inquiry or interrogation a firefighter may not be threatened with transfer, suspension, dismissal, or disciplinary action as inducement to answer any questions.

The bill revises the definition of the term “informal inquiry” to exclude certain routine work related discussions such as safety sessions or normal operational fire debriefings.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 118-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/HB 105 — Regulation of Smoking by Counties and Municipalities

by Health and Human Services Committee and Reps. Fine, Altman, and others (CS/CS/SB 224 by Rules Committee; Environment and Natural Resources Committee; Senators Gruters, Bradley, Farmer, Berman, Stewart, Rouson, Boyd, and Hooper)

The Florida Clean Indoor Air Act regulates vaping and tobacco smoking in public places in Florida. The legislative purpose of the act is to protect the public from the health hazards of secondhand tobacco smoke and to implement the Florida health initiative in Art. X, s. 20, State Constitution. Current law preempts the regulation of smoking to the state and does not allow counties or municipalities to regulate smoking. However, the law provides exceptions to allow school districts to regulate smoking on school property and local governments to impose more restrictive regulations on the use of vapor-generating electronic devices.

“Smoking” is defined in ch. 386, F.S., as “inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product.”

The bill renames the Florida Clean Indoor Air Act the “Florida Clean Air Act” and expressly authorizes counties and municipalities to restrict smoking within the boundaries of any of the public beaches and public parks they own, except with regard to the smoking of unfiltered cigars.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 30-7; House 105-10

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/SB 196 — Florida Housing Finance Corporation

by Appropriations Committee and Senator Rodriguez

The bill designates the Florida Housing Finance Corporation (Florida Housing) as the state fiscal agency authorized to make constitutional determinations of fiscal sufficiency in connection with their issuance of bonds to finance the development of affordable housing. Currently, such determinations must be made by the State Board of Administration.

The bill codifies certain definitions and regulations related to the qualified contract process by which Florida Housing seeks a purchaser for an affordable housing development in order to maintain its affordable housing status. Additionally, the bill proscribes what happens to the affordable housing development's extended use period if a qualified contract does not close. If the reason is generally due to actions by the owner, then the extended use period continues. If contract does not close for other reasons, and Florida Housing is unable to find another purchaser within a 1-year period, then the extended use period ends.

The bill also repeals provisions that limit Elderly Housing Community Loan program loans to \$750,000 per housing community and contain certain requirements for such loans.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

SB 352 — Construction Liens

by Senator Hooper

A construction project generally begins with the posting of a “notice of commencement” on the job site and the recording of the notice in the county clerk’s office. The recording of a notice of commencement is meant to give constructive notice to an owner of real property that claims of lien may be recorded against that property, and which liens may take priority.

A notice of commencement is required for any direct contract greater than \$2,500 between an owner and a contractor, related to improvements to real property consisting of single or multiple family dwellings up to and including four units. However, a notice of commencement is not required in direct contracts to repair or replace an existing heating or air-conditioning system in an amount less than \$7,500.

SB 352 revises the requirement to file a notice of commencement for the repair or replacement of an existing heating or air-conditioning system. The bill raises the cost threshold where a notice of commencement is not required for such contracts from \$7,500 to \$15,000.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

SB 406 — Secured Transactions

by Senator Berman

When a consumer enters a security agreement – a contract in which a debtor offers assets as collateral (“security”) to guarantee repayment – the contract describes what assets are offered as security. Historically, a contract’s blanket offering of “all assets” as security has not been interpreted to include certain assets. The bill remedies issues arising from a recent federal court case which held that mere reference to “all assets” included certain property previously understood to be excluded from such an agreement.

The bill protects consumers from unknowingly pledging otherwise exempt assets by providing that certain accounts and entitlements are not adequately described in a security agreement by general reference to “all assets,” or similar, for the purpose of waiving constitutional and statutory protections from creditors.

The assets further protected by the bill include life insurance policies, cash surrender value of life insurance policies and annuity contracts; wages or reemployment assistance or unemployment compensation payments due deceased employees; disability income benefits; certain payments protected by the federal Bankruptcy Reform Act of 1978; pension money and tax exempt retirement accounts; and assets in qualified tuition programs, medical savings accounts, Coverdell education savings accounts, and hurricane savings accounts.

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

Vote: Senate 37-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/HB 423 — Building Regulation

by Commerce Committee; Regulatory Reform Subcommittee; and Rep. LaMarca and others (CS/CS/CS/SB 644 by Rules Committee; Regulated Industries Committee; Community Affairs Committee; and Senator Brodeur)

Private Providers

The bill makes several changes to current law pertaining to licensed individuals providing private building inspection services, known as “private providers.” Current law allows contractors and property owners to hire licensed building code administrators, engineers, and architects to review building plans, perform building inspections, and prepare certificates of completion. The bill makes the following changes:

- Specifies that if a person uses a private provider, the local government must provide equal access to all permitting and inspection documents and reports to the private provider, the owner, and the contractor;
- Specifies that the “reasonable administrative fee” a local government may charge for using a private provider must be based on the actual cost incurred by the local government for the clerical and supervisory assistance required;
- Allows a person with a provisional license (qualified to sit for the building official, plans examiner, or building inspector exam) to be a “duly authorized representative” for a private provider if under the direct supervision of a person licensed as a building code administrator. A duly authorized representative is an agent of a private provider authorized to review plans and perform inspections.
- Modifies the timeframe in which a building official must issue a certificate of occupancy or completion for certain types of permits, and provides that if a local building official does not provide a notice of deficiencies within the timeframes provided in the bill, the certificate of occupancy is automatically deemed issued the next day.

Building Inspector and Plans Examiner Licensure

The bill makes the following changes pertaining to building inspector and plans examiner licensure:

- Provides that a person may sit for the building inspector or plans examiner licensure test by completing a four-year internship with a private provider or private provider’s firm while under the direct supervision of a certified building official.
- Requires the Florida Building Code Administrators and Inspectors Board (FBCAIB) to adopt a rule establishing that partial completion of an internship program may be transferred among local jurisdictions, private providers, and private provider firms.
- Prohibits the FBCAIB from issuing a provisional license with a special condition or requirement that such licensee be employed by a municipality, county, or other local government agency.

Building Permits

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 bill provides that a local government may only make three requests for additional information from an applicant applying for certain types of building permits and requires the local government to review any requested additional information within a certain time-period. This change is consistent with the limitations provided in current law pertaining to applications for development permits and orders. An applicant may agree in writing to waive this limitation.

The bill also states that a local law, ordinance, or regulation may not prohibit or otherwise restrict the ability of a private property owner to obtain a building permit to demolish any single-family residential structure located in certain flood hazard areas. Additionally, local governments may not impose additional regulatory requirements on the replacement of the demolished structure not otherwise applicable to similarly situated parcels. The bill provides exceptions to this provision for certain historic buildings.

Building Code Enforcement Funds

The bill provides a cause of action for certain owners or builders or an association in Florida that has members with valid building permits to enforce the statutory provisions limiting the uses of a local government's excess Building Code enforcement funds. Current law limits the amount of Building Code enforcement funds a local government may carry forward each year and stipulates how such excess funds may be spent.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/SB 518 — Private Property Rights to Prune, Trim, and Remove Trees

by Community Affairs Committee and Senator Brodeur

The governing body of a county or municipality has broad legislative powers to enact ordinances to perform governmental functions and exercise power to promote the health, welfare, safety, and quality of life of a local government's residents. To that end, many counties and municipalities enact tree management ordinances to regulate tree removal and maintenance on private property, often requiring property owners to obtain a permit or pay a fee before pruning, trimming, or removing a tree on their property.

Legislation enacted during the 2019 Regular Session prohibits local governments from requiring a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from a certified arborist or a licensed landscape architect, that the tree presents a danger to persons or property. Additionally, a local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this law.

CS/SB 518 revises the 2019 provision to provide clarity and precision to the operation of the law. The bill provides that a local government may not burden a property owner's rights to prune, trim, or remove trees on his or her own property if the tree "poses an unacceptable risk" to persons or property. Under the bill, a tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate as outlined in Best Management Practices – Tree Risk Assessment, Second Edition (2017).

The bill also describes the documentation that must be produced by an arborist or landscape architect in determining that a tree poses an unacceptable risk. It also clarifies the applicability of the law by defining "residential property" to mean a single-family detached building located on an existing lot actively used for single-family residential purposes.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 116-1

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/CS/SB 706 — School Concurrency

by Rules Committee; Education Committee; Community Affairs Committee; and Senator Perry

School concurrency is the process by which local governments ensure school capacity is not outpaced by population increase created by development. Concurrency requirements are local laws stating that certain infrastructure must be in place and available to serve new development before the local government may allow new citizens to live in the new development.

The bill provides that school concurrency is deemed satisfied when the developer tenders a written legally binding commitment, rather than actually executes such commitment, to provide mitigation proportionate to the demand created by the development. A district school board must notify the local government that capacity is available for the development within 30 days after receipt of the developer's commitment.

The bill also provides that such mitigation paid by a developer, rather than being immediately directed toward a school capacity improvement, may be set aside and not spent until an appropriate improvement is identified.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/HB 777 — Local Tax Referenda Requirements

by State Affairs Committee; Public Integrity and Elections Committee; and Rep. Robinson, W. and others (CS/CS/SB 1194 by Appropriations Committee; Community Affairs Committee; and Senators Boyd and Rodrigues)

Local governments have the authority to levy a variety of optional taxes conditioned upon approval of a majority of electors voting in a referendum. Presently, the applicable local government determines when a referendum will take place to approve one of the local taxes contemplated by the bill. A local government may decide to hold such referendum during a special election or in conjunction with another local election, primary election, or general election.

CS/CS/HB 777 requires a local government seeking voter approval to levy certain taxes must hold such referendum at a general election. The bill applies to the following local option taxes:

- Tourist development taxes
- Tourist impact taxes
- Ad valorem taxes levied by a children's services independent special district
- County, municipal, and school district voted millage increases
- Local option fuel taxes

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 39-0; House 111-2

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/SB 898 — Lodging Standards

by Community Affairs Committee and Senators Stewart, Perry, Taddeo, Book, Berman, Bracy, Polsky, Cruz, Jones, Garcia, Powell, and Torres

The bill, designated as “Miya’s Law,” is an effort to strengthen residential tenant safety, and is named after Miya Marcano, a young woman who was tragically killed in her apartment in 2021. The bill makes changes to Florida’s Residential Landlord and Tenant Act as well as public lodging establishment laws in an effort to provide safety and security to apartment tenants.

The bill directs landlords or licensees of transient and nontransient apartments to require that all employees undergo a background screening performed by a consumer reporting agency done in accordance with the federal Fair Credit Reporting Act as a condition of employment. A person may be disqualified from employment based on the background screening if the person has been found guilty or plead no contest to certain offenses including those involving violence and disregard for safety.

Effective January 1, 2023, apartments must maintain a log accounting for the issuance and return of all keys for each dwelling unit, and establish policies for the issuance and return of unit keys, as well as storage and access to unissued keys. An apartment’s key logs and employee background screening files are subject to the Department of Business and Professional Regulation’s annual inspection of apartments.

The bill changes from 12 hours to 24 hours the “reasonable notice” that a landlord must give a tenant for entry of a unit for the purpose of repair for all tenancies.

Additionally, the bill provides that an operator of a public lodging establishment may not offer an hourly rate for an accommodation. However, an operator may charge an hourly rate for late checkout fees.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 34-0; House 120-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/SB 962 — Residential Development Projects for Affordable Housing

by Rules Committee; Transportation Committee; Senators Bradley and Taddeo

Current law authorizes a county or municipality to approve the development of affordable housing on any parcel zoned for residential, commercial, or industrial use regardless of zoning ordinances or the locality's comprehensive plan, but does not specifically address mixed-use residential projects or the portion of units that must be reserved for affordable housing.

The bill expounds on this provision to clarify that a county or municipality may, notwithstanding any other provision of law (such as a comprehensive plan or zoning ordinance), approve the development of any residential development project, including a mixed-use residential development project, on any parcel zoned for commercial or industrial use if at least 10 percent of the project's units are reserved for housing that is affordable. The sponsor of such a project must additionally agree not to apply for or receive funding from the state's multi-family affordable housing program, known as the State Apartment Incentive Loan program.

The bill also clarifies that new and existing provisions allowing for approval of affordable housing projects notwithstanding other laws are self-executing and do not require further action by local governments before using this approval process.

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

Vote: Senate 39-0; House 112-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/SB 1190 — Two-way Radio Communication Enhancement Systems

by Rules Committee and Senator Boyd

Local fire authorities set minimum standards for radio signal strength throughout buildings within their jurisdictions in order to ensure consistent fire and rescue communication capabilities. Two-way radio communication enhancement systems are composed of strategically placed indoor amplifiers and antennae installed after a building is constructed to boost signal strength. These systems are sometimes required in order to meet signal strength requirements.

The bill provides that two-way radio communication enhancement systems may be used to comply with a local authority's minimum radio signal strength requirements, but may not be required by local fire authorities in apartment buildings that (1) are 75 feet in height or less; (2) are constructed using wood framing; (3) have less than 150 dwelling units; and (4) all dwelling units discharge to the exterior or to a corridor leading directly to an exit. Evidence of wood frame construction is to be shown by the property owner using building permit documentation showing wood frame construction.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 87-24

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/SB 1236 — County and Municipal Detention Facilities

by Rules Committee and Senator Jones

The bill establishes the Florida Model Jail Standards (FMJS) Working Group to develop and maintain model standards for county and municipal detention facilities. The FMJS Working Group is comprised of seven members appointed by the Florida Sheriff's Association and the Florida Association of Counties. The bill requires every sheriff, county, city, or other entity that operates a county or municipal detention facility to adopt, at a minimum, the approved FMJS, which address the construction, equipping, maintenance, and operation of these facilities.

Under the bill's provisions, each county or municipal detention facility must be inspected at least twice annually by a FMJS-certified inspector. One inspection is announced and the other inspection is unannounced. The announced inspection evaluates a facility's compliance with all the FMJS and the unannounced inspection is limited to a review for serious violations. The bill prohibits a county or municipal detention facility from refusing to be inspected or refusing access to its facility. If the officer in charge of the facility refuses, that person is subject to monetary penalties.

The bill provides if, upon inspection, a facility is noncompliant with the FMJS, it has 30 days to cure the noncompliance, if it is not a serious violation. If it is a serious violation, the facility has 24 days to cure the noncompliance. For notable, or non-serious violations, the facility will be re-inspected within 10 days after the 30-day correction period.

The bill assigns monetary penalties for noncompliance with the FMJS if an annual inspection reveals that a detention facility is noncompliant with a notable violation and the noncompliance is not corrected within the initial 30-day correction period.

Also, if a second re-inspection for a notable violation or serious violation reveals that the detention facility continues to be noncompliant, the facility must cease operation of the detention facility within 14 days and must contract with one or more other detention facilities to house its prisoners until the facility is determined to be in compliance with the FMJS.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 109-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/SB 1382 — Tax Administration

by Appropriation Committee; Finance and Tax Committee; and Senator Gruters

The bill makes various changes to statutes relating to the Department of Revenue (Department). The bill largely amends details related to the Department's rights and obligations before, during, and after an audit.

Regarding audits, the bill:

- Clarifies activities the Department may engage in during the 60-day waiting period between notifying the taxpayer of its intent to audit and beginning the audit;
- Excludes from evidence during litigation documents withheld during an audit;
- Provides that, in certain situations, the failure of a taxpayer to provide documents creates a presumption that the resulting proposed final agency action by the Department is correct;
- Expands the Department's authority to serve subpoenas in certain situations;
- Revises several situations when the time limit to complete an audit is tolled;
- Allows the Department to immediately suspend a dealer's resale certificate during audits relating to the sale of alcoholic beverages;
- Allows the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation to suspend or revoke a dealer's license if the dealer's resale certificate has been suspended;
- Allows the Department to reopen a final assessment for the purpose of adjusting liability under certain circumstances;
- Allows the Department to include all taxes, penalties, interest, costs, and fees authorized by law in a garnishment or levy; and
- Provides rulemaking and emergency rulemaking authority.

The bill also makes changes including clarifications, corrections, deletions of obsolete language, and cross-reference corrections.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 33-3; House 105-10

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/HB 1563 — Homestead Property Tax Exemptions for Classroom Teachers, Law Enforcement Officers, Firefighters, Emergency Medical Technicians, Paramedics, Child Welfare Professionals, and Servicemembers

by State Affairs Committee; Ways and Means Committee; Rep. Tomkow and others (CS/SB 1748 by Finance and Tax Committee and Senator Brodeur)

The bill is linked to CS/CS/HJR 1, which proposes an amendment to the Florida Constitution to authorize the Legislature to provide a new homestead tax exemption for classroom teachers, law enforcement officers, firefighters, emergency medical technicians, paramedics, child welfare professionals, and active duty members of the United States Armed Forces, or members of the Florida National Guard.

The bill provides that any of the defined people who hold legal or beneficial title in equity to real property in this state and makes such property their or their dependent's permanent residence is entitled to an exemption of up to \$50,000 on the property's value between \$100,000 and \$150,000, for all levies other than school district levies.

The bill directs the Legislature to appropriate money to fiscally constrained counties to offset reductions in ad valorem tax revenue resulting from the homestead exemption. Distributions to fiscally constrained counties will be made beginning in Fiscal Year 2023-2024.

If approved by the electors in the next general election in November 2022, the proposed amendment (CS/CS/HJR 1) and CS/CS/HB 1563 will take effect on January 1, 2023.

Vote: Senate 37-1; House 115-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 195 — Juvenile Diversion Program Expunction

by Criminal Justice and Public Safety Subcommittee and Rep. Smith, D. and others (CS/SB 342
by Criminal Justice Committee and Senators Perry and Taddeo)

The bill amends s. 943.0582, F.S., to permit a juvenile who completed a diversion program for misdemeanor and felony offenses, other than a forcible felony or a felony involving the manufacture, sale, purchase, transport, possession, or use of a firearm or weapon, to apply to have the nonjudicial arrest record expunged. This expands the current law, which only permits juvenile diversion expunction for a misdemeanor offense.

Additionally, the bill amends s. 985.126, F.S., to permit a juvenile who completes a diversion program and who has been granted an expunction under s. 943.0582, F.S., to lawfully deny or fail to acknowledge his or her participation in the program and such expunction of the nonjudicial arrest record. This expands the current law, which only permits a juvenile who completes diversion for a first-time misdemeanor offense to lawfully deny or fail to acknowledge his or her participation in the program and the expunction.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 115-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 197 — Pub. Rec./Nonjudicial Arrest Record of a Minor

by Rep. Smith, D. and others (CS/SB 344 by Criminal Justice Committee and Senator Perry)

The bill is the public records exemption linked to CS/HB 195. The bill provides that a nonjudicial record of the arrest of a minor who has successfully completed a diversion program and is eligible for expunction is made confidential and exempt from public disclosure, except that the record must be made available only to criminal justice agencies for specified purposes.

CS/HB 195 amends s. 943.0582, F.S., to permit a juvenile who completed a diversion program for misdemeanor and felony offenses, other than a forcible felony or a felony involving the manufacture, sale, purchase, transport, possession, or use of a firearm or weapon, to apply to have the nonjudicial arrest record expunged. This expands the current law, which only permits juvenile diversion expunction for a misdemeanor offense.

Additionally, CS/HB 195 amends s. 985.126, F.S., to permit a juvenile who completes a diversion program and who has been granted an expunction under s. 943.0582, F.S., to lawfully deny or fail to acknowledge his or her participation in the program and such expunction of the nonjudicial arrest record. This expands the current law, which only permits a juvenile who completes diversion for a first-time misdemeanor offense to lawfully deny or fail to acknowledge his or her participation in the program and the expunction.

The bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2027, unless reviewed and saved from the repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect on the same date that CS/HB 195 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Vote: Senate 38-0; House 115-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 226 — Care for Retired Police Dogs

by Appropriations Committee and Senators Powell, Burgess, Perry, Pizzo, Stewart, Torres, and Wright

The bill creates the Care for Retired Police Dogs Program. The program will provide reimbursement for up to \$1,500 of annual veterinary costs associated with caring for a retired police dog by the former handler or adopter who incurs the costs. The program will be administered and managed by a not-for-profit corporation in a contractual arrangement with the Florida Department of Law Enforcement after a competitive grant award process.

The bill requires that the program receive valid documentation of the dog's retirement from a law enforcement agency or correctional agency and that the dog served for 5 years or more. If the dog served more than one agency during its career, documentation from two or more law enforcement agencies or correctional agencies showing a total of at least 5 years of service is acceptable. Valid documentation is also required if the dog served 3 years or more with one or more law enforcement or correctional agencies, was injured in the line of duty while serving with a law enforcement or correctional agency, and retired from the agency the dog was serving with at the time of the injury due to injury. A valid paid invoice from the veterinarian for veterinary care is required in order for reimbursement of veterinary costs to occur.

The bill includes an appropriation of \$300,000 in recurring funds from the General Revenue Fund for the purpose of implementing and administering the program.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 36-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 266 — Motor Vehicle Insurance

by Criminal Justice Committee and Senator Diaz

The bill creates s. 627.7491, F.S., which provides that if an employing agency authorizes a law enforcement officer to travel to his or her place of residence in an official law enforcement vehicle, the employing agency shall maintain current and valid motor vehicle insurance coverage, including bodily injury, death, and property damage liability coverage that covers the period in which an officer travels to or from work in an official law enforcement vehicle and covers the time an officer travels to and from any other employing agency assignment in such vehicle.

Such motor vehicle insurance is not required to provide coverage if:

- The law enforcement officer makes a distinct deviation for a nonessential personal errand unless a collective bargaining agreement permits such deviation; or
- The officer acts in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

The bill also provides that any suit or action brought or maintained against an employing agency for damages arising out of tort pursuant to this statute, including, without limitation, any claim arising upon account of an act causing loss of property, personal injury, or death, is subject to the limitations on tort claims or judgments against the state and its agencies and subdivisions provided in s. 768.28(5), F.S.

The bill also provides that the requirements of this statute may be met by any method authorized by s. 768.28(16), F.S., which authorizes the state and its agencies and subdivisions to be self-insured, to enter into risk management programs, or purchase whatever coverage they may choose, or any combination thereof.

The bill also defines the terms “employing agency” and “law enforcement officer” and provides a legislative finding and declaration that the bill fulfills an important state interest.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 287 — Tampering with or Fabricating Physical Evidence

by Criminal Justice and Public Safety Subcommittee and Rep. Garrison and others (CS/SB 796
by Criminal Justice Committee and Senator Bradley)

The bill creates a new felony offense building upon the current offense of tampering with or fabricating evidence. The new offense provides that tampering with or fabricating evidence relating to a criminal trial or proceeding or an investigation involving a capital offense is a second degree felony. The bill ranks the new offense as a Level 6 offense in the Offense Severity Ranking Chart. Additionally, the bill ranks the third degree felony offense of tampering with or fabricating physical evidence as a Level 3 offense in the Offense Severity Ranking Chart.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 39-0; House 111-1

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 444 — Indecent, Lewd, or Lascivious Touching

by Children, Families, and Elder Affairs Committee and Senators Perry and Book

The bill creates s. 794.051, F.S., which provides that it is a third degree felony for a person 24 years of age or older to intentionally touch in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person 16 or 17 years of age, or to force or entice such person to so touch the perpetrator.

This crime does not apply to a person 16 or 17 years of age who has had the disability of nonage removed.

This crime is ranked as a level 4 in the offense severity ranking chart of the Criminal Punishment Code.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 453 — Officer and Firefighter Physical Examination Requirements and Records

by Criminal Justice and Public Safety Subcommittee and Reps. Duggan, Byrd, and others
(CS/SB 1736 by Criminal Justice Committee and Senator Hooper)

The bill amends s. 112.18, F.S., which provides for a presumption relevant to workers' compensation. Specifically, the statute provides that any condition or impairment of health of a firefighter, law enforcement officer, correctional officer, or correctional probation officer caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death is presumed to have been accidental and to have been suffered in the line of duty unless the contrary is shown by competent evidence. A necessary precondition to the presumption is that the firefighter or officer successfully passed a physical examination upon entering into service, which examination failed to reveal any evidence of such condition.

The bill provides that if a firefighter did not undergo a pre-employment physical examination, the medical examination required for firefighter certification is deemed to satisfy the medical examination requirement, if the medical examination failed to reveal any evidence of tuberculosis, heart disease, or hypertension.

The bill also provides that if the firefighter underwent a pre-employment physical examination, the employing fire service provider must maintain records of the examination for at least 5 years after the employee's separation from the employing fire service provider. If the employing fire service provider fails to maintain the records of the examination for the required retention period, it is presumed that the employee met the requirement for the workers' compensation presumption.

The bill also amends s. 943.13, F.S., to require that the employing agency of a law enforcement officer, correctional officer, or correctional probation officer maintain records of the pre-employment physical examination for at least 5 years after the employee's separation from the employing agency. If the employing agency fails to maintain the records of the examination for the required retention period, it is presumed that the employee met the requirement for the workers' compensation presumption.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 108-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

SB 454 — Florida Commission on Offender Review

by Senator Perry

The bill increases the rate of payment for retired or former commissioners of the Florida Commission on Offender Review, who are assigned to temporary duty due to a workload need, from \$100 to \$200 per day or portion of a day.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 112-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 722 — Education for Student Inmates

by Criminal Justice Committee and Senator Perry

The bill authorizes a county or municipal detention facility or the Department of Corrections to contract with a Florida College System institution to provide education services to its inmates. The bill affirmatively provides that state funds provided for the operation of postsecondary workforce programs may be expended on a state inmate with 24 months or less remaining on his or her sentence, notwithstanding s. 1011.81(4), F.S., which prohibits state funds for the Florida College System Program Fund from being expended on the education of state or federal inmates.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/SB 752 — Probationary or Supervision Services for Misdemeanor Offenders

by Appropriations Committee; Criminal Justice Committee; and Senators Gainer, Pizzo, and Perry

The bill removes a statutory prohibition on a private entity providing probationary or supervision services to misdemeanor offenders who are sentenced by a circuit court. The bill also authorizes the Department of Corrections (DOC) to supervise misdemeanor offenders when such supervision is ordered by a circuit court, but retains the requirement that the DOC supervise felony offenders. Under current law, a private or a public entity may only provide probation services to offenders sentenced by a county court; and the DOC must supervise felony and misdemeanor offenders who are sentenced to or placed on probation or other supervision by a circuit court.

The bill transfers the authority to approve a contract with a private entity to provide supervision services for misdemeanor offenders from the county court judge or administrative judge to the chief judge of the circuit.

The bill authorizes probationers or offenders in community control to fulfill the reporting requirements of their terms and conditions of probation by reporting to their probation office remotely if approved by the relevant probation officer, county probation authority or entity, or the DOC, and if the court has not excluded remote reporting in its order of probation. If the DOC or a county probation authority authorizes remote reporting, the entity must adopt and make available remote reporting policies.

The bill requires the DOC to implement a graduated incentives system in a manner that encourages educational achievement and stable employment, in addition to promoting compliance with terms of supervision and prioritizing the highest level of supervision for probationers and offenders presenting the greatest risk of recidivism. The DOC must incentivize educational achievement by awarding a 60-day reduction in the term of supervision for a probationer or offender in community control who completes an educational advancement activity, such as obtaining a high school diploma, a high school equivalency degree, an academic degree, or a vocational certificate, during his or her term of supervision. The DOC must also incentivize stable employment by awarding a 30-day reduction in the term of supervision for a probationer or offender in community control who completes a period of “workforce achievement.” The bill defines “workforce achievement” as maintaining full-time, paid employment for at least 30 hours a week for a 6-month period. The DOC must verify such employment through supporting documentation, such as any record, letter, pay stub, contract, or other DOC-approved verification method.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 118-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 873 — Pub. Rec./Execution Information

by Rep. Maney and others (SB 1204 by Senator Broxson)

The bill creates a public records exemption for certain persons or entities involved in executions. Specifically, the bill makes confidential and exempt from s. 119.07(1), F.S., and Art. 1, s. 24(a), State Constitution, information or records that identify or could reasonably lead to the identification of any person or entity that participates in, has participated in, or will participate in an execution, including those who administer, compound, dispense, distribute, maintain, manufacture, order, prepare, prescribe, provide, purchase, or supply drugs, chemicals, supplies, or equipment needed to conduct an execution.

The bill makes the exemption applicable to information and records held by the Department of Corrections before, on, or after the effective date of the bill.

This exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2027, unless reviewed and saved from repeal through reenactment by the Legislature.

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

Vote: Senate 28-10; House 84-32

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 1012 — Victims of Crimes

by Judiciary Committee and Senators Burgess, Book, and Perry

The bill amends s. 960.001, F.S., to provide that, in addition to other enumerated information, a victim must be informed of his or her right to employ private counsel. A new provision is added that encourages The Florida Bar to develop a registry of attorneys who are willing to serve on a pro bono basis as advocates for crime victims.

This statute is amended to clarify that victims who are not incarcerated, or the victim's representatives, may, upon request, be informed, be present, and be heard at all stages of criminal and juvenile proceedings. The bill removes language from the existing statute to remove the conditions that a victim has a right to be informed, present, or to be heard "when relevant," at a "crucial" stage, and "to the extent that this right does not interfere with constitutional rights of the accused."

This statute is further amended to clarify that victims who are incarcerated may, upon request, be informed, and submit written statements at all stages of criminal and juvenile proceedings. The bill removes language from the existing statute to remove the requirement that the stage be a "crucial" stage for the incarcerated victim to be informed and submit statements at proceedings.

The bill amends ss. 960.0021 and 985.036, F.S., relating to a court's responsibility to inform a victim of his or her rights and the rights of a victim in a juvenile proceeding, respectively, to specify that the victim must be informed upon request.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 1046 — Public Records/Law Enforcement Geolocation Information

by Governmental Oversight and Accountability Committee and Senator Hooper

The bill amends s. 119.071, F.S., to make exempt from public disclosure law enforcement geolocation information held by a law enforcement agency. The bill defines the term “law enforcement geolocation information” as information collected using a global positioning system or another mapping, locational, or directional information system that allows tracking of the location or movement of a law enforcement officer or a law enforcement vehicle.

The exemption applies to such information held by an agency before, on, or after the effective date of the exemption. The exemption does not apply to uniform traffic citations, crash reports, homicide reports, arrest reports, incident reports, or any other official reports issued by an agency which contain law enforcement geolocation information.

A law enforcement agency must disclose law enforcement geolocation information in the following instances:

- Upon a request from a state or federal law enforcement agency;
- When a person files a petition with the circuit court in the jurisdiction where the agency having custody of the requested law enforcement geolocation information is located specifying the reasons for requesting such information and the court, upon a showing of good cause, issues an order authorizing the release of the law enforcement geolocation information; or
- When law enforcement geolocation information is requested for use in a criminal, civil, or administrative proceeding.

The bill specifies that law enforcement geolocation information released pursuant to a petition-initiated court order must be viewed or copied under the direct supervision of the custodian of the record or his or her designee. The bill also specifies that the exception from the exemption for use of such information in a criminal, civil, or administrative proceeding does not prohibit a court in such proceeding, upon a showing of good cause, from restricting or otherwise controlling the disclosure of such information.

The exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and stands repealed on October 2, 2027, unless reviewed and saved from repeal through reenactment by the Legislature.

Finally, the bill includes a statement of public necessity for the new public records exemption.

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

Vote: Senate 37-1; House 112-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 1244 — Statutes of Limitation for Offenses Relating to Sexual Performance by a Child

by Criminal Justice Committee and Senator Gibson

The bill amends s. 775.15, F.S., to provide that there is no time limitation for the prosecution of any offense under s. 827.071(2) or (3), F.S., relating to use of a child in a sexual performance or promoting a sexual performance of a child, if the offender was 18 years of age or older at the time of the offense.

The bill provides that the exceptions to the time limitations apply to any offense that is not otherwise barred from prosecution on or before July 1, 2022.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 1534 — Retail Theft

by Criminal Justice Committee and Senators Boyd, Diaz, and Garcia

The bill amends s. 812.015, F.S., the retail theft statute, to create new third degree felony and second degree felony retail theft crimes based on multiple retail thefts occurring in a limited time period in different merchant locations. Specifically, the bill amends the statute to provide that a person commits retail theft, a third degree felony, if the person individually, or in concert with one or more other persons, commits five or more retail thefts within a 30-day period and in committing such thefts obtains or uses 10 or more items of merchandise, and the number of items stolen during each theft is aggregated within the 30-day period to determine the total number of items stolen, regardless of the value of such merchandise, and two or more of the thefts occur at different physical merchant locations.

The bill also amends the statute to provide that a person commits a second degree felony if the person individually, or in concert with one or more other persons, commits five or more retail thefts within a 30-day period and in committing such thefts obtains or uses 20 or more items of merchandise, and the number of items stolen during each theft is aggregated within the 30-day period to determine the total number of items stolen, regardless of the value of such merchandise, and two or more of the thefts occur at a different physical retail merchant location.

The bill also amends s. 921.0022, F.S., the offense severity level ranking chart of the Criminal Punishment Code, to rank the new third degree felony retail theft offense as a level 5 offense and rank the new second degree felony retail theft offense as a level 6 offense.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 38-0; House 80-36

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/SB 1798 — Sexually Related Offenses

by Appropriations Committee; Criminal Justice Committee; and Senator Book

The bill creates s. 836.13, F.S., to provide criminal and civil penalties for persons who promote certain altered sexual depictions. Colloquially known as “deep fakes,” these altered images often depict individuals engaging in sexual behavior that they did not engage in.

Specifically, the bill provides that a person commits a third degree felony when he or she willfully and maliciously promotes any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction.

The bill defines “altered sexual depiction” to mean any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person: with the nude body parts of another person as the nude body parts of the identifiable person; with computer-generated nude body parts as the nude body parts of the identifiable person; or engaging in sexual conduct in which the identifiable person did not engage.

Additionally, the bill defines “promote,” to mean to issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send, post, share, or advertise or to offer or agree to do the same. This definition of “promote,” is used in newly created ss. 836.13, and 836.14, F.S.

The bill creates s. 836.14, F.S., to provide criminal and civil penalties relating to theft or unauthorized promotion of a sexually explicit image. A person commits a third degree felony when he or she:

- Commits a theft of a sexually explicit image with the intent to promote such image; or
- Willfully possesses with the intent to promote a sexually explicit image for the purpose of pecuniary or any other financial gain, when he or she knows or should have known the image was obtained in violation of the offense described above.

The bill provides a higher penalty, a second degree felony, when a person willfully promotes, through the use of print media, an Internet website, or other electronic means, for the purpose of pecuniary or any type of financial gain a sexually explicit image of an identifiable person without that person’s consent.

The criminal and civil penalties created for the crimes in ss. 836.13 and 836.14, F.S., do not apply to:

- A provider of an interactive computer service, of an information service, or of a communications service which provides the transmission, storage, or caching of electronic communications or messages of others; another related telecommunications or commercial mobile radio service; or content provided by another person;

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- A law enforcement officer, or any local, state, federal, or military law enforcement agency that disseminates a sexually explicit image in connection with the performances of his or her duties;
- A person reporting unlawful activity; or
- A person participating in a hearing, trial, or other legal proceeding.

Additionally, the criminal and civil penalties created for the crimes in s. 863.14, F.S., do not apply to sexually explicit images:

- Involving voluntary exposure in a public or commercial setting; or
- Possessed or promoted by a bona fide news media organization for a legitimate and newsworthy purpose.

The felony offenses created in the bill are ranked in the offense severity ranking chart of the Criminal Punishment Code.

The bill expands the term “child pornography” to include any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.

The bill provides that “identifiable minor” means a person:

- Who was a minor at the time the image was created, altered, adapted, or modified, or whose image as a minor was used in the creating, altering, adapting, or modifying of the image; and
- Who is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

This term may not be construed to require proof of the actual identity of the identifiable minor.

The bill further amends s. 827.071, F.S., to replace the phrase “any sexual conduct by a child,” with the term “child pornography.” The term “child pornography,” includes images depicting any sexual conduct by a child.

The bill amends s. 775.0847, F.S., to replace the term “movie” with “motion picture, film, video, or computer-generated motion picture, film, or video,” for purposes of enhancing specified offenses relating to child sexual abuse material or obscenity.

The bill increases the minimum monetary damages from \$5,000 to \$10,000 that a victim of sexual cyberharassment may receive as a result of a civil action.

The bill provides that a law enforcement officer may arrest without a warrant any person who he or she has probable cause to believe possesses a child-like sex doll.

The bill amends s. 828.126, F.S., to remove the term “sexual conduct” and revise the term “sexual contact with an animal,” to encompass acts previously defined under “sexual conduct.”

The bill amends the prohibited conduct to include that a person may not knowingly: advertise, offer, solicit, or accept an offer of an animal for the purpose of sexual contact with such animal; or film, distribute, or possess any pornographic image or video of a person and an animal engaged in any prohibited acts related to sexual activities involving an animal.

The bill increases the penalty for sexual contact with an animal from a first degree misdemeanor to a third degree felony, and provides that the court must issue an order prohibiting a convicted person from specified behaviors that place them in close proximity to an animal. The bill also provides exceptions from criminal liability. This offense is ranked in the offense severity ranking chart of the Criminal Punishment Code.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 37-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 6037 — Traveling Across County Lines to Commit a Burglary

by Rep. Snyder and others (SB 360 by Senator Harrell)

The bill amends s. 843.22, F.S., which provides an enhanced penalty for persons who travel across county lines with the intent to commit a burglary. The bill removes the requirement that the purpose of the travel must have been to thwart law enforcement attempts to track the items stolen in the burglary.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 24-13; House 79-36

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 7009 — OGSR/Health Information/Department of Corrections

by Government Operations Subcommittee and Rep. Shoaf (SB 7030 by Criminal Justice Committee)

The bill amends s. 945.10, F.S., to save from repeal the current exemptions from public records disclosure of an inmate's or offender's protected health information and the identity of an inmate or offender upon whom an HIV test was performed and the subsequent test results held by the Department of Corrections (DOC).

The original public necessity statement provides that it is a public necessity that an inmate's or offender's protected health information and HIV testing held by the DOC remain confidential and exempt from public disclosure. Allowing such information to be publicly disclosed would, in some cases, conflict with federal law and would be a violation of the inmate's or prisoner's privacy under the Florida Constitution. Additionally, maintaining the confidentiality of HIV testing information is essential to an inmate's or prisoner's participation in such testing.

These exemptions, relating to an inmate's or offender's protected health information and the identity of an inmate or offender upon whom an HIV test was performed and the subsequent test results held by the DOC, 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. This bill removes the scheduled repeal of the exemptions.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 38-0; House 116-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 7015 — OGSR/Identity of a Witness to Murder

by Government Operations Subcommittee and Rep. Fetterhoff (SB 7032 by Criminal Justice Committee)

The bill saves from repeal the public records exemption for the criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, for two years after the date on which the witness observes the murder. The exemption makes the records confidential and exempt from public records requirements.

However, the exemption provides that a criminal justice agency may disclose such information:

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

The Open Government Sunset Review Act requires the Legislature to review each public record and each public meeting exemption five years after enactment. The exemption contained in s. 119.071(2)(m)1., F.S., is scheduled to repeal on October 2, 2022. This bill removes the scheduled repeal to continue the confidential and exempt status.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 39-0; House 117-0

Committee on Education

CS/HB 7 — Individual Freedom

by Education and Employment Committee and Rep. Avila (SB 148 by Senators Diaz and Rodrigues)

The bill includes provisions designed to protect individual freedoms and prevent discrimination in the workplace and in public schools. The bill also conforms the identification of protected classes in the law prohibiting discrimination in Florida's K-20 educational system to those identified in federal law and the Florida Civil Rights Act.

Civil Rights in Employment and K-20 Education

The bill specifies that subjecting any individual, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, to training, instruction, or any other required activity; or subjecting any K-20 public education student or employee to training or instruction, that espouses, promotes, advances, inculcates, or compels such individual to believe the following concepts constitutes an unlawful employment practice or unlawful discrimination:

- Members of one race, color, national origin, or sex are morally superior to members of another race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- A person's moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, national origin, or sex.
- Members of one race, color, national origin, or sex cannot and should not attempt to treat others without respect to race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.
- A person, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the person played no part, committed in the past by other members of the same race, color, national origin, or sex.
- Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, national origin, or sex to oppress members of another race, color, national origin, or sex.

However, training or instruction may include a discussion of such concepts if they are presented in an objective manner without endorsement.

Required Instruction

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The bill defines individual freedoms based on the fundamental truth that all individuals are equal before the law and have inalienable rights. Accordingly, required instruction, instructional materials, and professional development in public schools must be consistent with the following principles of individual freedom:

- No person is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of his or her race or sex.
- No race is inherently superior to another race.
- No person should be discriminated against or receive adverse treatment solely or partly on the basis of race, color, national origin, religion, disability, or sex.
- Meritocracy or traits such as a hard work ethic are not racist but fundamental to the right to pursue happiness and be rewarded for industry.
- A person, by virtue of his or her race or sex, does not bear responsibility for actions committed in the past by other members of the same race or sex.
- A person should not be instructed that he or she must feel guilt, anguish, or other forms of psychological distress for actions, in which he or she played no part, committed in the past by other members of the same race or sex.

The bill authorizes discussion and curricula, in an age-appropriate manner, regarding topics such as sexism, slavery, racial oppression, racial segregation, and racial discrimination. However, the bill specifies that instruction and curricula may not be used to indoctrinate or persuade students to a particular point of view inconsistent with the principles of individual freedom or state academic standards.

The bill requires the State Board of Education to develop or adopt a “Stories of Inspiration” curriculum. This curriculum must consist of stories of American history that demonstrate important life skills and the principles of individual freedom that enabled individuals to prosper even in the most difficult circumstances.

The bill expands required instruction in the history of African-Americans. For example, the bill requires that African-American history instruction develop in students an understanding of the ramifications of prejudice, racism, and stereotyping on individual freedoms, and examine what it means to be a responsible and respectful person, for the purpose of encouraging tolerance of diversity and for nurturing and protecting democratic values and institutions.

The bill shifts the character development requirements for grades 9 through 12 and the mental and emotional health component of health education into newly required education on life skills, which specifies content intended to build confidence, support mental and emotional health, and enable students to overcome challenges.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 24-15; House 74-41

Committee on Education

CS/HB 173 — Care of Students with Epilepsy or Seizure Disorders

by Early Learning and Elementary Education Subcommittee and Reps. Duran, Gottlieb, and others (SB 340 by Senator Garcia)

The bill (Chapter 2022-19, L.O.F.) specifies responsibilities for public schools to provide for the care of students with epilepsy or seizure disorders. The bill requires a school to implement an individualized seizure action plan (ISAP) once a parent submits an ISAP to the school principal and school nurse to inform school personnel of the unique health care services required by the student and how to respond in emergency situations.

The bill requires that the ISAP:

- Include specified information, such as recommended care, accommodations, symptoms, prescribed rescue medication, and contact information for medical assistance;
- Be developed by a medical professional in consultation with a parent and signed by both individuals;
- Be submitted by a parent to the school principal and school nurse or other appropriate school employee; and
- Remain in effect until the parent submits a revised ISAP.

The bill requires a school to provide employees whose duties include regular contact with a student with an ISAP with notice of the student's condition, information on providing care for the student if he or she shows symptoms of the epilepsy or seizure disorder, and parental and emergency contact information.

The bill requires a school nurse or an appropriate school employee to:

- Coordinate the provision of epilepsy and seizure disorder care, including administering medication, as outlined in a student's ISAP; and
- Verify that school employees whose duties include regular contact with a student with an ISAP have completed training in the recognition of symptoms and care of students with epilepsy and seizure disorders.

The bill requires the Department of Education to identify on its website one or more free online training courses in the care of students with epilepsy or seizure disorders provided by a nonprofit national organization.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 106-0

Committee on Education

CS/HB 225 — Charter School Charters

by Early Learning and Elementary Education Subcommittee and Rep. Hawkins and others (SB 892 by Senator Burgess)

The bill modifies provisions relating to a charter agreement between a sponsor and a charter school. The bill provides that a charter may be modified at any time, rather than only during its initial or renewal term.

The bill revises provisions related to consolidating two or more charter schools. A request for the consolidation of multiple charters must be approved or denied within 60 days after submission of the request. The bill also requires that any sponsor who denies a request for consolidation must provide the charter school's governing board with the specific reasons for the denial within 10 days.

Additionally, the bill modifies the procedures and notification timeframe for terminating or non-renewing a charter. A sponsor must provide notice to a charter school of a decision to renew, terminate, other than an immediate termination, or not renew the charter before a vote and at least 90 days before the end of the school year. The bill provides for the automatic renewal of a charter if notification does not occur at least 90 days before the end of the school year.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 24-13; House 105-10

Committee on Education

HB 235 — Restraint of Students with Disabilities in Public Schools

by Rep. Plasencia and others (SB 390 by Senators Book, Rodrigues, Gibson, and Stewart)

The bill (Chapter 2022-20, L.O.F.) prohibits the use of mechanical restraint on students with disabilities by school personnel except for school resource officers, school safety officers, school guardians, or school security guards, who may use mechanical restraint in the exercise of their duties to restrain students in grades 6 through 12.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 115-0

Committee on Education

SB 236 — Children with Developmental Delays

by Senators Jones, Ausley, Powell, Berman, Taddeo, Gibson, Stewart, Bracy, Pizzo, Book, and Torres

The bill modifies the definition of a developmental delay by extending the upper age limit for the identification of a student as having a developmental delay from age 5 to age 9, the maximum age authorized by federal law, or through the completion of grade 2, whichever comes first.

Under the bill, a student with a developmental delay up to age 9 or grade 2 may be included in the definition of an “exceptional student” and eligible for admission to public special education programs. Accordingly, the bill requires the State Board of Education to adopt rules for the identification of developmental delays in students up to age 9 or grade 2, whichever comes first, who are eligible for admission to public special education programs and for related services.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 117-0

Committee on Education

CS/HB 255 — Private Instructional Personnel Providing Applied Behavior Analysis Services

by Early Learning and Elementary Education Subcommittee and Reps. Plasencia, Silvers and others (CS/SB 538 by Rules Committee and Senator Hooper)

The bill expands the definition of “private instructional personnel” who may supplement school district services to students with disabilities. The bill authorizes such personnel to include a registered behavior technician who holds a nationally recognized paraprofessional certification in behavior analysis.

The bill authorizes the registered behavior technician to provide applied behavior analysis services in a public school by assisting, and under the supervision of, a Board Certified Behavior Analyst or an individual licensed under ch. 490 or 491, F.S., and requires that the registered behavior technician be employed by an enrolled Medicaid provider.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 115-0

Committee on Education

CS/HB 395 — “Victims of Communism Day”

by Education and Employment Committee and Reps. Borrero, Rizo, and others (CS/SB 268 by Appropriations Committee and Senator Diaz)

The bill requires the Governor to proclaim November 7 of each year as “Victims of Communism Day.” The bill calls for public schools to suitably observe such day as a day honoring the 100 million people who fell victim to communist regimes across the world.

Beginning in the 2023-2024 school year, the bill requires high school students enrolled in the United States Government class required for a standard high school diploma to receive at least 45 minutes of instruction on “Victims of Communism Day” on topics related to communist regimes and how victims suffered under communist regimes. The State Board of Education is required by the bill to, by April 1, 2023, adopt revised social studies standards to include the new required instruction.

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

Vote: Senate 38-0; House 115-0

Committee on Education

SB 418 — Assistive Technology Advisory Council

by Senators Pizzo, Jones, Gruters, and Perry

The bill (Chapter 2022-18, L.O.F.) provides that a representative from another state agency that provides or coordinates services for persons with disabilities may be added to the Council if requested by a majority vote of the Council members. That representative must be appointed by the head of that state agency.

The bill aligns Council membership with federal requirements that members of the Council be geographically representative of the state, and reflect the diversity of the state's population with respect to race, ethnicity, age, gender, type of disability, and type of disability-related services and devices received.

The bill directs the Council to elect a single chair of the council. The bill maintains the limit of two consecutive terms for members, but revises the number of years a council member must be retired from the Council after two terms to be reappointed, from one year to three years.

The bill deletes the requirement that Council members form a technology awareness committee and a public policy and advocacy committee, and also removes the interagency committee, assigning the duties of the committee to the members representing state agencies. Council members are also authorized to participate in fundraising activities on behalf of the Council.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 113-0

Committee on Education

CS/HB 461 — Florida Bright Futures Scholarship Program Student Service Requirements

by Post-Secondary Education and Lifelong Learning Subcommittee and Reps. Melo, Valdes, and others (CS/SB 1060 by Education Committee and Senator Hutson)

The bill modifies the eligibility requirements for the Bright Futures Scholarship Program to include an option for students to use paid work hours in lieu of volunteer hours to qualify for a scholarship. Specifically, students graduating in the 2022-2023 academic year and thereafter may qualify for a Florida Academic Scholars, Florida Medallion Scholars, Florida Gold Seal Vocational Scholars, or Florida Gold Seal CAPE Scholars award through volunteer hours specified in law, or through 100 hours of paid work.

The paid work hours must meet the requirements for volunteer hours, including documentation in writing of paid work hours and a student evaluation and reflection upon his or her volunteer service or paid work experience through papers or other presentations. The bill also makes it optional for a student to identify a social or civic issue or a professional area and develop a plan for personal involvement or learning about the area.

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

Vote: Senate 35-3; House 119-0

Committee on Education

CS/SB 520 — Public Records and Public Meetings

by Governmental Oversight and Accountability Committee and Senators Brandes and Rodrigues

The bill (Chapter 2022-15, L.O.F.) makes confidential and exempt from public disclosure requirements any personal identifying information of an applicant for the position of president of a state university or Florida College System (FCS) institution held by a state university or an FCS institution.

The bill provides that the personal identifying information of an applicant included in a final group of applicants for president is no longer confidential and exempt from public records requirements beginning at the earlier of the date the final group of applicants to be considered for president is established or at least 21 days before either an interview of an applicant or final action on the offer of employment.

The bill also exempts from open meeting requirements any portion of a meeting held for the purpose of identifying or vetting applicants for president of a state university or FCS institution, including any portion of a meeting that would disclose personal identifying information of such applicants. However, the meeting exemption does not apply to any portion of a meeting held for the purpose of establishing qualifications for the position or establishing any compensation framework to be offered to an applicant. Additionally, any meeting held after a final group of applicants has been established must be open to the public.

The bill requires a complete recording to be made of any portion of a closed meeting, and prohibits any closed portion of a meeting from being held off the record. The recording of the closed portion of a meeting is also exempt from the public disclosure requirements.

The exemptions established in the bill expire on October 2, 2027, unless saved from repeal by the Legislature.

These provisions became law upon approval by the Governor on March 15, 2022.

Vote: Senate 28-11; House 86-26

Committee on Education

SB 638 — Early Childhood Music Education Incentive Pilot Program

by Senator Perry

The bill extends the scheduled expiration of the Early Childhood Music Education Incentive Pilot Program from June 30, 2022, to June 30, 2023.

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

Vote: Senate 37-0; House 112-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/CS/SB 758 — Education

by Appropriations Committee; Education Committee; and Senator Diaz.

The bill modifies and establishes provisions relating to charter school authorization, facilities, sponsor oversight, and distribution of funds. The bill also expands the current authorization for district school board members or charter school governing board members to visit schools under their jurisdiction to specify that any member of the Legislature may visit any public school in his or her legislative district.

Charter School Authorization

The bill creates the Charter School Review Commission (CSRC), subject to an appropriation, and requires the State Board of Education to appoint the membership, confirmed by the Senate. Additionally, the CSRC:

- Is provided the same powers as a sponsor in regard to reviewing and approving charter schools.
- Must consider in its review input from the district school board of the school district where the proposed charter school will be located, which must serve as the sponsor and supervisor of an approved charter school.
- Decisions may be appealed to the State Board of Education.

The bill creates, subject to appropriation, the Florida Institute for Charter School Innovation (institute) at Miami Dade College (MDC). The purpose of the institute is to improve charter school authorization in this state. Duties include analyzing charter school applications and identifying best practices, providing technical assistance to sponsors, conducting research and workshops, and collaborating with the Department of Education in developing a sponsor evaluation framework.

Charter School Facilities

The bill provides that an interlocal agreement or ordinance that imposes a greater regulatory burden on charter schools than school districts is void and unenforceable. A charter school may use an interlocal agreement, including provisions relating to the extension of infrastructure, entered into by a school district for the development of district schools.

The bill provides that any entity that contributes toward the construction of charter school facilities created to mitigate the educational impact of residential development must receive credit toward any educational impact fees or exactions to the extent that the entity has not received credit under school concurrency requirements for such contribution.

The bill specifies that any facility or land owned by a public postsecondary institution or facility used as a school or childcare facility may be used as a charter school without obtaining a special exemption from existing zoning and land use designations.

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 bill directs the Office of Program Policy and Government Accountability to complete, by January 1, 2023, an analysis of the distribution of capital outlay and federal funds to charter schools.

Sponsor Oversight

The bill provides that a charter school that receives a school grade lower than a “B” in the most recent graded school year, and has met the terms of its program review with no grounds for nonrenewal being expressly found, must be granted no less than a 5-year charter renewal, subject to specified school grade provisions. The bill requires a 15-year charter renewal for a charter school that has received a school grade of “A” or “B” in the most recent graded school year and meets other specified conditions.

The bill specifies that a charter school must be under a deteriorating financial condition or financial emergency in order for a sponsor to not renew or terminate a charter for fiscal mismanagement. The bill also removes “other good cause shown” as a grounds for the termination or nonrenewal of a charter school.

Distribution of Funds

The bill modifies the Teacher Salary Increase Allocation in the Florida Education Finance Program (FEFP) to require that if a school district has not received its allocation due to its failure to submit an approved district salary distribution plan, each charter school within its district that has submitted a salary distribution plan must be provided its proportionate share of the allocation. The bill also prohibits a sponsor from withholding any administrative fee against a charter school for funds specifically allocated by the Legislature for teacher compensation

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 27-11; House 86-28

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/SB 1048 — Student Assessments

by Appropriations Committee and Senators Diaz and Rodrigues

The bill (Chapter 2022-16, L.O.F.) substantially changes Florida’s statewide standardized assessment program to include a statewide coordinated screening and progress monitoring (CSPM) tool to replace the Florida Standards Assessment.

Statewide Standardized Assessment Program

The bill modifies the statewide standardized assessment program to include a CSPM system, but maintains the statewide standardized science assessment and the end-of-course (EOC) assessments in Algebra 1, Geometry, Biology I, United States History, and Civics.

The bill specifies the implementation of English Language Arts (ELA) grades 3-10 and mathematics grades 3-8 assessment and progress monitoring, beginning in the 2022-2023 school year, which must include:

- A screening and progress monitoring assessment administered at the beginning and middle of the school year, which must:
 - Measure student progress in meeting ELA and mathematics standards.
 - Be a computer-based assessment that can identify students who have a substantial deficiency in reading, including identifying students with characteristics of dyslexia, and in mathematics.
 - Provide results to teachers within 1 week and parents within 2 weeks.
- An end-of-year assessment administered in the spring, the results of which will replace the Florida Standards Assessment (FSA) to be used for accountability purposes in grade three retention, high school graduation, school grades, and school improvement ratings.

In addition, the bill deletes the requirement that the standardized statewide assessment system offer a paper-based administration, and requires that, beginning with the 2023-2024 school year, the CSPM be computer-adaptive.

The bill requires the SBE to adopt a new assessment schedule for the CSPM that incorporates the beginning and middle of the year administrations, and the comprehensive end-of-year assessment. The bill requires that, beginning in the 2023-2024 school year, assessment results for the end-of-year assessments in ELA and mathematics be made available no later than May 31.

School District Requirements

The bill requires school districts to provide results from district-required local assessments to parents and teachers within one week of the administrations. When reporting the results from the CSPM, the bill requires the results to be easy to comprehend, and must include resources to help parents understand the CSPM system. Further, the bill requires school districts to provide results of the CSPM system in a web-based option for parents and students to securely access student

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assessment data and review their student's individual student reports. A printed report must also be available upon request.

Assessment Study

The bill requires the commissioner, by January 31, 2025, to make recommendations related to the CSPM system in the following areas, based on a third-party review:

- The validity of using progress monitoring assessments 1 or 2, or both, in place of using the comprehensive end-of-year progress monitoring assessment for accountability purposes.
- Options to reduce the assessment footprint while maintaining valid and reliable data, including the use of computer-adaptive assessments.
- The feasibility of remote administration of assessments.
- Accelerating student progression based on CSPM results.
- Incorporation of state-adopted ELA instructional materials into the CSPM system.
- The impact of the CSPM system on student learning growth data for the purposes of personnel evaluations.

Transition

The bill provides for a 1-year transition period, during which the calculation of school grades and school improvement ratings for the 2022-2023 school year are based on the new statewide, standardized assessments. The 2022-2023 school grades will serve as an informational baseline for schools to work toward improved performance in future years.

The bill provides hold-harmless provisions relating to school grades or school improvement ratings during the transition. A school will not be required to enter turnaround based on its 2022-2023 school grades, but may exit turnaround with a grade of "C" or higher in that year. A school or provider is not subject to penalties and may not lose a high-performing designation based on 2022-2023 school grades. Additionally, school improvement ratings will not be calculated for the 2022-2023 school year.

Finally, the bill replaces references to "Next Generation Sunshine State Standards" with "state academic standards."

These provisions were approved by the Governor and take effect on July 1, 2022, except as otherwise provided.

Vote: Senate 38-0; House 110-0

Committee on Education

SB 1054 — Financial Literacy Instruction in Public Schools

by Senators Hutson, Pizzo, Berman, Baxley, Simpson, Albritton, Ausley, Bean, Book, Boyd, Bracy, Bradley, Brandes, Brodeur, Broxson, Burgess, Cruz, Diaz, Farmer, Gainer, Garcia, Gibson, Gruters, Harrell, Hooper, Jones, Mayfield, Passidomo, Perry, Polsky, Powell, Rodrigues, Rodriguez, Rouson, Stargel, Stewart, Taddeo, Torres, and Wright

The bill (Chapter 2022-17, L.O.F.) establishes the “Dorothy L. Hukill Financial Literacy Act,” and requires that, beginning with students entering grade 9 in the 2023-2024 school year, students must earn one-half credit in personal financial literacy and money management in order to receive a standard high school diploma. The bill accordingly reduces the amount of required credits in electives for such students from 8 to 7.5.

The bill requires that, beginning in the 2023-2024 school year and thereafter, financial literacy standards within the Next Generation Sunshine State Standards must include content specific to, at a minimum, personal financial literacy and money management and include topics specified in the bill.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 117-0

Committee on Education

CS/CS/CS/HB 1421 — School Safety

by Education and Employment Committee; Secondary Education and Career Development Subcommittee; Early Learning and Elementary Education Subcommittee; and Reps. Hawkins, Hunchofsky, and others (CS/SB 802 by Appropriations Committee and Senators Gruters, Perry, Polsky, and Rodrigues)

The bill addresses school safety and security recommendations made by the Marjory Stoneman Douglas High School Public Safety Commission (MSD Commission). The bill improves transparency around school safety and security and addresses student mental health by:

- Requiring the Office of Safe Schools (OSS) to develop a model family reunification plan that guides family reunification when K-12 public schools are closed or unexpectedly evacuated due to natural or manmade disasters, and requiring district school boards and charter school governing boards to adopt a reunification plan.
- Requiring that the State Board of Education adopt rules setting requirements for emergency drills including timing, frequency, participation, training, notification, and accommodations, and requiring that law enforcement officers responsible for responding to schools in the event of an assailant emergency be physically present and participate in active assailant drills.
- Requiring the Department of Education (DOE) to annually publish school safety and environmental incident reporting data in a uniform, statewide format that is easy to read and understand.
- Requiring safe-school officers that are sworn law enforcement officers to complete mental health crisis intervention training, and requiring safe-school officers that are not sworn law enforcement officers to receive training on incident response and de-escalation.
- Requiring that school district and local mobile response teams use the same suicide screening tool approved by the DOE.
- Requiring that school districts annually certify, beginning July 1, 2023, that at least 80 percent of school personnel received the mandatory youth mental health awareness training.
- Requiring the OSS to maintain a directory of public school diversion programs, providing to school districts information on the proper use of the School Safety Awareness Program, including the consequences of knowingly submitting false information, and providing a similar notification to users of the FortifyFL system.

The bill extends the sunset date of the MSD Commission until July 1, 2026, for the purpose of monitoring implementation of school safety legislation, and specifies additional duties. The bill also requires the Commissioner of Education to oversee and enforce school safety and security compliance in the state.

If approved by the Governor, these provisions take effect July 1, 2022, except as otherwise provided.

Vote: Senate 39-0; House 115-0

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Committee on Education

CS/HB 1467 — K-12 Education

by Appropriations Committee and Rep. Garrison and others (CS/SB 1300 by Education Committee and Senator Gruters)

The bill (Chapter 2022-21, L.O.F.) establishes 12 year terms limits for school board members, and modifies school district requirements for instructional materials, including instructional materials in school libraries and media centers to provide increased oversight over, and public access to, all materials used in instruction.

School Board Member Term Limits

The bill establishes term limits of 12 years for school board members. A person may not appear on the ballot for reelection as a school board member if, by the end of his or her current term of office, the person will have served, or but for resignation would have served, in that office for 12 consecutive years. The term limits begin with the November 8, 2022, election, allowing current school board members to serve an additional 12 years.

Public Participation in the Instructional Materials Review Process

The bill requires that each district school board that holds meetings of committees convened for the purpose of selecting instructional materials for recommendation to the district school board must be noticed and open to the public, and must include parents of district students. Additionally, the bill modifies the requirement that each school district publish on its website a list of all instructional materials to include those used for specified required instruction.

A district school board must also:

- Provide access to all materials, excluding teacher editions, at least 20 calendar days before the district school board takes any official action on such materials. This process must include reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption;
- Select, approve, adopt or purchase materials as a separate line item on the agenda, rather than on a consent agenda, and must provide a reasonable opportunity for public comment; and
- Submit to the Commissioner of Education (commissioner), beginning June 30, 2023, an annual report that identifies:
 - Each material for which the school district received an objection in the school year and the specific objections;
 - Each material that was removed or discontinued as a result of an objection, by grade level and course.

The bill requires the Department of Education (DOE) to publish and update a list of materials that were removed or discontinued by district school boards as a result of an objection and disseminate the list to school districts for consideration in their instructional materials selection.

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The bill requires each superintendent to identify, in the annual certification to the commissioner for the release of funds for instructional materials, any material that received an objection and the grade-level and course for which a removed or discontinued material was used.

Materials in School District Libraries and Media Centers

The bill requires that each book made available to students through a school district library media center or included in a recommended or assigned school or grade-level reading list must be selected by a school district employee who holds a valid educational media specialist certificate. The bill requires the DOE to develop an online training program for librarians and media specialists, which includes training on materials in school library media centers and reading lists, to be made available no later than January 1, 2023. After that date, personnel involved in the selection of school district library materials and reading lists must complete the training program developed by the DOE. Additionally, the bill requires each superintendent, beginning July 1, 2023, to annually certify to the commissioner that all school librarians and media center specialists have completed the online training program.

Each public elementary school is required by the bill to publish on its website a list of all materials maintained in the school library or required as part of a booklist used in a classroom. In addition, each district school board is required to adopt and post on the website procedures for developing library media center collections. At a minimum, the procedures must:

- Require book selections to be free of pornography and prohibited materials harmful to minors, suited to student needs, and appropriate for the grade level and age group;
- Require consultation of reputable, professionally recognized sources and school community stakeholders for each selection;
- Provide for library media center collections based on reader interest, support of state academic standards and aligned curriculum, and the academic needs of students and faculty; and
- Provide for the regular removal or discontinuance of books based on factors specified in the bill, including those removed because of an objection by a parent or resident of the county.

The bill provides that school principals are responsible for overseeing compliance with school library media center materials selection procedures at the school in which they are assigned.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 24-15; House 79-41

Committee on Education

SB 1552 — Direct-support Organization for the Florida Prepaid College Board

by Senator Gruters

The bill removes the scheduled repeal of the Stanley G. Tate Florida Prepaid College Foundation, which is a direct-support organization for the Florida Prepaid College Board created to administer the Florida Prepaid Tuition Scholarship Program and other scholarship programs approved by the Florida Prepaid College Board.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 113-0

Committee on Education

CS/CS/HB 1557 — Parental Rights in Education

by Judiciary Committee; Education and Employment Committee; Rep. Harding and others (SB 1834 by Senator Baxley)

The bill (Chapter 2022-22, L.O.F.) reinforces a parent’s fundamental right to make decisions regarding the care and upbringing of his or her child in the public school setting. The bill requires each district school board to adopt procedures for notifying a student’s parent if there is a change in services or monitoring related to the student’s mental, emotional, or physical health or well-being. All procedures adopted under the bill must require school district personnel to encourage a student to discuss issues related to his or her well-being with his or her parent.

The bill prohibits a school district from maintaining procedures that require school district personnel to withhold from a parent, or encourage a student to withhold, information related to a student’s mental, emotional, or physical health or well-being. School district procedures may authorize school district personnel to withhold information only for a reasonable belief that disclosure would subject the student to abuse, abandonment, or neglect.

The bill prohibits classroom instruction on sexual orientation or gender identity in kindergarten through grade 3 or in a manner that is not age-appropriate or developmentally appropriate for students.

At the beginning of each school year, a school district must notify parents of all healthcare services offered at their student’s school and provide parents the opportunity to individually consent to, or decline, each service. Additionally, schools may not administer a well-being questionnaire or health screening form to a student in kindergarten through grade 3 without first receiving consent from the student’s parent.

The bill requires each school district to adopt procedures for a parent to notify the principal of concerns regarding the provisions in the bill, and the process for resolving concerns within seven days of the complaint. The bill specifies that, if the complaint is not resolved by the school district after an additional 30 days, a parent may:

- Request the Commissioner of Education appoint a special magistrate who meets qualifications established in the bill. The special magistrate must recommend a resolution to the State Board of Education (SBE) within 30 days. The SBE must approve or reject the recommendation between 7 and 30 days after the recommendation. The school district must pay the costs of the special magistrate.
- Bring an action against the school district to obtain a declaratory judgment that the school district procedure or practice violates the provision in the bill and seek injunctive relief. A court may award damages and must award reasonable attorney fees and court costs to a parent who receives declaratory or injunctive relief.

The bill requires all school district student support services training to adhere to guidelines, standards, and frameworks established by the Department of Education (DOE). By June 30,

2023, the DOE must review and update, as necessary, all relevant guidelines, standards, and frameworks for compliance with the bill.

These provisions were approved by the Governor and take effect on July 1, 2022.

Vote: Senate 22-17; House 69-47

Committee on Education

**SB 7004 — OGSR/Technology Systems/State University or a Florida
College System Institution**

by Education Committee

The bill (Chapter 2022-9, L.O.F.) saves from repeal the public records and public meetings exemption for certain information held by a state university or Florida College System institution related to information technology (IT) security or potential breaches of security, as well as IT security program risk assessments, evaluations, and audits held by the institution.

These provisions were approved by the Governor and take effect on October 1, 2022.

Vote: Senate 35-0; House 118-0

Committee on Education

SB 7006 — OGSR/Campus Emergency Response

by Education Committee

The bill postpones the scheduled repeal of the public record exemption and public meeting exemption for 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, which will repeal on October 2, 2022, if this bill does not become law. The bill postpones the scheduled repeal to October 2, 2024.

The bill narrows the exemptions to provide that identification of staff involved in emergency preparedness, response, and recovery activities is exempt instead of staffing information generally. It also narrows the exemption to provide that the individual identification of students, faculty and staff applies to those persons affected or at-risk before, during, or after an emergency, and that the exemption for the transfer of records applies to the same group of individuals.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 35-3; House 109-0

Committee on Education

SB 7044 — Postsecondary Education

by Education Committee and Senators Diaz and Rodrigues

The bill establishes requirements related to postsecondary education post-tenure review and institution accreditation, provides additional transparency for student fees and textbooks and instructional materials, and modifies requirements relating to transfer of credit.

Post-Tenure Review

The bill authorizes the Board of Governors (BOG) to adopt a regulation requiring each tenured state university faculty member to undergo a comprehensive post-tenure review every five years and specifies considerations the regulation must address.

Accreditation

The bill requires, by September 1, 2022, the BOG and State Board of Education (SBE), as applicable, to identify and determine the accrediting agencies or associations recognized by the United States Department of Education (USDOE) that are best suited to serve as an accreditor for public postsecondary institutions. The bill prohibits a public postsecondary institution from being accredited by the same accrediting agency or association for consecutive accreditation cycles. Programs with specific accreditation requirements are exempt from this requirement.

The bill requires, in the year following reaffirmation or fifth-year review, each public postsecondary institution seek and obtain accreditation from an accrediting agency or association identified by the BOG or SBE, respectively, before its next reaffirmation or fifth-year review date. A public postsecondary institution must initially seek regional accreditation and must provide to the BOG or SBE quarterly reports of its progress. If the institution is not granted candidacy status by any of the regional accrediting agencies or associations, the institution must seek accreditation by another agency or association recognized by the USDOE. The bill authorizes a public postsecondary institution to remain with its current accrediting agency or association if the institution is not granted candidacy by an accrediting agency or association before its next reaffirmation or fifth-year review date.

The bill also provides a cause of action for any public postsecondary institution, or nonpublic postsecondary education institution that receives state funds, that is negatively impacted by a retaliatory action by its accrediting agency or association.

The accreditation provisions in the bill expire on December 31, 2032.

Transparency of Instructional Materials and Student Fees

The bill requires additional information about textbooks and instructional materials that each Florida College System (FCS) institution and state university must post at least 45 days before

the first day of class for each term, to include syllabus information for general education core courses. The bill also establishes transparency requirements for an FCS institution and state university to prominently post all tuition and fees, and email to enrolled students any notice of a proposed change to tuition and fees. Any FCS institution or state university proposal or action to increase a fee is subject to an extraordinary vote by the applicable system governing board.

Course Information and Transfer of Credit

The bill revises the maintenance requirements and course information that must be included in the statewide course numbering system (SCNS). The bill requires the SBE to adopt rules governing the SCNS procedures, collection of course information, publication of course information, and faculty discipline committee reviews.

Additionally, the bill requires certain postsecondary education institutions receiving general education course credit in transfer to apply the credit to general education core course requirements and other general education requirements before applying as elective credit.

If approved by the Governor, these provisions take effect July 1, 2022, unless otherwise provided.

Vote: Senate 22-15; House 77-40

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Environment and Natural Resources

SB 442 — Powers of Land Authorities

by Senator Rodriguez

The bill amends s. 380.0666, F.S., regarding the powers of land authorities, to authorize land authorities to assist the counties within which they are located in the administration of state and federal grants awarded to those counties for residential flood and sea-level rise mitigation projects. These projects include grants for the elevation of structures above minimum flood elevations, the demolition and reconstruction of structures above minimum flood elevations, and the acquisition of land with structures at risk of flooding.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 113-0

Committee on Environment and Natural Resources

CS/CS/SB 494 — Fish and Wildlife Conservation Commission

by Appropriations Committee, Environment and Natural Resources Committee; and Senator Hutson

The bill revises laws administered by the Fish and Wildlife Conservation Commission (FWC) and other law enforcement entities.

The bill amends the Florida Forever Act to require each lead land managing agency, in consultation with FWC, to consider the feasibility of using a portion of state lands as a gopher tortoise recipient site for all state lands under the management of the agency that are greater than 40 contiguous acres.

The bill directs FWC to improve the public and private gopher tortoise recipient site application review process by December 31, 2022. It directs FWC to encourage the establishment of new recipient sites and update its permitting systems by October 31, 2023. The bill requires FWC to submit a report to the President of the Senate and the Speaker of the House of Representatives regarding gopher tortoise recipient sites by February 1, 2023.

The bill specifies that a vessel is at risk of becoming derelict if it is tied to an unlawful or unpermitted mooring or other structure. The bill specifies the circumstances in which law enforcement may destroy or dispose of a vessel and places liability for costs of vessel removal, storage, destruction, and disposition on the owner or responsible party after notice is given.

The bill specifies that a certificate of title may not be issued for a public nuisance vessel. It adds public nuisance vessels to the definition of abandoned property.

The bill authorizes operation of human-powered vessels in the marked channel of the Florida Intracoastal Waterway for specified reasons. It specifies that a local government cannot create a public bathing beach or swim area in the marked channel of the Florida Intracoastal Waterway or within 100 feet of the marked channel.

The bill authorizes FWC law enforcement officers to use drones to manage and eradicate invasive plants or animals on public lands and to suppress and mitigate wildfire threats.

If approved by the Governor, these provisions take effect July 1, 2022 unless otherwise provided.
Vote: Senate 37-0; House 116-0

Committee on Environment and Natural Resources

CS/HB 513 — Comprehensive Review Study of the Central and Southern Florida Project

by State Affairs Committee and Reps. Bartleman, Busatta Cabrera, and others (CS/SB 1326 by Community Affairs Committee and Senators Rodriguez, Farmer, Jones, and Berman)

The bill requires the South Florida Water Management District (District) to prepare and submit a consolidated annual report regarding the status of the U.S. Army Corps of Engineers (USACE) Section 216 Central and Southern Florida Project Infrastructure Resiliency Study to the Office of Economic and Demographic Research, the Department of Environmental Protection (DEP), the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report is due by October 1, 2023, and each October 1 thereafter.

The bill requires the report to include:

- A summary of the findings in the District's annual sea level rise and flood resiliency plan.
- A list of structures that are expected to fall below the expected service level in the next 5 years.
- Initial recommendations for the refurbishment or replacement of the structures identified in the preceding bullet, including:
 - Future cost estimates and timelines for the refurbishment or replacement of the most vulnerable structures.
 - An estimate of project costs and current funds available to implement the recommendations for each vulnerable structure based on a 10-year horizon.
- A summary of the state and federal funds expended toward the implementation of the USACE Section 216 Central and Southern Florida Project Infrastructure Resiliency Study and other directly related flood control infrastructure resiliency projects of the District through June 30 of each year.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Environment and Natural Resources

CS/SB 606 — Boating Safety

by Appropriations Committee and Senator Garcia

The bill defines a livery as a person who advertises and offers a livery vessel for use by another in exchange for consideration, when such person does not also provide a captain, crew, or any type of personnel to operate, oversee, maintain, or manage the vessel.

The bill requires that liveries obtain a no-cost, annual livery permit and implement certain safety requirements. The bill adds penalties for violations of livery requirements. It also requires that a livery obtain and carry in full force and effect an insurance policy that insures the livery and the renter. The bill exempts human-powered vessels from the insurance requirement. Amendments to the livery regulations contained in the bill will take effect January 1, 2023.

The bill adds required components to Fish and Wildlife Conservation Commission (FWC)-approved boating safety education courses and temporary certificate examinations and requires the operator of a vessel used in water sport or activity instruction to use an engine cutoff switch when a participant is in the water. These requirements will take effect October 1, 2022.

The bill increases or adds penalties for noncriminal infractions of vessel safety laws. It increases the additional civil penalty for noncriminal infractions of vessel laws from \$50 to \$100. It directs certain penalties to the Marine Resource Conservation Trust Fund to supplement law enforcement activities.

The bill requires the Fish and Wildlife Conservation Commission to maintain a program to ensure compliance with mandatory boating safety education requirements.

The bill requires a physical residential or business address for vessel registration applicants, with a limited exception for live-aboard vessel owners.

If approved by the Governor, these provisions take effect July 1, 2022 unless otherwise provided.

Vote: Senate 36-1; House 112-1

Committee on Environment and Natural Resources

CS/CS/SB 856 — Private Provider Inspections of Onsite Sewage Treatment and Disposal Systems

by Appropriations Committee; Environment and Natural Resources Committee; and Senators Brodeur and Rodrigues

The bill amends s. 381.0065, F.S., which regulates onsite sewage treatment and disposal systems (OSTDSs), to authorize the owner of an OSTDS, or a contractor upon the owner's written authorization, to hire a private provider to perform an inspection of the owner's OSTDS.

The bill provides that an inspection of an OSTDS may not be conducted by the private provider or authorized representative of the private provider that installed the OSTDS. Inspections may only be performed by a private provider, or an authorized representative of a private provider, meeting certain specified qualifications.

The bill requires an owner or an authorized contractor using a private provider for an OSTDS inspection to provide notice to the Department of Environmental Protection (DEP) at the time of the permit application or by 2 p.m. local time, 2 business days before the first scheduled inspection by DEP. The notice must include information regarding each private provider or authorized representative performing the inspection and an acknowledgment form from the owner in a specified form. If an owner or authorized contractor makes any changes to the listed private provider or the service to be performed, the owner or the authorized contractor must update the notice to reflect the change within 1 business day after the change.

The bill authorizes DEP to audit up to 25 percent of private providers each year to ensure the accurate performance of OSTDS inspections. Work on an OSTDS may proceed after inspection and approval by a private provider if the owner or authorized contractor has given notice of the inspection as described in the bill and, subsequent to such inspection and approval, such work may not be delayed for completion of an inspection audit by DEP unless deficiencies are found in the audit.

The bill provides that the OSTDS private provider inspection regulations described in the bill do not prevent DEP from investigating complaints.

The bill provides that by October 1, 2023, DEP must submit a report to the President of the Senate and the Speaker of the House of Representatives reviewing the use of private providers to perform OSTDS inspections. The report must include, at a minimum, the number of inspections performed by private providers.

The bill requires DEP to adopt rules to implement the bill and to initiate the rulemaking process by August 31, 2022.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 116-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Environment and Natural Resources

CS/CS/SB 882 — Inventories of Critical Wetlands

by CS/CS/SB 882 — Inventories of Critical Wetlands

by Rules Committee; Community Affairs Committee; and Senator Brodeur

The bill requires water management districts, in cooperation with local governments, to develop a list of critical wetlands to be acquired through the Land Acquisition Trust Fund. The bill provides criteria to determine if a wetland is critical, including the ecological value of the wetland, the effect of the wetland on water quality and flood mitigation, the ecosystem restoration value of the wetland, and the inherent susceptibility of the wetland to development.

The bill directs each water management district's governing board to notify the owner of any property that the district contemplates including on the critical wetlands list before it adopts or amends the list. If at any time a property owner wishes to have their property removed from the list, they must submit by certified mail a letter stating they wish their property to be removed and sufficiently identifying such property to the governing board. The governing board shall approve removal if the requirements are met.

The bill requires water management districts opting to utilize an annual strategic plan to include a list of critical wetlands in the plan.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 111-2

Committee on Environment and Natural Resources

CS/HB 909 — Pollution Control Standards and Liability

by Environment, Agriculture and Flooding Subcommittee and Rep. Payne and others
(CS/SB 1210 by Environment and Natural Resources Committee and Senator Albritton)

The bill provides that notwithstanding s. 403.182, F.S., regarding local pollution control programs, or any existing local pollution control programs, the Secretary of the Department of Environmental Protection (DEP) has exclusive jurisdiction in setting standards or procedures for evaluating environmental conditions and assessing potential liability for the presence of contaminants on land that is classified as agricultural land pursuant to existing law and being converted to a nonagricultural use. The exclusive jurisdiction includes defining what constitutes all appropriate inquiry consistent with federal law relating to the innocent landowners defense under the Comprehensive Environmental Response, Compensation, and Liability Act and associated guidance.

The bill provides that, for land that is classified as agricultural land pursuant to existing law and being converted to a nonagricultural use, the Secretary of DEP may not delegate the authority to set standards or procedures for evaluating environmental conditions and assessing potential liability described in the bill to a county, a municipality, or another unit of local government through a local pollution control program. However, the bill does not preempt the enforcement authority of a county, a municipality, or another unit of local government through a local pollution control program.

The bill does not apply to former agricultural land for which a permit has been approved by a local government to initiate development or for which development was completed on or before July 1, 2022.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 98-16

Committee on Environment and Natural Resources

CS/CS/CS/HB 965 — Environmental Management

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; Environment, Agriculture and Flooding Subcommittee; and Rep. Truenow and others (CS/CS/SB 1426 by Appropriations Committee; Environment and Natural Resources Committee; and Senator Burgess)

The bill creates the concept of water quality enhancement areas (WQEAs). A WQEA is a natural system that is constructed, operated, managed, and maintained pursuant to a permit to provide offsite, compensatory, regional treatment within an identified enhancement service area and enhancement credits.

The bill provides that construction, operation, management, and maintenance of a WQEA must be approved through the environmental resource permitting (ERP) process. The bill sets out requirements for a water quality credit program based on the development of WQEAs and authorizes the Department of Environmental Protection (DEP) to develop rules to implement the program. Water quality enhancement credits may be sold only to government entities.

The bill requires that a WQEA be used to address contributions of one or more pollutants or other constituents in the watershed, basin, sub-basin, targeted restoration area, waterbody, or section of waterbody in which the WQEA is located that do not meet applicable state water quality criteria.

The bill provides requirements for the WQEA permitting process and requires monitoring and verification to demonstrate that the WQEA is meeting defined performance or success criteria for reduction of pollutants or contaminants.

The bill makes clarifications regarding incentives for the use of graywater technologies.

The bill directs DEP to adopt and modify rules adopted pursuant to ss. 373.4136 (establishment and operation of mitigation banks) and 373.414 (additional criteria for activities in surface waters and wetlands), F.S., to ensure that required financial assurances are equivalent and sufficient to provide for the long-term management of mitigation permitted under those sections. DEP, in consultation with water management districts, shall include this rulemaking in existing active rulemaking, or shall complete rule development by June 30, 2023.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 107-0

Committee on Environment and Natural Resources

CS/CS/CS/HB 967 — Golf Course Best Management Practices Certification

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; Environment, Agriculture and Flooding Subcommittee; and Rep. Truenow and others (CS/CS/SB 1556 by Appropriations Committee; Environment and Natural Resources Committee; and Senator Gruters)

The bill directs the turfgrass science program at the University of Florida's Institute of Food and Agricultural Science (UF/IFAS), in coordination with the Department of Environmental Protection (DEP), to administer a golf course best management practices certification to ensure compliance with fertilizer best management practices.

The bill requires UF/IFAS, in coordination with DEP, to provide training and testing certification programs. An applicant for certification must submit a copy of the training certificate. When the certificate expires, the bill allows for recertification after eight hours of continuing education.

The bill exempts a person certified in golf course best management practices from additional local testing and local ordinances relating to water and fertilizer use restrictions, unless a state of emergency is declared. The bill requires the certified person to ensure that they adhere to comprehensive best management practices for a specific community by coordinating with local government.

The bill specifies that a person certified in golf course best management practices is not exempt from complying with the rules and requirements for basin management action plans if the golf course is located in an area with a basin management action plan.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 112-1

Committee on Environment and Natural Resources

CS/CS/SB 1000 — Nutrient Application Rates

by Rules Committee; Environment and Natural Resources Committee; and Senator Albritton

The bill amends s. 576.045, F.S., which regulates nitrogen and phosphorus, to authorize citrus producers to use written recommendations from certified professionals to tailor their recommended nutrient application rates. The certified professional's determination that published nutrient application rates are not appropriate, and any recommendations for site-specific nutrient management, must be documented and kept for 5 years.

The bill provides that funds collected pursuant to the statute may be used for site-specific nutrient management and completing the University of Florida Institute of Food and Agricultural Sciences (UF-IFAS) analysis, research plan and recommendations, and report required by the bill.

The bill requires citrus producers using site-specific nutrient management to enroll in and implement all other applicable best management practices (BMPs) adopted by the Department of Agriculture and Consumer Services.

The bill provides that citrus producers implementing site-specific nutrient management in compliance with the bill are:

- Provided a presumption of compliance with state water quality standards.
- May rely upon the waiver of liability provision in existing law.
- Are deemed in compliance with the BMPs for pollution reduction, waiver of liability, and presumption of compliance provisions in existing law.

The bill requires UF-IFAS to analyze the use of site-specific nutrient management for crops other than citrus and crop rotations, develop a research plan and interim recommendations for implementation of site-specific nutrient management, and submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by June 30 of each year, beginning in 2023.

The bill provides that the "site-specific nutrient management" provisions of the bill expire on June 30, 2026. The bill also extends the expiration dates of the "findings and intent," "fees," "use of funds," "waiver of liability," and "rulemaking" provisions of the statute from December 31, 2022 to December 31, 2032, and the "compliance" and "other provisions" of the statute from December 31, 2027 to December 31, 2037.

The bill provides definitions for the terms "certified professional" and "site-specific nutrient management." It also includes several legislative findings and intent provisions.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 110-6

Committee on Environment and Natural Resources

CS/CS/CS/SB 1078 — Soil and Water Conservation Districts

by Appropriations Committee; Ethics and Elections Committee; Environment and Natural Resources Committee; and Senator Hutson

The bill contains procedures for subdivision of new soil and water conservation districts (SWCDs).

The bill allows one SWCD supervisor to be elected from each subdivision, and provides for staggered terms. The bill requires SWCD supervisors to be eligible voters who reside within the district and who are actively engaged, or retired after ten years of being engaged in, agriculture; are employed by an agricultural producer; or own, lease, or are actively employed on agricultural land. Candidates will be required to file a statement affirming they meet the qualifications to serve as a supervisor.

The bill requires all five supervisors of the governing body of each district meet at least once a year in a public meeting. The bill provides for automatic dissolution of districts if they should fail to meet as required. The bill dissolves the Baker and Martin SWCDs.

The bill provides that each supervisor shall be elected at the 2022 general election. It provides that by January 1, 2023, an SWCD in existence on July 1, 2022 must be subdivided in the manner provided by the bill. The bill contains election procedures for existing SWCDs.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 21-16; House 77-39

Committee on Environment and Natural Resources

CS/SB 1110 — Grease Waste Removal and Disposal

by Appropriations Committee and Senator Rouson

The bill creates regulations for grease waste removal and disposal and defines related terms. The bill requires a service manifest to provide certain information, including which entity must sign it and when.

The bill requires haulers to dispose of grease waste at a disposal facility and prevents them from returning grease waste or graywater to a grease interceptor or trap. The bill provides for compliance inspections. The bill also contains penalties for failure to provide or retain a service manifest, failure to clean a grease interceptor or grease trap, and unlawful disposal of grease.

The bill authorizes a local government to receive reports of violations and to collect fines and impose license actions. The bill does not prohibit a local government from adopting or enforcing an ordinance or rule to regulate the removal and disposal of grease waste which is more strict or extensive than what the bill provides. The bill permits fiscally constrained counties and small counties to opt out of the bill's requirements.

The bill directs the Department of Environmental Protection to adopt rules to implement the new regulations in the bill.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 117-0

Committee on Environment and Natural Resources

CS/CS/SB 1432 — Vessel Anchoring

by Community Affairs Committee; Environment and Natural Resources Committee; and Senator Rodriguez

The bill amends statutes relating to vessel anchoring and mooring. It provides that approved and permitted moorings or mooring fields in Monroe County have a 10 year limit on general tenancies and that a sovereign submerged land or other proprietary lease may not prohibit a vessel from an approved and permitted mooring or mooring field, or limit the tenancy of a vessel, because it is an established domicile or a primary residence.

The bill clarifies that Monroe County is designated as an anchoring limitation area in which vessels anchored on waters of the state within the county and within 10 linear nautical miles of a public mooring field or designated anchoring area must pull anchor, move under their own power, and re-anchor a certain distance away or in a different designated anchoring area.

This must occur at least once every 90 days. The requirement does not apply to vessels moored to approved and permitted moorings, or to domiciled vessels on the waters of the state within the county until at least 100 new moorings are available for public use within 1 mile of Key West Bight City Dock.

The bill requires the Fish and Wildlife Conservation Commission to consult with Monroe County and the Florida Keys National Marine Sanctuary to establish designated anchoring areas throughout the county that meet certain criteria.

The bill requires certain vessels on the waters of the state within Monroe County that are equipped with a marine sanitation device to maintain a record of the date and location of each pump-out of the device, which must occur every 30 days, for one year after the date of the pump-out.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 112-0

Committee on Environment and Natural Resources

CS/HB 1475 — Cleanup of Perfluoroalkyl and Polyfluoroalkyl Substances

by State Affairs Committee and Reps. McClure, Overdorf, and others (CS/SB 7012 by Appropriations Committee; Environment and Natural Resources Committee; and Senator Broxson)

The bill provides the following definitions:

- “Department” means the Department of Environmental Protection (DEP).
- “PFAS” means perfluoroalkyl and polyfluoroalkyl substances, including perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS).

The bill provides that if the U.S. Environmental Protection Agency (EPA) has not finalized its standards for PFAS in drinking water, groundwater, and soil by January 1, 2025, DEP must adopt by rule statewide cleanup target levels (CTLs) for same using the risk-based corrective action criteria in existing law. The rules for statewide CTLs may not take effect until ratified by the Legislature.

The bill provides that until DEP’s rule for a particular PFAS constituent has been ratified by the Legislature, a governmental entity or private water supplier may not be subject to any administrative or judicial action under ch. 376, F.S., brought by any state or local governmental entity to compel or enjoin site rehabilitation, to require payment for the cost of rehabilitation of environmental contamination, or to require payment of any fines or penalties regarding rehabilitation based on the presence of that particular PFAS constituent.

The bill provides that until site rehabilitation is completed or rules for statewide CTLs are ratified by the Legislature, any statute of limitations that would bar a state or local governmental entity from pursuing relief in accordance with its existing authority is tolled from the effective date of the bill.

The bill provides that it does not affect the ability or authority to seek any recourse or relief from any person who may have liability with respect to a contaminated site and who did not receive protection under the bill.

The bill directs the Division of Law Revision to replace the phrase “the effective date of this act” wherever it occurs in the bill with the date the bill becomes a law.

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

Vote: Senate 38-0; House 111-0

Committee on Environment and Natural Resources

CS/SB 1658 — Executive Appointments

by Environment and Natural Resources Committee and Senators Bean and Rodrigues

The bill revises the appointment criteria for the executive director of the Department of Law Enforcement, the secretary of the Department of Environmental Protection, and the executive director of the Department of Veterans' Affairs.

These provisions became law upon approval by the Governor on March 10, 2022.

Vote: Senate 26-12; House 77-34

Committee on Environment and Natural Resources

CS/HB 7053 — Statewide Flooding and Sea Level Rise Resilience

by State Affairs Committee; Environment, Agriculture and Flooding Subcommittee; and Rep. Busatta Cabrera and others (CS/SB 1940 by Environment and Natural Resources Committee and Senators Brodeur, Stewart, and Rodriguez)

The bill establishes the Statewide Office of Resilience within the Executive Office of the Governor. It provides that the office must be headed by a Chief Resilience Officer (CRO), who is appointed by and serves at the pleasure of the Governor. It also provides the purposes of the office and the responsibilities of the CRO, and authorizes state and local governmental entities to assist the CRO to the extent consistent with law and budgetary constraints.

The bill requires the Department of Environmental Protection (DEP) to prepare a report, in consultation with the CRO, regarding flood resilience and mitigation efforts in the state. It identifies the required components of the report and directs DEP to submit same to the Governor and Legislature by December 15, 2022.

The bill requires the Department of Transportation (DOT) to develop a resilience action plan for the State Highway System. It identifies goals of the action plan and requires it to include certain components. It also requires DOT to submit the action plan to the Governor and the Legislature by June 30, 2023, and a status report every third year on June 30 thereafter.

The bill implements several changes to s. 380.093, F.S., which relates to statewide resiliency funding and planning. These changes include:

- Providing definitions for the terms “preconstruction activities” and “regionally significant assets.”
- Authorizing the use of Resilient Florida Grant Program funds to fund preconstruction activities for Statewide Flooding and Sea Level Rise Resilience Plan projects in municipalities and counties meeting certain population thresholds.
- Pushing back by one year (to 2023 and 2024, respectively) the dates by which the Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment must be completed.
- Revising the \$100 million cap on funding proposed for each year of the plan to a minimum threshold of \$100 million.

The bill requires the Florida Flood Hub for Applied Research and Innovation to provide certain data to counties and municipalities for vulnerability assessments.

The bill moves back the deadline for surveyors and mappers to submit copies of the elevation certificates they complete to the Division of Emergency Management (DEM). It also specifies that they must be digital copies as outlined on DEM’s website.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 114-1

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/CS/SB 524 — Election Administration

by Appropriations Committee; Ethics and Elections Committee; and Senator Hutson

The bill revises provisions governing elections to improve election security, transparency, and administration.

Related to investigations of election law violations, the bill:

- Creates the Office of Election Crimes and Security within the Department of State to aid the Secretary of State in completion of his or her existing duties related to investigation of election law violations or election irregularities.
- Modernizes the Governor's current authority to appoint special officers by requiring the Governor to, in consultation with the executive director of the Florida Department of Law Enforcement, appoint special officers to investigate alleged violations of election laws.
- Requires the Department of State to annually report specified information regarding each received allegation of an election law violation or election irregularity.

Related to penalties for election law violations, the bill:

- Increases to \$50,000 from \$1,000 the annual cap on fines assessed against a third-party voter registration organization that does not timely deliver completed voter registration applications.
- Creates a new penalty that provides that if a person collecting applications on behalf of an organization is found guilty of altering an application without consent, the organization is subject to a fine of \$1,000 per altered application.
- Increases criminal penalties for ballot harvesting and crimes related to ballot petition signatures.
- Expands a criminal penalty for early disclosure of election results and requires authorized observers of vote-by-mail ballot duplication to sign an affidavit acknowledging they are subject to the penalty.

Related to maintenance of voter registration information, the bill:

- Increases the frequency with which list maintenance must be conducted.
- Revises options supervisors of elections may use for identifying change-of-address information.
- Specifies voter addresses that supervisors of elections must use in conducting list maintenance activities.
- Requires a supervisor of elections to send an address confirmation final notice to a voter if certain conditions are met.
- Requires an inactive voter to confirm his or her current address of legal residence before being restored to active status.
- Creates additional requirements for information other governmental entities must report to the Department of State.
- Related to citizens' initiatives, the bill:

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- Authorizes amendment review processes to be halted if the validity of signatures for an initiative petition have expired.
- Revises retention, maintenance, and website-posting requirements for petition signature forms.

The bill also:

- Expands the prohibition against the use of private donations for election-related expenses to apply to any kind of expense, including but not limited to the costs of related litigation.
- Conforms the mailing and canvassing timeframes for all-mail-ballot elections to those for vote-by-mail ballots in regular elections.
- Revises the date by which supervised voting must be requested.
- Prohibits the use of ranked-choice voting in any election in the state and preempts any conflicting local ordinances.
- Deletes a requirement that vote targets on ballots must be in the shape of an oval.
- Revises “drop box” terminology to “secure ballot intake station.”
- Clarifies the meaning of “permanent branch office of the supervisor” for purposes of placement of secure ballot intake stations.
- Transfers the disclaimer regarding third-party voter registration organizations to the required contents of the uniform statewide voter registration application.
- Requires certain county commissioners of single-member districts to run for election after each decennial redistricting.
- Requires the Department of State to submit a plan to use identifying numbers to confirm the identity of each voter returning a vote-by-mail ballot.

if approved by the Governor, these provisions take effect upon becoming law, except as otherwise expressly provided in the bill.

Vote: Senate 24-14; House 76-41

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/CS/HB 921 — Campaign Financing

by State Affairs Committee; Public Integrity and Elections Committee; and Rep. Drake and others (CS/CS/SB 1352 by Rules Committee; Ethics and Elections Committee; and Senator Brodeur)

The bill defines the term “foreign national” and prohibits a foreign national from making or offering to make a contribution or expenditure, directly or indirectly, in connection with any election held in the state.

The bill also narrows application of the contribution limit for political committees that are the sponsors of or in opposition to citizens’ initiatives by specifying that the contribution limit applies only to persons who are not residents of the state and to political committees that have not registered an office using a street address located within the state.

Finally, the bill prohibits use of public funds by local governments for initiating communications pertaining to an issue, referendum, or amendment, including any state question. The prohibition does not preclude a local government or a person acting on behalf of a local government from:

- Reporting on official actions of the local government’s governing body in an accurate, fair, and impartial manner;
- Posting factual information on a government website or in printed materials;
- Hosting and providing information at a public forum;
- Providing factual information in response to an inquiry; or
- Providing information as otherwise authorized or required by law

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 22-16; House 80-40

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/CS/HB 7001 — Implementation of the Constitutional Prohibition Against Lobbying by a Public Officer

by Rules Committee; State Affairs Committee; Public Integrity and Elections Committee; and Rep. Koster

The bill creates ss. 112.3121 and 112.3122, F.S., to implement the constitutional amendment prohibiting lobbying by certain public officers both during public office and for a six-year period following vacation of public office. The bill provides definitions for terms that have no clear constitutional definition. It provides that the prohibitions apply to persons in public office on or after December 31, 2022. It authorizes the Commission on Ethics to investigate and determine violations of the new prohibitions. The bill provides a range of penalties for violations and directs the Commission to report post-service lobbying violations and recommended punishment to the Governor for imposition of penalties. Finally, it authorizes the Chief Financial Officer and Attorney General independently to collect monetary penalties imposed.

If approved by the Governor, these provisions take effect December 31, 2022.

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

HB 7003 — Implementation of the Constitutional Prohibition Against Lobbying by a Former Justice or Judge

by Public Integrity and Elections Committee and Rep. Koster

The bill creates ss. 112.3123 and 112.3124, F.S., to implement the constitutional amendment prohibiting lobbying by former justices and judges for a six-year period following vacation of judicial office. The bill provides definitions for terms that have no clear constitutional definition. It provides that the prohibition applies to justices and judges who vacate office on or after December 31, 2022. It authorizes the Commission on Ethics to investigate and determine violations of the new prohibition. The bill provides a range of penalties for violations and directs the Commission to report a post-service lobbying violation and recommended punishment to the Governor for imposition of penalties. Finally, it authorizes the Chief Financial Officer and Attorney General independently to collect monetary penalties imposed.

If approved by the Governor, these provisions take effect December 31, 2022.

Vote: Senate 38-0; House 118-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Finance and Tax

CS/HB 7071 — Taxation

by Appropriations Committee; Ways and Means Committee; and Rep. Payne and others

The bill contains provisions for tax relief and changes to tax policy.

Sales Tax

- Provides a 14-day “back-to-school” sales tax holiday from July 25, 2022, through August 7, 2022, for certain clothing, school supplies, learning aids and puzzles, and personal computers.
- Provides a 14-day “disaster preparedness” sales tax holiday from May 28, 2022, through June 10, 2022, for specified disaster preparedness items.
- Provides a 7-day “recreational” sales tax holiday (“Freedom Week”) from July 1, 2022, through July 7, 2022, for specified admissions, boating and water activity supplies, camping supplies, fishing supplies, general outdoor supplies, residential pool supplies, and sporting equipment.
- Provides a 7-day “tools” sales tax holiday from September 3, 2022, through September 9, 2022, for tools and equipment needed in skilled trades.
- Provides a two-year sales tax exemption from July 1, 2022, through June 30, 2024, for impact-resistant windows, doors, and garage doors.
- Provides a one-year sales tax exemption from July 1, 2022, through June 30, 2023, for children’s clothing, shoes, and diapers.
- Provides a one-year sales tax exemption from July 1, 2022, through June 30, 2023, for certain ENERGY STAR certified refrigerators, refrigerator/freezer combinations, water heaters, and clothes washers and dryers.
- Provides a three-month sales tax exemption from May 14, 2022, through August 14, 2022, for children’s books.
- Provides a one-month motor fuels sales tax holiday from October 1, 2022, through October 31, 2022.
- Reduces from 6 percent to 3 percent the state sales tax on the sale of a new mobile home.
- Provides a sales tax exemption for admissions to Formula One Grand Prix races, FIFA World Cup matches, and Daytona 500 races.
- Provides a sales tax exemption for equipment used in the production of green hydrogen.
- Provides a sales tax exemption for the purchase of farm trailers and certain fencing.

Ad Valorem Tax

- Provides property tax relief for residential property rendered uninhabitable for 30 days or more due to a catastrophic event.
- Provides property tax relief for property owners affected by the sudden and unforeseen collapse of a residential building.
- Increases the widows, widowers, blind, or totally and permanently disabled property tax exemption from \$500 to \$5,000.

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- Provides an alternative assessment methodology for land used in the production of aquaculture products.
- Clarifies the extent of the homestead exemption on classified lands.
- Updates the qualifying operations for the deployed service member property tax exemption.
- Provides alternative dates from which to calculate the 15-year required term of an affordable housing agreement for establishing qualification for a property tax exemption.

Corporate Income Tax

- Adopts the Internal Revenue Code in effect on January 1, 2022.
- Creates a corporate income tax credit for expenses incurred in rehabilitating short line railroads.

Documentary Stamp Tax

- Provides a documentary stamp tax exemption for federal loans related to state-declared emergencies.

Various Taxes

- Authorizes school districts to use the School Capital Outlay surtax for the purchase, lease, or maintenance of school buses.
- Provides flexibility in the timing of the New Worlds Reading Initiative and Strong Families Tax Credit programs.
- Increases the annual cap on the Strong Families Tax Credit program by \$5 million.
- Increases the annual cap on the New Worlds Reading Initiative Tax Credit program by \$10 million.
- Increases the annual cap on the Community Contribution Tax Credit program by \$5 million.
- Increases the authorized amount of discretionary millage that may be used by a school district for purchases of certain vehicles and insurance from \$150 FTE to \$175 FTE.
- Limits the restrictions that a local government may impose on applicants for rental and homeownership assistance to the restrictions imposed by lenders.

If approved by the Governor, these provisions take effect July 1, 2022, except as otherwise provided in the act.

Vote: Senate 33-0; House 107-0

Committee on Governmental Oversight and Accountability

CS/CS/SB 514 — Substitution of Work Experience for Postsecondary Educational Requirements

by Community Affairs Committee; Governmental Oversight and Accountability Committee; and Senators Burgess and Perry

The bill creates s. 112. 219, F.S., to allow governmental agencies, during the employee hiring process, to substitute equivalent work experience as an alternative to a postsecondary education, if the applicant is otherwise qualified for the position. The bill specifies that work experience may not be substituted for any required licensure, certification, or registration as established by the employing agency and indicated on the position description. The bill defines employing agencies to include any agency or unit of government of the state or any county, municipality, or political subdivision. The bill requires employing agencies who opt to substitute work experience for postsecondary education, to include a notice in the advertisements for such position that substitution is authorized and a description of what education and work equivalencies apply.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 112-0

Committee on Governmental Oversight and Accountability

CS/CS/HB 1057 — Evidence of Vendor Financial Stability

by State Affairs Committee; Government Operations Subcommittee; and Rep. Andrade
(CS/CS/SB 1952 by Appropriations Committee; Governmental Oversight and Accountability
Committee; and Senator Albritton)

The bill amends s. 287.057, F.S., to permit an agency to establish financial stability criteria when determining whether a vendor is responsible relating to a competitive solicitation and to require a vendor to demonstrate its financial stability during the competitive solicitation process. The bill specifies the following as forms of evidence an agency must accept if it requires a vendor to show financial stability:

- Audited financial statements that demonstrate the vendor's satisfaction of financial stability criteria;
- Documentation of an investment grade rating from a credit rating agency designated as a nationally recognized statistical rating organization by the Securities and Exchange Commission;
- A letter issued by the chief financial officer or controller to verify the vendor's satisfaction of financial stability criteria, for a vendor with annual revenues exceeding \$1 billion; and
- A letter containing a written declaration issued by the chief financial officer or controller to verify the vendor's satisfaction of the criteria established by the agency, for a vendor with annual revenues exceeding \$1 billion. The criteria established by the agency must be reasonably related to the value of the contract and may not include audited financial statements.

The bill defines the term financial stability to mean, at a minimum, having adequate income and capital and the capacity to efficiently allocate resources, assess and manage financial risks, and maintain financial soundness through the term of the contract. The bill does not preclude an agency from requiring a performance bond for the duration of the contract, when appropriate.

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

Vote: Senate 37-0; House 112-0

Committee on Governmental Oversight and Accountability

CS/CS/HB 1445 — OGSR/Dependent Eligibility Information/DMS

by State Affairs Committee; Government Operations Subcommittee; and Rep. Giallombardo (SB 7026 by Governmental Oversight and Accountability Committee)

The bill makes confidential and exempt records collected for the purpose of dependent eligibility verification services conducted for the state group insurance program, as authorized in s. 110.12301(2), F.S., and held by the Department of Management Services.

The bill specifies that the exemption does not apply to records that are otherwise open for inspection and copying which are held by the department for purposes other than for the performance of dependent eligibility verification services.

This public records exemption expires October 2, 2027, unless saved from repeal by the Legislature.

If approved by the Governor, these provisions take effect on the same date that SB 7026 or similar legislation takes effect.

Vote: Senate 38-0; House 111-0

Committee on Governmental Oversight and Accountability

HB 5007 — State-administered Retirement Systems

by Appropriations Committee and Rep. Trumbull (SB 7038 by Governmental Oversight and Accountability Committee)

The bill establishes the contribution rates paid by employers participating in the Florida Retirement System (FRS) beginning July 1, 2022. The bill increases the amount of employer-paid contributions allocated to each active member's investment plan account by three percent of the member's compensation. The bill extends the period that law enforcement officers may participate in the Deferred Option Retirement Program from 60 months to 96 months. To be eligible for this extended participation period, the law enforcement officer must be participating in DROP before July 1, 2028.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 33-0; House 108-0

Committee on Governmental Oversight and Accountability

SB 7024 — OGSR/Alleged Victim or Victim of Sexual Harassment

by Governmental Oversight and Accountability Committee

The bill amends s. 119.071, F.S., to make confidential and exempt from public inspection and copying personal identifying information of a victim of sexual harassment in addition to the alleged victim in an allegation of sexual harassment. The bill clarifies that such information is only confidential and exempt if it identifies that person as an alleged victim or victim of sexual harassment. The bill permits the alleged victim or victim to waive confidentiality in writing. This public records exemption expires October 2, 2027, unless reviewed and saved from repeal by the Legislature.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 37-0; House 112-0

Committee on Governmental Oversight and Accountability

SB 7026 — OGSR/Dependent Eligibility Verification Services

by Governmental Oversight and Accountability Committee

The bill amends s. 110.12301, F.S., to allow the Department of Management Services to contract for dependent eligibility verification services for the state group insurance program. The bill repeals statutory language relating to an audit conducted in 2018 to verify the eligibility of all dependents participating in the State Group Insurance Program. The bill revises the listing of documents that may be submitted to the department or a vendor for the purpose of verifying dependent eligibility and requires the records to be retained according to the general retention schedule.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 5 — Reducing Fetal and Infant Mortality

by Health Care Appropriations Subcommittee and Reps. Grall, Persons-Mulicka, and others (SB 146 by Senators Stargel, Bradley, Rodrigues, Burgess and Gruters)

The bill amends several sections of law relating to reducing fetal and infant mortality.

Provisions Relating to Abortion

The bill prohibits a physician from performing an abortion after the fetus has reached 15 weeks of gestational age and redefines the term “gestation” to measure gestational age as the time period starting on the first day of the pregnant woman’s last menstrual period.

The bill applies exceptions found in preexisting law to the 15-week provision, i.e. to save the pregnant woman’s life or to prevent a serious risk of substantial and irreversible physical impairment of a major bodily function, which must be certified in writing by two physicians, or by one physician in the case of an emergency if a second physician is not available. The bill also adds a new exception to the 15-week provision that applies if two physicians certify in writing that the fetus has a fatal fetal abnormality and has not reached viability. The bill defines “fatal fetal abnormality” as a terminal condition that, in reasonable medical judgement, regardless of the provision of life-saving medical treatment, is incompatible with life outside the womb and will result in death upon birth or imminently thereafter.

Additionally, the bill amends provisions related to the reporting of abortions to the Agency for Health Care Administration (AHCA). The bill requires the AHCA, the Board of Medicine, and the Board of Osteopathic Medicine to adopt by rule a form for reporting abortions. The form must include information that is required to be reported under preexisting law as well as additional information, specifically:

- The number of drug regimens dispensed or prescribed for a medical abortion, defined under the bill as the administration or use of an abortion-inducing drug to induce an abortion; and
- If a woman has provided evidence of human trafficking under a separate provision of law, human trafficking must be reported on the form as a reason for the abortion.

Other Provisions

The bill adds a requirement to the Comprehensive Statewide Tobacco Education and Use Prevention Program to target information towards pregnant women and women who may become pregnant; requires the Department of Health (DOH) to contract with local Healthy Start coalitions to establish fetal and infant mortality review committees (FIMR) in all regions of the state and appropriates \$1,602,000 in recurring funds for State Fiscal Year 2022-23 for this purpose; and requires all hospitals that provide birthing services to participate in at least two quality initiatives developed in collaboration with the Florida Perinatal Quality Collaborative within the University of South Florida College of Public Health.

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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Specific to the FIMRs, the bill requires that each FIMR:

- Review and analyze rate trends, causes, and other data related to fetal and infant mortality and morbidity in a geographic area.
- Develop findings and recommendations for interventions and policy changes to reduce fetal and infant mortality and morbidity rates.
- Engage with local communities and stakeholders to implement recommended policies and procedures to reduce fetal and infant mortality and morbidity.

The bill also requires that each local Healthy Start coalition report the findings and recommendations developed by each FIMR to the DOH annually and that, beginning on October 1, 2023, the DOH must compile the findings and recommendations into a report that must be submitted to the Governor and to the Legislature each year.

The bill makes other technical and conforming changes.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 23-15; House 78-39

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/SB 292 — Newborn Screenings

by Appropriations Committee and Senators Polsky and Book

The bill amends s. 383.145, F.S., to require a hospital or other state-licensed birthing facility to test a newborn for congenital cytomegalovirus (CMV) if the newborn has failed his or her hearing screening, before the newborn is 21 days old or before discharge, whichever occurs earlier.

For home births and births in a licensed birth center, if a newborn fails a hearing test, the bill requires that the newborn's primary health care provider must refer the newborn to be tested for CMV and changes the timeframe in which a referral for appointment for a newborn hearing screening must occur, to within seven days after delivery, rather than 30 days.

Additionally, the bill requires that the results of any newborn screening test to be reported to the Department of Health within seven days of receipt of the results.

If approved by the Governor, these provisions take effect January 1, 2023.

Vote: Senate 38-0; House 118-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

SB 312 — Telehealth

by Senator Diaz

The bill amends s. 456.47, F.S., to provide that a telehealth provider may not use telehealth to prescribe a controlled substance listed in Schedule II of s. 893.03, F.S., unless the Schedule II controlled substance is prescribed for the following:

- The treatment of a psychiatric disorder;
- Inpatient treatment at a hospital licensed under ch. 395, F.S.;
- The treatment of a patient receiving hospice services as defined in s. 400.601, F.S.; or
- The treatment of a resident of a nursing home facility as defined in s. 400.021, F.S.

In practice, the bill allows a telehealth provider to issue a renewal prescription for a controlled substance listed in Schedule III, IV, or V of s. 893.03, F.S., through telehealth, within the scope of his or her practice and in accordance with other state and federal laws. Under preexisting law, Florida's telehealth providers were prohibited from prescribing any controlled substances through telehealth unless the prescription met one of the exceptions listed above. The bill narrows this prohibition to the prescribing of Schedule II controlled substances through telehealth, except under those specific circumstances.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 114-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 469 — Patient Care in Health Care Facilities

by Finance and Facilities Subcommittee and Rep. Trabulsy and others (CS/CS/SB 718 by Rules Committee; Health Policy Committee; and Senator Bradley)

The bill amends two sections of the Florida Statutes regarding authorization for unlicensed persons to assist patients or residents in the self-administration of medication in home health settings and in assisted living facilities (ALF), respectively. The bill amends s. 400.488, F.S., to allow an unlicensed person in a home health setting to assist a patient with the same kinds of self-administration of medication tasks that are allowed in an ALF under preexisting law. Additionally, the bill reorganizes several of the items currently listed under the self-administration of medication into a new category labeled as “other tasks” in both ss. 400.488 and 429.256, F.S.

The bill makes changes to several sections of the Florida Statutes regarding the treatment of prefilled insulin syringes or pens to allow unlicensed persons to bring such syringe or pen to a patient or resident from where it is stored in a home health setting or in an ALF, and to allow registered nurses to delegate the administration of insulin which is prefilled into such syringe or pen to a certified nursing assistant (CNA) or home health aide and to delegate the administration of specified medication to a CNA or home health aide in a local county detention facility.

The bill also amends several sections of the Florida Statutes relating to the transport of patients by Basic Life Support and Advanced Life Support services to require that permitted Advanced Life Support ambulances must be occupied by at least two specified medical personnel when conducting inter-facility transfers of patients and to make conforming changes.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 118-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

SB 534 — Prescription Drugs Used in the Treatment of Schizophrenia for Medicaid Recipients

by Senator Harrell

The bill amends s. 409.912, F.S., to create an exception from step-therapy prior authorization requirements within the Florida Medicaid program for a drug product if the prescribing physician provides the Agency for Health Care Administration with written medical or clinical documentation that the product is medically necessary. Under the bill, medical necessity is created when the drug product or a medication of a similar drug class is being prescribed for the treatment of schizophrenia or schizotypal or delusional disorders, prior authorization has previously been granted to the patient for the prescribed drug, and the medication was dispensed to the patient during the previous 12 months.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 112-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

HB 539 — Nursing Home Financial Reporting

by Rep. Trumbull (SB 1324 by Senator Burgess)

The bill amends s. 408.061, F.S., to specify that when a nursing home or the home office of a nursing home reports its actual financial experience for a fiscal year to the Agency for Health Care Administration, as required under preexisting law, the actual financial experience must be the nursing home's or the home office's audited actual experience.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 114-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/CS/HB 543 — Uterine Fibroid Research and Education

by Health and Human Services Committee; Appropriations Committee; Professions and Public Health Committee; and Rep. Omphroy and others (CS/CS/SB 1010 by Appropriations Committee; Health Policy Committee; and Senator Gibson)

The bill requires the Department of Health (DOH) to develop and maintain an electronic database of information related to uterine fibroids. The purpose of the database is to encourage research relating to the diagnosis and treatment of uterine fibroids and to ensure that women are provided with the relevant information and health care necessary to prevent and treat uterine fibroids.

The bill requires specified health care providers to submit information to the DOH regarding the diagnosis or treatment of women with uterine fibroids for inclusion in the database. The bill defines health care providers as physicians or physician assistants licensed under chs. 458 or 459, F.S., and advanced practice registered nurses licensed under ch. 464, F.S.

The database must include, but need not be limited to:

- Incidence and prevalence of women diagnosed with uterine fibroids in the state.
- Demographic attributes of women diagnosed with uterine fibroids in the state.
- Treatments and procedures for uterine fibroids used by health care providers in the state.

The bill prohibits the database from including personal identifying information. The bill requires the DOH to develop and include information related to uterine fibroids in its women's health care educational materials made available to the public under preexisting law. Such information in the materials must include possible risk factors for developing uterine fibroids and the range of available treatment options that are considered alternatives to a hysterectomy.

The bill appropriates \$121,852 in recurring funds and \$681,048 in nonrecurring funds from the General Revenue Fund and one full-time equivalent position to the DOH for the purpose of implementing the bill.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/SB 544 — Drug-related Overdose Prevention

by Appropriations Committee and Senators Boyd and Rouson

The bill amends s. 381.887, F.S., to expand access to emergency opioid antagonists by:

- Allowing pharmacists to order, as well as dispense, emergency opioid antagonists with an auto-injection delivery system or intranasal delivery system;
- Providing that specified persons who are authorized to possess, store, and administer emergency opioid antagonists are immune from civil or criminal liability resulting from the administration of such emergency opioid antagonists; and
- Adding specified personnel of a law enforcement agency or other agencies to the list of persons who are authorized to possess, store, and administer emergency opioid antagonists.

The bill amends s. 395.1041, F.S., to require hospital emergency departments and urgent care centers to report the treatment of actual or suspected overdose victims treated at those facilities who were not transported to the hospital or urgent care center by a transport service.

The bill amends s. 381.981, F.S., requiring the Florida Public Health Institute, Inc., to include emergency opioid antagonists as part of substance abuses in its statutorily-required health awareness campaigns.

Additionally, the bill amends s. 1002.20, F.S., to allow a public school to purchase a supply of naloxone from a wholesale distributor or enter into an agreement with a wholesale distributor or manufacturer to receive naloxone at fair-market, free, or reduced prices. The naloxone must be maintained in a secure location on the public school's premises. The bill also exempts a school district employee from civil liability if he or she administers an approved opioid antagonist to a student in compliance with s. 381.887, F.S., relating to emergency treatment for suspected opioid overdose and s. 768.13, F.S., relating to the Good Samaritan Act.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 114-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/SB 566 — Mental Health Professional Licensure

by Health Policy Committee and Senator Gruters

The bill amends the minimum education requirements for licensure as a clinical social worker, marriage and family therapist, or a mental health counselor in s. 491.005, F.S.

The bill addresses an unintended consequence of ch. 2020-133, L.O.F., by allowing marriage and family therapy applicants who graduated from a program not accredited by the Commission on Accreditation for Marriage and Family Therapy Education (CAMFTE), or from a Florida university program accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP), on or after July 1, 2020, when ch. 2020-133, L.O.F., took effect, to apply for licensure.

Under the bill, marriage and family therapy graduates will have until September 1, 2027, to complete one of three options to meet the minimum education requirements for licensure by earning a master's degree:

- In marriage and family therapy from a program accredited by the CAMFTE;
- With a major emphasis in marriage and family therapy or a closely related field from a university program accredited by the CACREP and graduate courses approved by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling; or
- With a major emphasis in marriage and family therapy or a closely related field, with a degree conferred before September 1, 2027, from an institutionally accredited college or university.

The bill updates the education requirements for marriage and family therapists in reference to accreditation by the Commission on Recognition of Postsecondary Accreditation (CORPA), which was dissolved in 1997. The bill amends the statute to reference CORPA's successor organization, the Council for Higher Education Accreditation, or its successors.

The bill also amends the minimum education requirements for licensure as a mental health counselor to include a master's degree from a program accredited by the Masters in Psychology and Counseling Accreditation Council, or an equivalent accrediting body, as a degree that qualifies an applicant for licensure.

The bill deletes obsolete provisions regarding purchases of examinations by the Department of Health for clinical social workers and marriage and family therapists. The bill revises the nomenclature for the accrediting authorities for marriage and family therapists and mental health counselors from a "regional" accrediting body to an "institutional" accrediting body, in order to align with the U.S. Department of Education's current vernacular and eliminate any perceived differences between regional and national accrediting bodies.

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

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Vote: Senate 37-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

HB 593 — Telecommunicator Cardiopulmonary Resuscitation

by Reps. Trabusly, McClure and others (SB 890 by Senators Burgess and Pizzo)

The bill amends s. 401.465, F.S., to require that all 911 public safety telecommunicators (PST) who make telephone calls and provide dispatch functions for emergency medical conditions must complete telecommunicator cardiopulmonary resuscitation (TCR) training and continuing education every two years. The bill defines TCR training and allows a public safety agency (PSA), or any other agency that receives or dispatches calls for emergency medical conditions, to enter into a reciprocal agreement with another PSA, a dedicated telephone line, or a call center to provide TCR as long as the PSA or other agency receiving the call has PSTs who are trained in TCR.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 105-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/SB 632 — Occupational Therapy

by Health Policy Committee and Senator Bradley

The bill expands the scope of practice of the occupational therapist and the occupational therapy assistant in ch. 468, Part III, F.S.

The bill replaces the current definition of “occupational therapy” with a new definition that introduces the concepts of the therapeutic use of occupations through habilitation, rehabilitation, and the promotion of health and wellness with individuals, groups, or populations, along with their families or organizations, to support participation, performance, and function in the home, at school, in the workplace, in the community, and in other settings for clients who have, or are at risk of developing, an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction.

The bill creates new terms and definitions for occupational therapy.

The bill deletes a list of “occupational therapy services” from current law, makes reference to “the practice of occupational therapy” instead of “occupational therapy,” and adds the following services to the practice of occupational therapy:

- The assessment, treatment, and education of or consultation with individuals, groups, and populations whose abilities to participate safely in occupations, including activities of daily living, instrumental activities of daily living, rest and sleep, education, work, play, leisure, and social participation, are impaired or have been identified as being at risk for impairment due to issues related to, but not limited to, developmental deficiencies, the aging process, learning disabilities, physical environment and sociocultural context, physical injury or disease, cognitive impairments, or psychological and social disabilities;
- Methods or approaches to determine abilities and limitations related to performance of occupations, including, but not limited to, the identification of physical, sensory, cognitive, emotional, or social deficiencies; and
- Specific occupational therapy techniques used for treatment which include, but are not limited to, training in activities of daily living; environmental modification; assessing the need for the use of interventions such as the design, fabrication, and application of orthotics or orthotic devices; selecting, applying, and training in the use of assistive technology and adaptive devices for sensory, motor, and cognitive activities.

The bill exempts clinical social workers, marriage and family therapists, and mental health counselors from the application of the Occupational Therapy Practice Act and exempts occupational therapists and occupational therapy assistants from the application of the Psychological Services Act in ch. 490, F.S., and the Clinical, Counseling, and Psychotherapy Act in ch. 491, F.S.

The bill also exempts any person fulfilling an occupational therapy doctoral capstone experience that involves clinical practice or projects, from the requirements of the Occupational Therapy

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Practice Act if he or she registers with the Department of Health before commencing the capstone experience.

The bill authorizes a licensed occupational therapist to use the title “occupational therapist doctorate” or “O.T.D.” if the occupational therapist has earned a doctoral degree.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 116-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 768 — Department of Health

by Appropriations Committee; Health Policy Committee; and Senator Rodriguez

The bill addresses numerous health care-related issues regulated by the Department of Health (DOH). The bill:

- Updates the “Targeted Outreach for Pregnant Women Act of 1998.”
- Amends s. 381.0303, F.S., to remove Children’s Medical Services as a party required to coordinate in the development of local emergency management plans for special needs shelters. Instead, the bill specifies that the DOH is the lead agency to coordinate local medical and health care providers for the staffing and management of the shelters and is the decision-making authority for determining the medical supervision in each special needs shelter.
- Allows the DOH to collect samples of marijuana and marijuana delivery devices, in general, from a medical marijuana treatment center (MMTC) for specified testing, rather than only samples of edibles.
- Expands MMTC recall requirements to all marijuana products and delivery devices, rather than only edibles.
- Requires the DOH to adopt rules by negotiated rulemaking to establish acceptable marijuana potency variations of no more than 15 percent and prohibits the DOH from issuing a recall of marijuana for product potency as it relates to labeling until such rules are adopted.
- Effective upon the bill becoming law, allows an MMTC applicant that applies for the MMTC license reserved for a class member of *Pigford v. Glickman* or *In Re Black Farmers* litigation to transfer its initial application fee to one subsequent opportunity to apply for licensure as an MMTC if that applicant is determined through the application process to be a class member of the *Pigford v. Glickman* or *In Re Black Farmers* litigation and is not awarded that license.
- Prohibits the DOH from renewing the license of an MMTC that has not begun to cultivate, process, and dispense marijuana by the time its license must be renewed.
- Provides an exception from criminal laws for DOH employees to acquire, possess, test, transport, and lawfully dispose of marijuana and marijuana delivery devices.
- Amends s. 381.99, F.S., to increase the number of rare disease caregiver appointees to the Rare Disease Advisory Council that may be appointed by the President of the Senate and the Speaker of the House of Representatives from one each, to two each, and permits the appointees to be either current or previous caregivers of individuals with a rare disease.
- Amends s. 406.11, F.S., to remove the requirement that medical examiners “certify the death,” in addition to determining the cause of death, when a person dies under certain circumstances.
- Amends s. 383.216, F.S., to authorize the administrative services organization representing all Healthy Start Coalitions under s. 409.975(4), F.S., to use any method of telecommunications to conduct meetings for an authorized function, with proper public notice and reasonable access.

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- Amends s. 456.039, F.S., to require that every applicant for licensure or renewal of licensure as a medical doctor or osteopathic physician must furnish to the DOH proof of payment of his or her assessment relating to the Florida Birth-Related Neurological Injury Compensation Plan at the time of initial application or renewal.
- Amends ss. 460.406, 468.803, 483.824, and 490.005, F.S., to delete references to the term “regional” and replace it with the term “institutional” to conform with the U.S. Department of Education accreditation nomenclature for approving health care-related educational institutions.
- Amends s. 464.008, F.S., and deletes the requirement that graduates from an approved nursing program who do not take the licensure examination within six months after graduation, must successfully complete and pay for a licensure examination preparatory course approved by the Board of Nursing.
- Amends s. 464.018(1)(e), F.S., and moves the placement of the phrase, “regardless of adjudication,” after the phrase “[h]aving been found guilty of, or entered a plea of nolo contendere or guilty to”, to clarify that “regardless of adjudication” does not apply only to guilty pleas but to any plea to offenses listed in ss. 435.04 or 741.28, F.S.
- Makes numerous amendments and updates to ch. 467, F.S., the “Midwifery Practice Act.”
- Amends ss. 490.003, 490.005, and 490.0051, F.S., to clarify definitions and the educational requirements for psychologists applying for licensure by examination or provisional licensure.
- Effective upon the bill becoming law, amends the minimum education requirements for licensure as a clinical social worker, marriage and family therapist, or a mental health counselor in s. 491.005, F.S.
- Effective upon the bill becoming law, revises the eligibility requirements under s. 766.31, F.S., for parents or legal guardians who received an award under the Florida Birth-Related Neurological Injury Compensation Plan before January 1, 2021, to eliminate the requirement that the child must be currently receiving benefits under the plan to receive the award. The bill requires the plan to make retroactive payments in a lump sum or in periodic payments as designated by the parents or legal guardians by July 1, 2022, to eligible parents or legal guardians.
- Amends s. 766.314, F.S., authorizing the Florida Birth-Related Neurological Injury Compensation Association (NICA) to collect and enforce physician assessments in circuit court, if necessary, and requires the NICA program to notify the DOH and the appropriate regulatory board of any unpaid final judgments against a physician within a specific timeframe.

If approved by the Governor, the provisions of the bill take effect July 1, 2022, except as otherwise provided.

Vote: Senate 39-0; House 118-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

**CS/SB 806 — Alzheimer’s Disease and Related Forms of Dementia
Education and Public Awareness**

by Appropriations Committee and Senators Perry and Stewart

The bill creates s. 381.825, F.S., to establish the “Ramping up Education of Alzheimer’s Disease and Dementia for You (READY) Act.” The bill requires the Department of Health (DOH) to use preexisting, relevant public health and community outreach programs to educate medical doctors, osteopathic physicians, and nurses on Alzheimer’s disease and dementia-related disorders. Specifically, the bill requires the DOH to provide education on the following topics:

- The importance of early detection and timely diagnosis of Alzheimer’s disease and related forms of dementia.
- Using a validated cognitive assessment tool.
- The value and effectiveness of the Medicare annual wellness visit in detecting Alzheimer’s disease and related forms of dementia.
- Using Medicare advance care planning billing codes for persons with Alzheimer’s disease and related forms of dementia.
- Reducing the risk of cognitive decline, particularly among persons in diverse communities who are at greater risk of developing Alzheimer’s disease and related forms of dementia.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

HB 855 — Managed Care Plan Performance

by Reps. Bartleman, Duran, and others (SB 1258 by Senators Jones and Bracy)

The bill amends s. 409.967, F.S., to require managed care plans contracting with the Agency for Health Care Administration (AHCA) under the Statewide Medicaid Managed Care program to collect and annually report an expanded set of performance measures, including Healthcare Effectiveness Data and Information Set measures, the federal Core Set of Children’s Health Care Quality measures, and the federal Core Set of Adult Health Care Quality performance measures, as specified by the AHCA.

Beginning in calendar year 2025, the bill requires each managed care plan to collect and report all of the Adult Core Set behavioral health measures, which were not required to be reported under preexisting law. Beginning in calendar year 2026, the bill requires each managed care plan to stratify all reported performance-measure data by recipient age, race, ethnicity, primary language, sex, and Social Security Administration disability status and to publish the data on the plan’s website in a manner that allows recipients to reliably compare plan performance.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 112-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 926 — Licensure Examinations for Dental Practitioners

by Banking and Insurance Committee; Health Policy Committee; and Senator Albritton

The bill revises licensure examination requirements for dentists and dental hygienists. The bill requires applicants to demonstrate certain clinical skills on a manikin rather than a live patient.

To correspond to the revision above, the bill deletes the requirement for a dental school student to possess medical malpractice insurance in amounts not less than the amounts required to take the Florida licensure examinations and for dental schools to make adequate arrangements for patients who require follow-up care as a result of the student's demonstration of clinical skills on a live patient. The bill also repeals the authorization for the Board of Dentistry to require that any person applying to take the practical dentistry or dental hygiene examination in Florida maintain medical malpractice insurance in amounts sufficient to cover any incident of harm to a patient during the examination.

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

Vote: Senate 39-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 988 — In-person Visitation

by Appropriations Committee; Health Policy Committee; and Senators Garcia, Berman, Rodriguez, and Perry

The bill establishes the “No Patient Left Alone Act” (Act), creating s. 408.823, F.S. The bill applies to developmental disabilities centers as defined in s. 393.063, F.S., hospitals licensed under ch. 395, F.S., nursing home facilities licensed under part II of ch. 400, F.S., hospice facilities licensed under part IV of ch. 400, F.S., intermediate care facilities for the developmentally disabled licensed and certified under part VIII of ch. 400, F.S., and assisted living facilities licensed under part I of ch. 429, F.S.

The bill requires that, no later than 30 days after the act becomes effective, each provider must establish visitation policies and procedures that:

- Address specified topics including infection control and education protocols and policies for visitors, permissible lengths of visits, and numbers of visitors;
- May not be more stringent than what the provider requires for staff;
- May not require proof of vaccine or immunization;
- Must allow consensual physical contact between the resident, client, or patient and the visitor; and
- Must allow in-person visitation under specified circumstances including:
 - End-of-life situations.
 - A resident, client, or patient who was living with his or her family before being admitted to the provider’s care is struggling with the change in environment and lack of in-person family support.
 - The resident, client, or patient is making one or more major medical decisions.
 - A resident, client, or patient is experiencing emotional distress or grieving the loss of a friend or family member who recently died.
 - A resident, client, or patient needs cueing or encouragement to eat or drink which was previously provided by a family member or caregiver.
 - A resident, client, or patient who used to talk and interact with others is seldom speaking.
 - For hospitals, childbirth, including labor and delivery.
 - Pediatric patients.

The provider must provide its visitation policy to the Agency for Health Care Administration (AHCA) on initial licensure, license renewal, or change of ownership. The provider must also make the policy available to the AHCA upon request and make the policy available on its website within 24 hours of establishing the policy. The AHCA must dedicate a stand-alone page to explain visitation rights under the Act and provide a link to the AHCA’s webpage to report complaints.

The bill also allows each resident, client, or patient to designate an essential caregiver who must be allowed to visit the resident, client, or patient in-person for at least two additional hours daily in addition to other visitation requirements.

The bill authorizes a provider to require that a visitor agree in writing to the visitation policy and to suspend a visitor who has violated the policy.

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

Vote: Senate 37-0; House 115-2

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 1209 — Administration of Vaccines

by Professions and Public Health Subcommittee and Rep. Tuck and others (CS/SB 1892 by Health Policy Committee and Senator Burgess)

The bill expands the scope of practice of registered pharmacy technicians by authorizing a qualified pharmacy technician to administer certain immunizations and vaccines to adults under the supervision of a certified pharmacist.

The bill requires pharmacy technicians seeking to administer vaccines and immunizations to be certified to do so pursuant to a certification program approved by the Board of Pharmacy (BOP) in consultation with the Board of Medicine and the Board of Osteopathic Medicine. The certification program must have at least six hours of immunization-related training approved by the BOP that must, at a minimum, have a curriculum of instruction concerning the safe and effective administration of such vaccines, including, but not limited to, potential allergic reactions. As a condition of registration renewal, the bill also requires registered pharmacy technicians seeking to administer vaccines and immunizations to have at least two hours of continuing education approved by the BOP in addition to the biennial continuing education required under preexisting law.

The bill also updates the statutory list of immunizations and vaccines that pharmacists, registered pharmacy interns, and (under the bill) registered pharmacy technicians may become certified to administer, in terms of the dates that immunizations and vaccines have been included in the Adult Immunization Schedule published by the U.S. Centers for Disease Control and Prevention (CDC), have been recommended by the CDC for international travel, or have been licensed for use or authorized for emergency use by the U.S. Food and Drug Administration. The bill revises such dates to March 31, 2022, instead of April 30, 2021.

The bill also provides that a registered pharmacy intern or registered pharmacy technician who administers an immunization or vaccine must be supervised by a certified pharmacist at a ratio of one pharmacist to a maximum of five registered interns or registered pharmacy technicians, or a combination thereof.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 35-3; House 115-1

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 1222 — Acute and Post-acute Hospital Care at Home

by Judiciary Committee; Health Policy Committee; and Senators Bean and Gibson

The bill authorizes paramedics and Class III institutional pharmacies – a type of hospital pharmacy – to serve hospital patients in their homes under specified circumstances.

The bill amends s. 401.272, F.S., to authorize a paramedic, under the supervision of a physician or acting under other standing orders, to provide basic life support services and advanced life support services to a patient receiving acute and post-acute hospital care at his or her permanent residence through a program approved by the federal Centers for Medicare & Medicaid Services (CMS) and Florida’s Agency for Health Care Administration (AHCA). The bill provides that a physician who supervises or provides medical direction to a paramedic under such conditions is liable for any act or omission of the paramedic when providing such services. The bill authorizes the Department of Health to adopt rules to implement these provisions.

The bill amends s. 465.003, F.S., to authorize a Class III institutional pharmacy to dispense, distribute, compound, and fill prescriptions for medicinal drugs for a hospital patient in his or her permanent residence through a program approved by the CMS and the AHCA.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 1239 — Nursing Homes

by Health and Human Services Committee; Finance and Facilities Subcommittee; and Rep. Melo (CS/CS/SB 804 by Rules Committee; Health Policy Committee; and Senator Albritton)

The bill makes several changes to Florida Statutes related to nursing home staffing and changes of ownership.

Nursing Home Staffing

CS/CS/HB 1239 amends multiple sections of the Florida Statutes to modify nursing home staffing requirements. The bill modifies the definition of “resident care plan” and defines the terms “direct care staff” and “facility assessment.” The bill allows the 3.6 hours of direct care required under preexisting law to be met with direct care staff rather than requiring certified nursing assistant (CNA) and nurse staffing to provide all of those hours of care. The bill also reduces the requirement that a nursing home must provide a minimum of 2.5 hours of CNA staffing per resident per day to 2.0 hours of CNA staffing per resident per day.

The bill specifies that complying with the minimum requirements is not admissible as evidence of compliance with certain federal regulations. The bill also specifies that the required 3.6 weekly average of direct care staffing hours includes hours provided by paid feeding assistants who have completed a feeding assistant training program, that feeding assistance provided by CNAs and nurses may count toward their respective required minimum hours, that staffing hours do not include time spent on certain administrative tasks, and that nursing assistants employed under CNA training and personal care attendant programs may count toward providing such hours of care. The bill requires nursing homes to document compliance with staffing standards, to maintain records for five years, and to report staffing in accordance with specified federal law.

Changes of Ownership and Other Provisions

The bill also revises provisions in s. 400.024, F.S., related to changes of ownership in nursing homes. The bill specifies that any adverse final judgment of a nursing home that is changing ownership becomes the responsibility and liability of the new owner if the Agency for Health Care Administration (AHCA) approves the change in ownership. Additionally, the bill requires a nursing home to provide written notice to any claimant, by certified mail or other method that provides verification of receipt, after the licensee or controlling interest files a change of ownership application within 14 days of filing the application allows such claimant 30 days after receipt of the notice to file an objection to the change of ownership. The AHCA must consider any objection when making its decision to approve or deny the change of ownership application. Additionally, the bill specifies that information contained in annual financial reports filed by nursing homes with the AHCA is discoverable and may be admissible in a civil or administrative action.

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

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 28-9; House 80-31

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/SB 1260 — Independent Hospital Districts

by Community Affairs Committee and Senator Gruters

The bill creates s. 189.0762, F.S., which provides a procedure for an independent hospital district to convert into a private non-profit entity by following the steps specified in the bill.

The bill defines the terms “independent hospital district” and “nonprofit entity” and allows the governing body of the district to vote to commence an evaluation of the benefits of conversion to a nonprofit entity for residents of the district. The bill specifies that, when evaluating the benefits of such conversion, the governing body must publish a notice and conduct a public hearing to give the public an opportunity to testify regarding the conversion, contract with an entity with at least five years of experience conducting comparable evaluations to conduct the evaluation, and publish all documents considered by the governing body on the hospital district’s website.

Once the evaluation is complete and the hospital district has received the final report, the governing body of the district must determine, within 120 days, whether conversion is in the best interests of the residents of the district. If the governing body of the district determines the prospective conversion meets that standard, the governing body must negotiate an agreement with the board of county commissioners of each county in which any part of the district’s boundary is located. This agreement must be in writing, include the terms and conditions necessary for both disposing of the assets and liabilities of the system and ensuring health care services are provided to the district’s residents, and be completed no later than 120 days after the public meeting in which the governing body determined conversion is in the best interest of its residents. The bill provides a list of items that must be included in the agreement, including an enforceable commitment that programs and services provided by the district will continue to be provided so long as the nonprofit entity is in operation or until the nonprofit entity has met all obligations set forth in the agreement.

The bill requires that the evaluation, agreements, disclosures, and any other supporting documentation related to conversion be published on the district’s website and the website of each involved county for 45 days before the governing body of the district and each involved county may vote on the proposed conversion. The agreement must be voted on and approved in a properly noticed meeting by the governing body of the hospital district and by each involved county. The bill prohibits any member of the board of county commissioners serving in any involved county to serve on the board of the succeeding nonprofit entity.

If the agreement is approved, the bill requires that a referendum be held on the agreement at the next general election unless the hospital district has not levied, collected, or received ad valorem taxes in the current year and any of the previous five fiscal years. Once approved as provided, the agreement goes into full force and effect and the district must file a copy of the agreement with the Department of Economic Opportunity within ten days and then again within 30 days of transferring all assets and liabilities to the succeeding nonprofit entity. The district is dissolved upon the department receiving the latter notice.

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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If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 112-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 1374 — Clinical Laboratory Testing

by Appropriations Committee; Health Policy Committee; and Senator Rodriguez

The bill amends s. 483.801, F.S., to exempt from Part I of ch. 483, F.S., registered nurses who are licensed by the state of Florida and are determined by the clinical lab director of a hospital or hospital-based off-campus emergency department to be qualified under 42 C.F.R. s. 493.1423 to perform only moderate-level or waiver-level clinical laboratory testing in accordance with s. 395.0091, F.S., within the hospital or a hospital-based off-campus emergency department that has a separate clinical laboratory certification under the federal Clinical Laboratory Improvement Amendments (CLIA) program.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 1521 — Professional Counselors Licensure Compact

by Professions and Public Health Subcommittee and Rep. Koster (CS/CS/SB 358 by Appropriations Committee; Health Policy Committee; and Senator Rodriguez)

The bill authorizes Florida to participate in the Professional Counselors Licensure Compact (counseling compact or compact) for the licensure of mental health counselors. Under the compact, and after the compact has been adopted by at least 10 member states, a Florida-licensed mental health professional is eligible to provide services to out-of-state patients either in person or through telehealth. It also allows out-of-state mental health professionals, who are licensed by member states, to provide services to Florida patients in person or through telehealth.

The bill also:

- Requires the Department of Health (DOH) to report any significant investigatory information relating to a health care practitioner practicing under the compact to the compact's licensure data system.
- Requires Florida-licensed counselors practicing under the compact to withdraw from all practice under the compact if the professional counselor is in an impaired practitioner program.
- Requires the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (Board) to appoint an individual to serve as Florida's delegate on the Counseling Compact Commission (Commission).
- Exempts out-of-state licensed clinical social workers, marriage and family therapists, and mental health counselors who practice under the compact from licensure requirements in this state.
- Authorizes the Board to take adverse action against a mental health counselor's privilege to practice under the compact and authorizes the Board to impose grounds for discipline.
- Designates the state delegate and other members or employees of the Commission as state agents for the purpose of applying waivers of sovereign immunity.
- Requires the Commission to pay any claims or judgments up to the statutorily-waived amount of sovereign immunity and authorizes the Commission to maintain insurance coverage to pay any such claims or judgments.
- Requires the DOH to notify the Division of Law Review upon enactment of the compact into law by 10 states.

If approved by the Governor, these provisions take effect upon enactment of the Professional Counselors Licensure Compact into law by 10 states.

Vote: Senate 38-0; House 115-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

HB 1523 — Pub. Rec. and Meetings/Professional Counselors Licensure Compact

by Rep. Koster (CS/CS/SB 590 by Rules Committee; Government Oversight and Accountability Committee; and Senator Rodriguez)

The bill exempts from public records requirements the personal identifying information of a licensed mental health professional, other than his or her name, licensure status, or licensure number, obtained from the data system under the Professional Counselors Licensure Compact (compact), as established in s. 491.017, F.S., by CS/HB 1521, and held by Florida's Department of Health (DOH) or the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (Board).

This information is not exempt from public records requirements under the bill if the state originally reporting the information to the compact's data system authorizes disclosure of such information by law. Disclosure under such circumstance is limited to the extent permitted under the laws of the reporting state.

The bill also creates a public meeting exemption for compact commission meetings, or portions of such meetings, at which the commission discusses matters specifically exempt from disclosure by state or federal law. Recordings, minutes, and records generated during an exempt portion of a commission meeting are also exempt from public disclosure.

The bill provides an effective date of the same date that HB 1521 or similar legislation takes effect. HB 1521, the substantive bill authorizing Florida's participation in the Professional Counselors Licensure Compact, has an effective date contingent upon the enactment of the compact into law by 10 states.

The bill provides for the repeal of the public records and open meeting exemptions on October 2, 2027, unless reviewed and reenacted by the Legislature. It also provides statements of public necessity for the public records and public meetings exemptions as required by the State Constitution.

If approved by the Governor, these provisions take effect on the same date that HB 1521 or similar legislation takes effect.

Vote: Senate 38-0; House 114-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/SB 1770 — Donor Human Milk Bank Services

by Appropriations Committee and Senators Book and Stewart

The bill amends s. 409.906, F.S., to authorize the Florida Medicaid program to reimburse for donor human milk for hospital inpatient use. Under the bill, if a licensed physician, nurse practitioner, physician assistant, or dietitian orders donor human milk for an infant, Medicaid covers the provision of that treatment for infants who are medically or physically unable to receive maternal breast milk or whose mother is medically or physically unable to produce maternal breast milk or breastfeed, and who also meet specified eligibility factors. The infant must:

- Have a documented birth weight of 1,800 grams or less;
- Have a congenital or acquired condition and be at high risk for developing a feeding intolerance, necrotizing enterocolitis, or an infection; or
- Otherwise have a medical indication for a human milk diet.

The bill requires managed care plans contracted under the Managed Medical Assistance component of the Statewide Medicaid Managed Care program to cover donor human milk bank services.

The bill also requires the Agency for Health Care Administration (AHCA) to establish provider eligibility, by rule, and authorizes the AHCA to seek any necessary federal approvals to implement the new coverage benefit.

If approved by the Governor, these provisions take effect July 1, 2022

Vote: Senate 38-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 1950 — Statewide Medicaid Managed Care Program

by Appropriations Committee; Health Policy Committee; and Senator Brodeur

The bill makes changes to the Statewide Medicaid Managed Care (SMMC) program in anticipation of the next competitive procurement of managed care plans for the 2025 plan year.

The bill:

- Requires provider service networks (PSNs) to be reimbursed on a prepaid basis by removing the option for fee-for-service reimbursement.
- Authorizes the Agency for Health Care Administration (AHCA) to select eligible managed care plans to provide services through a single statewide procurement and deletes the requirement that the AHCA conduct separate and simultaneous procurements for each Medicaid region.
- Outlines a new regional structure for plan selection under the SMMC program's Managed Medical Assistance (MMA) and Long-Term Care Managed Care (LTCMC) programs with a minimum and maximum number of plans designated for each region.
- The bill provides for nine regions named by letters (Regions A-I), rather than the 11 regions named by numbers (Regions 1-11) in preexisting law.
- Maintains the preexisting requirement for the AHCA to award a contract to at least one PSN in each of the nine regions under the MMA and LTCMC programs.
- Requires managed care plans to contract with Florida cancer hospitals that meet specified federal criteria as statewide essential providers and provides a payment rate for services provided by those hospitals without a contract.
- Revises MMA plan healthy behaviors program requirements to include tobacco cessation programs, rather than smoking cessation programs, and to clarify that substance abuse programs must include opioid abuse recovery.
- Authorizes an MMA Child Welfare Specialty Plan to serve a child in a permanent guardianship placement whose caregivers receive payments through the Guardianship Assistance Program.
- Deletes obsolete language.
- Requires the AHCA to amend existing SMMC contracts to implement specific provisions of the bill and directs the AHCA to implement the procurement-related provisions for the 2025 plan year.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 115-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

SB 7000 — OGSR/Nonviable Birth Certificates

by Health Policy Committee

The bill (Chapter 2022-8, L.O.F.) amends s. 382.008(8), F.S., to save from repeal the public record exemption for certain information that may be collected by the Department of Health when issuing a nonviable birth certificate. Specifically, the cause of death and parentage of the fetus, marital status of the parents, and any medical information included in nonviable birth records are confidential and exempt from public disclosure.

Under preexisting law, the public records exemption would stand repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act. This bill removes the scheduled repeal of the exemption to continue the confidential and exempt status of the information.

These provisions were approved by the Governor and take effect October 1, 2022.

Vote: Senate 35-0; House 116-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

SB 7002 — OGSR/Information Relating to Medical Marijuana Held by the Department of Health
by Health Policy Committee

The bill amends s. 381.987, F.S., to save from repeal the public records exemption for certain personal identifying information of patients, caregivers, and physicians held by the Department of Health (DOH) relating to Florida's medical marijuana program.

Specifically, the section being saved from repeal makes confidential and exempt from the public records requirements of s. 119.07(1), F.S., and Art. I, s. 24(a), State Constitution:

- A patient's or caregiver's personal identifying information held in the DOH's medical marijuana use registry (MMUR);
- All personal identifying information collected for the purpose of issuing MMUR identification cards;
- All personal identifying information pertaining to a physician certification for medical marijuana; and
- A qualified physician's Drug Enforcement Administration (DEA) number, residential address, and government-issued identification card.

The section requires the DOH to allow access to confidential and exempt information under specified circumstances and specifies that any information released by the DOH remains confidential and exempt and that the person who receives the information must maintain the information's confidential and exempt status.

The bill also makes two non-substantive, stylistic, or statutory clean-up changes.

Under preexisting law, the public records exemption would stand repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act. This bill removes the scheduled repeal of the exemption in order to continue the confidential and exempt status of the information.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 38-0; House 116-0

Committee on Judiciary

CS/HB 95 — Controlled Substances

by Criminal Justice and Public Safety Subcommittee and Rep. Plakon and others (CS/CS/SB 190 by Criminal Justice Committee; Judiciary Committee; and Senator Brodeur)

The bill (Chapter 2022-129, L.O.F.) amends s. 782.04, F.S., which punishes an adult for first degree murder if the adult unlawfully distributes a listed controlled substance or a mixture containing the substance, when it is proven that the substance or mixture was the proximate cause of a user's death. The bill adds methamphetamine to the list of scheduled controlled substances applicable to the offense and makes conforming changes.

The bill increases the mandatory minimum term of imprisonment for trafficking 14 grams or more, but less than 28 grams, of fentanyl or fentanyl analogues. Current law provides that the minimum mandatory term of imprisonment for the offense is 15 years, the bill increases the minimum mandatory to 20 years.

These provisions were approved by the Governor and take effect October 1, 2022.

Vote: Senate 33-5; House 84-35

Committee on Judiciary

CS/HB 265 — Value of Motor Vehicles Exempt from Legal Process

by Civil Justice and Property Rights Subcommittee and Reps. Gottlieb, Benjamin, and others
(CS/SB 528 by Judiciary Committee and Senator Polsky)

The bill creates an exemption that will protect an individual debtor's interest in a single motor vehicle, up to \$5,000 in value, in actions arising under the federal Bankruptcy Code.

This provision applies to any bankruptcy action that is filed on or after July 1, 2022.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 107-0

Committee on Judiciary

CS/HB 397 — Court Fiscal Administration

by Justice Appropriations Subcommittee and Rep. Clemons and others (CS/SB 552 by Appropriations Committee and Senators Boyd, Ausley, and Wright)

The bill changes laws affecting the clerks of court by:

- Modifying the standard terms of a payment plan for an individual who owes money to a clerk to establish a \$25 minimum monthly payment and to limit the down payment to the lesser of 10 percent of the amount owed or \$100.
- Directing a clerk of court to ask the Legislature for increased funding related to increases in trial court judicial positions.
- Allowing the clerks to review property records to verify an application for civil indigent status.
- Allowing the clerks of court to ask for Legislative funding for filings related to mental health and substance abuse that the clerks must currently file at no charge.
- Requiring the Department of Highway Safety and Motor Vehicles to coordinate with the clerks of court on a system for reinstatement of driver licenses upon payment of court-related obligations.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 115-0

Committee on Judiciary

CS/CS/SB 596 — Criminal Conflict and Civil Regional Counsels

by Appropriations Committee; Judiciary Committee; and Senator Baxley

The bill brings the Offices of Criminal Conflict and Civil Regional Counsel into parity with the offices of the public defenders and other governmental entities in the following areas:

- Witness coordination.
- Electronic filing of court documents.
- Security access to courthouses.
- Procedure for setting a classification and pay plan.
- Access to confidential court and state records.
- Limits of witness cost reimbursement.
- Investigator death benefits.
- Confidential motor vehicle registration.
- Criminal justice history access.

Current law requires that an existing Regional Counsel plus between two and five additional individuals be nominated for an open Regional Counsel position. The bill lowers the number of nominees in addition to the existing Regional Counsel that are required to be presented to the Governor for a position as Regional Counsel to between zero and three.

The bill also waives an 8-hour guardianship education requirement for attorneys employed by an Office of Criminal Conflict and Civil Regional Counsel; and clarifies that the court must appoint the Office of Criminal Conflict and Civil Regional Counsel if the Public Defender has a conflict of interest in a case involving involuntary treatment of sexually violent predator or involuntary mental health treatment of a prisoner.

Except as otherwise expressly provided in this act, this act shall take effect July 1, 2022.

Vote: Senate 38-0; House 117-0

Committee on Judiciary

CS/SB 598 — Public Records/Criminal Conflict and Civil Regional Counsel Office

by Judiciary Committee and Senator Baxley

The bill exempts certain motor vehicle registration records in order to conceal that the owner or operator of a motor vehicle or vessel is an Office of Criminal Conflict and Civil Regional Counsel. The exemption protects investigators, and it is similar to exemptions for investigators employed by state attorneys and public defenders.

The bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2027, unless reviewed and saved from the repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect on the same date that CS/CS/SB 596 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Vote: Senate 38-0; House 117-0

Committee on Judiciary

CS/SB 620 — Local Business Protection Act

by Appropriations Committee and Senator Hutson

The bill creates the “Local Business Protection Act.” It creates a cause of action for an established business to recover loss of business damages from a county or municipality whose regulatory action has caused a significant impact on the business.

Currently, landowners have a cause of action under the Bert J. Harris Act to compensate them for the lost value of their land caused by certain local government actions; landowners have a cause of action for onerous local regulation in the form of exactions; and business landowners have a cause of action under eminent domain law for business damages related to a taking of real property. Similarly, this bill creates a cause of action for a business to sue a local government when the enactment or amendment of an ordinance or charter provision causes at least a 15 percent loss of profits to the business. The business must have been in operation for at least 3 years to qualify.

Business damages recoverable are the probable damages to such business which the application of the enactment or amendment of the ordinance or charter provision may reasonably cause. Numerous exceptions protect local governments. Notably, an ordinance or charter amendment in response to an emergency or that involves growth management, budget, or procurement matters, or one that promotes economic competition, do not lead to liability. A local government can also avoid liability by timely amending or repealing the local government actions causing business damages. A claimant must comply with a 180-day presuit notice and settlement period. Prevailing party attorney fees may be awarded.

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

Vote: Senate 22-14; House 69-45

Committee on Judiciary

CS/CS/SB 634 — Judicial Notice

by Rules Committee; Commerce and Tourism Committee; and Senator Bradley

The bill creates a process for a court to take “judicial notice” of certain information taken from mapping services, such as Google Maps. Under Florida law, judicial notice may generally be declared for certain facts “not subject to dispute because they are capable of accurate and ready determination by resort to sources whose accuracy cannot be questioned” or “because they are generally known within the territorial jurisdiction of the court.”

The bill provides a process separate from the above standards for any image, map, location, distance, calculation, or other information taken from any widely accepted web mapping service, global satellite imaging site, or Internet mapping tool so long as the information in question indicates the date that it was created.

For civil cases, the bill provides a presumption that the information sought to be judicially noticed should be judicially noticed. This presumption may be overcome if the court finds that the information does not fairly and accurately portray what it is being offered to prove, or that it otherwise should not be admitted into evidence under the Florida Evidence Code. For criminal cases, the court must instruct the jury that the jury may or may not accept this information as conclusive.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 112-0

Committee on Judiciary

HB 817 — Emergency Medical Care and Treatment of Minors

by Rep. Massullo and others (SB 1114 by Senators Bradley and Garcia)

The bill broadens an exception to the general rule that medical treatment cannot be rendered without a patient's consent. Under current law, parental consent is required for a physician to provide emergency medical care to a minor unless the care is rendered in a hospital or college health service.

The bill deletes restrictions on location, thereby allowing physicians to provide emergency medical care or treatment to a minor at any location without the consent of the minor's parent under specified conditions when parental consent cannot be immediately obtained.

The bill continues the requirements of current law that the need for care be the result of a genuine emergency and that appropriate medical personnel first attempt to identify and contact the minor's parents, guardian, or legal custodian to obtain consent before providing emergency care or treatment. The bill does not disturb the longstanding principle that children do not have the legal capacity to consent to treatment.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 107-0

Committee on Judiciary

CS/HB 905 — Protective Injunctions

by Judiciary Committee and Rep. Fetterhoff and others (CS/CS/SB 654 by Rules Committee; Judiciary Committee; and Senators Cruz, Gibson, and Jones)

The bill requires the clerk of court to electronically submit to the sheriff in the county where the respondent resides or may be found a copy of a protective injunction and any other required documents within 24 hours after the court issues an injunction for protection against:

- Domestic violence;
- Repeat violence;
- Sexual violence;
- Dating violence; and
- Stalking.

Under current law, a clerk of court may not provide electronic copies of the documents to a sheriff unless they are requested by the sheriff. By requiring a sheriff to accept electronic copies of domestic violence injunctions and similar injunctions, the bill will likely enable sheriffs to serve the injunctions on the respondents more quickly after the injunctions are issued by the court.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 39-0; House 112-1

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/SB 1062 — Service of Process

by Commerce and Tourism Committee; Judiciary Committee; and Senator Bradley

The bill amends laws governing service of process. The term “service of process” refers to the manner of delivery of legal notice to an individual or entity which provides notice of a pending legal action. The bill:

- Details and standardizes the manner and priority of forms of service of process as related to different forms of business and public entities as appropriate to the form and structure of the entities;
- Prioritizes service of process on the registered agent of an entity;
- Clarifies procedures for substituted service of process by delivery to the Secretary of State;
- Creates the authority of a trial court to allow any effective alternative means of service of process where an entity cannot be served with process by conventional means, including by an alternative means set by contract between the parties;
- Creates a framework for service of process on an individual or entity in a foreign country, to include any form of process recognized under that country’s laws;
- Creates procedures for service of process for removal of an unknown party in possession of real property;
- Provides that service of a medical negligence pre-suit notice may be by commercial delivery services or use of a certified process server; and
- Broadens statutes on service of process by registered or certified mail to also allow delivery by a commercial delivery service.

If approved by the Governor, the section of the bill regarding notice of intent to file an action for medical malpractice takes effect upon becoming law, the remainder of the bill takes effect January 2, 2023.

Vote: Senate 38-0; House 112-0

Committee on Judiciary

HB 1119 — Grandparent Visitation Rights

by Rep. Toledo and others (CS/CS/SB 1408 by Rules Committee; Judiciary Committee; and Senators Perry, Rouson, and Book)

The bill amends Florida’s “Grandparental Visitation Rights” law to include an additional situation where a grandparent may petition for reasonable visitation with his or her grandchild. Specifically, the bill creates a presumption that a court may award a grandparent reasonable visitation with a grandchild in cases where a court has found that one parent of a child is criminally liable for the death of the other parent of the child or is civilly liable for an intentional tort causing the death of the other parent of the child. This presumption would only apply to the grandparents who are the parents of the grandchild’s deceased parent. A court may decline to grant these visitation rights if visitation is not in the best interest of the child.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 112-3

Committee on Judiciary

CS/CS/SB 1304 — Public Records/Trust Proceedings

by Rules Committee; Judiciary Committee; and Senator Gruters

The bill creates a public records exemption for court records in a trust law case where a family trust company, licensed family trust company, or foreign licensed family trust company is a party. The court records of the case are not available for public inspection, but may be accessed by the settlor, a fiduciary or a beneficiary, and his or her attorney. The court may also allow access to a person who has a specific interest in the trust and who can show that there is a compelling need for access, subject to reasonable limitations on further distribution by the interested person.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 35-3; House 92-24

Committee on Judiciary

CS/SB 1368 — Trusts

by Banking and Insurance Committee and Senator Gruters

The bill amends trust law to:

- Extend the alternative perpetuities limit on the life of a trust from 360 years to 1,000 years for trusts created on or after the effective date of the bill.
- Allow family trust companies, licensed family trust companies, and foreign licensed family trust companies, to elect a simplified form of periodic accounting, provided that the accounting contains sufficient notice of trust assets, debts, and transactions during the accounting period.
- Allow, for family trust companies, licensed family trust companies, or foreign licensed family trust companies that are trustees of irrevocable trusts, the terms of such trusts to permit the accounting to the qualified beneficiaries only at the termination of the trust; upon the removal, resignation, or other event resulting in a trustee ceasing to serve as a trustee; or upon demand of a qualified beneficiary or the representative of a qualified beneficiary.
- Simplify, for family trust companies, licensed family trust companies, and foreign licensed family trust companies, service of trust notices furnished by e-mail, including waiver of the current law requirement that the recipient annually agree to electronic notice.
- Expand the scope of representation by a parent to include unborn descendants of an unborn child.
- Extend the allowable life of a noncharitable trust to 1,000 years.
- Extend the authority of a trust to reimburse the grantor for certain tax liabilities to apply to a trust formed under the laws of a foreign jurisdiction if the trust has a principal place of administration in this state.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 99-19

Committee on Judiciary

CS/SB 1380 — Real Property Rights

by Rules Committee and Senator Rodriquez

The bill amends laws regarding restrictions on the use of real property. The bill limits how certain older real estate covenants or restrictions apply in a manner that protects real property rights and honors zoning requirements and conditions of a building or development permit. The bill also allows a property owner the right to establish parking rules and rates applicable to the owner's property.

The Marketable Record Title Act (MRTA) simplifies property transactions and modernizes land use by eliminating property rights that are more than 30 years old and predate the root of the title of the property in question. There are, however, numerous exceptions to MRTA whereby a property right is not extinguished by MRTA. The bill amends MRTA to:

- Modify an exception to extinguishment to require that a general reference to a prior right must include an affirmative statement of intent to preserve such property right.
- Specify that MRTA may extinguish a covenant or restriction related to a zoning requirement, building permit, or development permit. However, this will not extinguish the underlying zoning or building codes or ordinances; nor will it extinguish a covenant or restriction that says on its first page that it was required by local codes.
- Allow revitalization of a covenant or restriction that had been required by a government agency as a condition of a development permit.

A person who wishes to protect a property interest potentially extinguished by the change to MRTA has until July 1, 2023 to file a Statement of Marketable Title Action in the public records in order to preserve the property interest.

The bill provides that the owner or operator of a private property used for motor vehicle parking may establish rules, rates, and fines that govern private persons parking motor vehicles on such private property. A county or municipality may not enact an ordinance or a regulation restricting or prohibiting a right of a private property owner or operator to establish rules, rates, and fines governing parking on the private property. The bill requires a specific notation on any invoice.

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

Vote: Senate 37-0; House 113-0

Committee on Judiciary

CS/HB 1571 — Residential Picketing

by Criminal Justice and Public Safety Subcommittee and Rep. Maggard and others
(CS/CS/SB 1664 by Rules Committee; Judiciary Committee; and Senators Perry and Boyd)

The bill addresses unlawful assemblies that specifically target residences to harass or disturb people inside their homes. Specifically, the bill makes it a criminal offense to picket or protest before or about another person's home in order to harass or disturb the person in his or her home. A person who engages in the prohibited conduct commits a second degree misdemeanor.

The bill provides that before a person may be arrested for this criminal offense, a law enforcement officer must command the person to disperse from the unlawful assembly. If the person does not immediately and peaceably disperse, only then may he or she be arrested for unlawful residential picketing.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 28-3; House 76-41

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/SB 1796 — Dissolution of Marriage

by Rules Committee; Judiciary Committee; and Senators Gruters, Rodriquez, Hooper, and Diaz

The bills amends laws related to dissolution of marriage. Changes to alimony applicable to any final judgment entered on or after July 1, 2022 include:

- Permanent (lifetime) alimony is eliminated, leaving bridge-the-gap, rehabilitative, and durational forms of alimony.
- Rehabilitative alimony is limited to 5 years.
- Durational alimony may not be awarded for a marriage of less than 3 years, is scaled based on duration of marriage, with an exception if the obligee is disabled or is a full-time caretaker of a totally disabled child of both spouses, and alimony awarded may not exceed the lesser of the obligee's reasonable need or 35 percent of the difference between the parties' net incomes.
- A presumption that both parties will have a lower standard of living after dissolution of the marriage.
- A prohibition against the award of alimony to a party whose net income exceeds the net income of the other party.
- A prohibition against requirements for an obligor to purchase life insurance to secure the award of alimony.
- Expansion of the concept of a supportive relationship to allow consideration of a supportive relationship when first setting alimony in the dissolution of marriage case. The criteria defining a supportive relationship at the time of dissolution is the same as for a later modification.

Current case law allows for modification or termination of alimony upon "reasonable retirement," a loosely-defined court-created concept. The bill codifies standards and procedures related to retirement of a party to a dissolution of marriage case:

- A proposed obligor who is retired at the time of the dissolution of marriage may not be required to pay any form of alimony unless one of the safeguards applies, and the party seeking alimony does not qualify for any Social Security benefits.
- If the obligor seeks to retire in the future (final judgment after July 1, 2022), the obligor must give 1-years' prior notice of the planned retirement. The retirement will be effective and durational alimony will end when the obligor reaches the Social Security full retirement age unless the obligee timely objects by showing any of the following:
 - A safeguard applies; or
 - The obligor continues to work beyond the planned retirement and earns active gross income of more than 50 percent of the past 3-year average.
- If the obligor seeks to retire in the future after reaching age 65 or older (modification of a final judgment entered before July 1, 2022), the obligor must give 1-years' prior notice of the planned retirement. The retirement will be effective and the alimony will phase out (25 percent a year) starting no sooner than age 65, unless the obligee timely objects by showing any of the following:

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- A safeguard applies; or
- The obligor continues to work beyond the planned retirement and earns active gross income of more than 50 percent of the past 3-year average.
- Alternatively, there will be no phase-out and alimony may be modified or terminated based on a reasonable retirement, but no sooner than age 65.
- Current law provides that a court should not modify alimony for a payor's retirement where the effect of modification would be to leave the recipient "in peril of poverty." The bill codifies peril of poverty in the form of safeguards that allow a court to extend the term of alimony, in part or in whole, beyond the obligor's planned retirement, if:
 - The party receiving alimony is full-time caregiver to a disabled common child;
 - The party receiving alimony would have an income of less than 130 percent of the federal poverty level; or
 - The party receiving alimony would be unable to meet the basic needs of life.

The bill recognizes situations where the marital settlement agreement, if one was entered into, prohibits modification by exempting such cases from the retirement provisions of the bill.

The bill also creates a rebuttable presumption that equal time-sharing with minor children is in the best interests of a child, and provides that a parent moving to a residence within 50 miles of the primary residence of a child from a residence more than 50 miles away is a substantial change in circumstances.

Bifurcation refers to the process where the court dissolves the marriage, reserving other matters such as property distribution, alimony, time-sharing, and child support for future court action. The bill gives either party to a dissolution of marriage the right to bifurcation if the case has been pending for longer than 2 years from the date the respondent received the summons, effective for petitions filed on or after July 1, 2022.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 21-16; House 74-42

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/SB 1808 — Immigration Enforcement

by Appropriations Committee and Senators Bean and Rodriques

The bill amends ch. 908, F.S., relating to federal immigration enforcement, which was enacted in 2019. Chapter 908, F.S., prohibits sanctuary policies and seeks to ensure that state and local entities and law enforcement agencies cooperate with federal government officials to enforce, and not obstruct, federal immigration laws.

The bill amends three areas of the existing ch. 908, F.S. Specifically, the bill:

- Expands the definition of “sanctuary policy” to include any law, policy, practice, procedure, or custom of any state or local governmental entity which prohibits a law enforcement agency from providing to any state entity information on the immigration status of a person in the custody of the law enforcement agency.
- Requires each law enforcement agency that operates a county detention facility to enter into a “287(g) Agreement” with United States Immigration and Customs Enforcement (ICE) by January 1, 2023. The bill does not specify which type of agreement the law enforcement agency must choose.
- Prohibits state and local governmental entities from contracting with common carriers or contracted carriers that willfully transport a person into the state knowing the person is an unauthorized alien, except to facilitate the detention, removal, or departure of the person from the state or the United States. The bill also specifies that contracts, including a grant agreement or economic incentive program payment agreement, must include certain provisions requiring the common carrier or contracted carrier to attest that it is not, and will not transport an unauthorized alien into this state.

Additionally, the bill amends the criminal justice data collection statutes. The bill requires state entities to collect and report immigration status data to the Florida Department of Law Enforcement each month. The clerks of courts must collect and report the immigration status of each defendant in a criminal case; the administrator of a county detention facility must collect information on the immigration status of each inmate; and the Department of Corrections must collect and report the immigration status of each inmate and each person supervised by the department on probation or community control.

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

Vote: Senate 24-15; House 77-42

Committee on Judiciary

CS/HB 6513 — Relief of Kareem Hawari/Osceola County School Board

by Civil Justice and Property Rights Subcommittee and Rep. Plasencia (SB 82 by Senators Torres and Book)

Kareem Hawari was a 13-year-old student when he was injured while participating in a wrestling match on behalf of his school due to the negligence of employees of the Osceola County School Board. Mr. Hawari, now an adult, settled the claim with the school board for \$3.6 million, of which \$100,000 has been paid in accordance with the state's sovereign immunity waiver. The bill authorizes and directs the Osceola County School Board to pay the remaining \$3.5 million.

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

Vote: Senate 37-2; House 117-0

Committee on Judiciary

SB 7014 — COVID-19-related Claims Against Health Care Providers

by Judiciary Committee

The bill (Chapter 2022-10, L.O.F.) extends the length of time that health care providers receive certain liability protections from COVID-19-related claims. According to legislation passed during the 2021 Legislative Session, liability protections from COVID-19-related claims apply to claims accruing within one year after the effective date of the act, which was March 29, 2022.

The bill extends the application period of the liability protections, making them applicable to claims accruing before June 1, 2023. The net result of the bill is to extend the liability protections for about 14 months, from March 29, 2022, to June 1, 2023.

These provisions became law upon approval of the Governor on February 24, 2022.

Vote: Senate 22-13; House 87-31

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/HB 45 — Educational Opportunities for Disabled Veterans

by Post-Secondary Education and Lifelong Learning Subcommittee and Reps. Morales, Benjamin, and others (CS/SB 554 by Military and Veterans Affairs, Space, and Domestic Security Committee and Senators Cruz, Rodrigues, Taddeo, and Stewart)

The bill provides an education benefit to certain veterans who are residents and enrolled in a program of education approved by the federal educational assistance program. The bill would add a state award to what is provided in federal law for educational benefits to achieve a 100 percent award for tuition and fees. To qualify, the veteran must have been:

- Determined by the United States Department of Veterans Affairs to have a service-connected total and permanent disability rating of 100 percent for compensation;
- Determined to have a service-connected total and permanent disability rating of 100 percent and have received disability retirement pay from a branch of the United States Armed Services; or
- Issued a valid identification card by the state Department of Veterans' Affairs which identifies the veteran as either having a 100 percent, service-connected permanent and total disability rating for compensation or who has a service-connected total and permanent disability rating of 100 percent and receives disability retirement pay from a branch of the United States Armed Forces.

Beginning with the 2022-2023 academic year, a disabled veteran who receives a tuition benefit to attend a state university, a Florida College System institution, a career center operated by a school district, or a charter technical career center under the Post-9/11 Veterans Educational Assistance Act of 2008, but who does not qualify for the 100 percent eligibility tier federally, is eligible for tuition and fees. The monetary award is equal to the difference between the portion of tuition and fees authorized under federal law and the full amount of tuition and fees charged by the institution attended. The bill specifies that the amount awarded by the state is not to be determined until after federal benefits are applied.

Each educational institution included in this bill must annually report to the Board of Governors of the State University System and the State Board of Education, as appropriate, the number and value of all fee waivers granted.

The bill provides that a disabled veteran who receives this award must remain in compliance with other statutory requirements applying to veterans and other students who receive educational benefits.

If approved by the Governor, these provisions take effect July 1, 2022.
Vote: Senate 38-0; House 115-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/SB 254 — Religious Institutions

by Rules Committee and Senators Brodeur, Perry, and Rodrigues

The bill creates s. 252.64, F.S., for the protection of religious institutions when an emergency order has been issued.

CS/SB 254 includes:

- For the application of emergency orders, CS/SB 254 defines a “religious institution” in the same manner as under s. 496.404, F.S.
- An emergency order issued under this part cannot directly or indirectly prohibit religious services or activities.
- However, a general provision in an emergency order which applies uniformly to all entities in the jurisdiction may be applied to a religious institution if:
 - The provision is in furtherance of a compelling governmental interest; and
 - The provision is the least restrictive means of furthering that compelling governmental interest.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 31-3; House 88-29

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/SB 430 — Interstate Compact on Educational Opportunity for Military Children

by Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Wright

The bill reenacts provisions of law establishing and implementing the Interstate Compact on Educational Opportunity for Military Children (Compact) and provides for future legislative review and repeal of the Compact on July 1, 2025. As a member of the Compact, the state has an established State Council. Participation in the Compact enables member states to address educational transition issues faced by military families and their students as they transfer from a state or school district pursuant to official military orders.

The bill also provides for the President of the Senate and the Speaker of the House of Representatives each to select a member of the State Council, increasing the membership from seven to eight members.

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

Vote: Senate 37-0; House 112-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/SB 438 — United States Space Force

by Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Burgess

The bill updates definitions and references in the Florida Statutes to include the United States Space Force, the newest branch of the United States Armed Forces. In several statutory references, the United States Space Force is added to existing illustrative lists of entities which are components of the United States Armed Forces.

CS/SB 438 also updates the names of two United States Space Force facilities which are located in Florida and which now operate as Space Launch Delta 45, a Space Force operational unit. The two facilities which are renamed are Patrick Space Force Base, previously known as Patrick Air Force Base and Cape Canaveral Space Force Station, previously known as Cape Canaveral Air Force Station.

If approved by the Governor, these provisions take effect July 1, 2022, except where otherwise provided.

Vote: Senate 39-0; House 113-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

SB 562 — Military Occupational Licensure

by Senator Cruz

The bill requires the professional licensing boards of the Departments of Business of Professional Regulation (DBPR) and Health (DOH), or the DBPR or DOH where there is no board, to issue permanent occupational licenses to the spouses of active duty members of the Armed Forces of the United States within 7 days of receipt of a completed application that includes all required documentation. The required application fee for such licenses is also waived.

Temporary occupational licenses issued by the DBPR or DOH and its licensing boards are ended as processing will be expedited for active duty military members and their spouses eliminating the need for such licenses.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 112-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/SB 896 — Educator Certification Pathways for Veterans

by Education Committee; and Senators Burgess and Perry

The bill provides an alternative pathway for veterans seeking subject area certification by removing the requirement for a baccalaureate degree for issuance of their temporary educator certificate if certain requirements are met.

To qualify for a temporary certificate under this pathway, the applicant must:

- Be at least 18 years of age;
- File an affidavit in which the applicant subscribes to and agrees to uphold the principles of the state and federal Constitutions;
- Submit to criminal background screening;
- Competent and capable of performing the duties, functions, and responsibilities of an educator; and
- Demonstrates mastery of the subject matter pursuant to state board rule.

The exception for a bachelor's degree under this provision applies only to subject area specializations that require a bachelor's degree for issuance of a temporary certificate. To qualify for the exception, the applicant, must in addition to the qualifications above, also document:

- Completion of at least 48 months of active duty military service with an honorable discharge or medical separation; and
- Completion of at least 60 college credits with a minimum grade point average of 2.5 on a 4.0 grade scale, as provided by one or more accredited institutions of higher learning or a non-accredited institution of higher learning that the Department of Education (DOE) has identified as having a quality program resulting in a bachelor's degree or higher.

While teaching under a temporary certificate, the person must be assigned a teacher mentor for a minimum of 2 school years after commencing employment. The teacher mentor must hold a valid professional teaching certificate, have at least 3 years of teaching experience, and have earned an effective or highly effective performance evaluation rating.

The issuance of a temporary certificate under this pathway is valid for five school fiscal years and is nonrenewable.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 111-0

**Committee on Military and Veterans Affairs, Space, and Domestic
Security**

SB 1360 — Governor's Medal of Freedom

by Senators Wright and Perry

The bill saves from repeal the authority for the Governor's Medal of Freedom. The Governor's Medal of Freedom provision authorizes the Governor to present a medal of freedom to a person who has made an especially meritorious contribution to the citizens of the state, its culture, or other significant public or private endeavor.

The repeal date of July 1, 2022, is removed from statute.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 36-1; House 116-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

SB 1712 — Veteran Suicide Prevention Training Pilot Program

by Senators Burgess and Rodrigues

The bill requires the Department of Veterans' Affairs (department) to establish and oversee the Veteran Suicide Prevention Training Pilot Program (program). The purpose of the program is to provide veteran suicide prevention training and certification to agency claims examiners and county and city veteran service officers. To provide training curriculum, the department will contract with an organization established in developing and implementing veteran-relevant and evidence-based suicide prevention training.

Training topics include identifying indicators of elevated suicide risk and providing emergency crisis referrals for veterans in emotional or psychological distress.

The bill requires the department to adopt rules, and submit a report to the President of the Senate and the Speaker of the House of Representatives by June 30 of each year. The report will provide information on the pilot program and recommend whether changes should be made to increase effectiveness. In the report to be submitted by June 30, 2026, the department will recommend whether the pilot program should be continued.

A non-recurring appropriation of \$500,000 is provided in the bill.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 113-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/HB 7055 — Cybersecurity

by State Affairs Committee; State Administration and Technology Appropriations Subcommittee; Reps. Giallombardo, Fischer, and others (CS/CS/SB 1670 by Appropriations Committee; Military and Veterans Affairs, Space, and Domestic Security; and Senator Hutson)

The bill amends the state's Cybersecurity Act that requires the Florida Digital Service (FLDS) and the heads of state agencies to meet certain requirements to enhance the cybersecurity of state agencies. Currently, state agencies must provide cybersecurity training to their employees, report cybersecurity incidents, and adopt cybersecurity standards. However, there are no such requirements for local governments.

Current law does not specifically address ransomware, which is a form of malware designed to encrypt files on a device, rendering any files unusable. Malicious actors then demand ransom in exchange for decryption.

CS/HB 7055 prohibits state agencies and local governments from paying or otherwise complying with a ransomware demand.

The bill defines the severity level of a cybersecurity incident in accordance with the National Cyber Incident Response Plan.

State agencies and local governments will be required to report ransomware incidents and high severity level cybersecurity incidents to the Cybersecurity Operations Center and the Cybercrime Office within the Florida Department of Law Enforcement as soon as possible but no later than times specified in the bill. Local governments must also report to the local sheriff.

The bill also requires state agencies to report low level cybersecurity incidents and provides that local governments may report such incidents. State agencies and local governments must also submit after-action reports to FLDS following a cybersecurity or ransomware incident.

CS/HB 7055 requires the Cybersecurity Operations Center to notify the President of the Senate and Speaker of the House of Representatives of high severity level cybersecurity incidents. The notice must contain a high-level overview of the incident and its likely effects. In addition, the Center must provide the President of the Senate, Speaker of the House of Representatives, and the Cybersecurity Advisory Council with a consolidated incident report on a quarterly basis.

The bill requires state agency and local government employees to undergo certain cybersecurity training within 30 days of employment and annually thereafter.

The bill requires local governments to adopt cybersecurity standards that safeguard the local government's data, information technology, and information technology resources.

The bill expands the purpose of the Cybersecurity Advisory Council to include advising local governments on cybersecurity and requires the Council to examine reported cybersecurity and ransomware incidents to develop best practice recommendations. The Council must submit an annual comprehensive report regarding ransomware to the Governor, President of the Senate, and Speaker of the House of Representatives.

The bill creates new criminal penalties and fines for certain ransomware offenses against a government entity.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 110-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/HB 7057 — Public Meetings/Cybersecurity

by State Affairs Committee; State Administration and Technology Appropriations Subcommittee; Reps. Giallombardo, Fischer, and others (CS/CS/SB 1694 by Appropriations Committee; Military and Veterans Affairs, Space, and Domestic Security; and Senator Hutson)

The bill provides a general public record exemption for the following information held by an agency before, on, or after July 1, 2022:

- Coverage limits and deductible or self-insurance amounts of insurance or other risk mitigation coverages acquired for the protection of IT systems, operational technology systems, or data of an agency.
- Information relating to critical infrastructure.
- Network schematics, hardware and software configurations, or encryption information or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity incidents.

CS/HB 7057 also creates a public meeting exemption for any portion of a meeting that would reveal the confidential and exempt information; however, any portion of an exempt meeting must be recorded and transcribed. The recording and transcript are confidential and exempt from public record requirements.

The bill provides for release of the confidential and exempt information in certain instances and authorizes agencies to report information about cybersecurity incidents in an aggregate format.

The bill repeals duplicative public record exemptions for state agencies and supervisors of elections.

The bill provides for repeal of the exemptions on October 2, 2027, unless reviewed and saved from repeal by the Legislature.

If approved by the Governor, these provisions take effect on the same date that HB 7055 or similar legislation takes effect, if such legislation is adopted in this legislative session or an extension thereof and becomes law.

Vote: Senate 38-0; House 111-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Reapportionment

CS/SJR 100 — Joint Resolution of Apportionment

by Reapportionment Committee and Senator Rodrigues

This Joint Resolution apportions the state into 120 state representative districts (plan H000H8013) and 40 state senate districts (plan S027S8058) as required by state and federal law.

The ideal population for each state house district is 179,485, and the ideal population for each state senate district is 538,455. Florida’s total population (and therefore the ideal populations for house and senate districts) increased by 14.6 percent between the 2010 Census and the 2020 Census. Population growth was not even across the state.

Under state and federal law, it is a duty of the Legislature to draw new state representative and senate districts. In November 2010, voters amended the State Constitution and set standards for the Legislature to follow in legislative districting. Article III, s. 21(a), State Constitution provides:

- Districts cannot be drawn with the intent to favor or disfavor a political party or an incumbent.
- Districts cannot be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process; or to diminish their ability to elect representatives of their choice.
- Districts must be contiguous.

Subsection (b) provides, unless it would conflict with federal law or the standards described in subsection (a):

- Districts must be as nearly equal in population as practicable.
- Districts must be compact.
- Districts must, where feasible, follow existing political and geographical boundaries.

Subsection (c) provides that the order in which the standards within subsections (a) and (b) of Section 21 are set forth shall not be read to establish any priority of one standard over the other within that subsection.

The Legislature drew new districts to comply with state and federal law. The new state house and state senate plans preserve the opportunities existing in the benchmark maps for racial and language minorities to participate in the political process and elect candidates of their choice.

All 120 state House districts and 40 state Senate districts consist of contiguous territory and comply with the State Constitution’s co-equal tier two requirements of districts being nearly equal in population as is practicable, compact, and utilizing existing political and geographical boundaries where feasible.

As provided in Art. X, s. 8(a), State Constitution, the Joint Resolution officially adopts the United States Decennial Census of 2020 as the official census of the state for the purposes of legislative redistricting.

The Joint Resolution also provided definitions regarding Census geography and the electronic versions of districts, designates the process for territory that is not specified for inclusion in any district or is noncontiguous, designates electronic maps as the authoritative representation of the state's legislative districts, and provides severability in the event that any provision of the Joint Resolution is invalidated.

The districts prescribed in this Joint Resolution shall apply to the qualification, nomination, and election of members of the Florida Legislature in the primary and general elections of 2022 and thereafter.

Vote: Senate 37-0; House 77-39

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Reapportionment

CS/SB 102 — Establishing the Congressional Districts of the State

by Reapportionment Committee and Senator Rodrigues

This bill apportions the state into 28 congressional districts (plan H000C8019) as required by state and federal law.

Based on the 2020 United States Census, Florida was apportioned one additional seat in the United States House of Representatives (total of 28) for elections starting in 2022. The ideal population for each congressional district is 769,221. Florida's total population increased by 14.6 percent between the 2010 Census and the 2020 Census. Population growth was not even across the state.

Under state and federal law, it is a duty of the Legislature to draw new congressional districts. In November 2010, voters amended the State Constitution and set standards for the Legislature to follow in legislative districting. Article III, s. 20(a), State Constitution provides:

- Districts cannot be drawn with the intent to favor or disfavor a political party or an incumbent.
- Districts cannot be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process; or to diminish their ability to elect representatives of their choice.
- Districts must be contiguous.

Subsection (b) provides, unless it would conflict with federal law or the standards described in subsection (a):

- Districts must be as nearly equal in population as practicable.
- Districts must be compact.
- Districts must, where feasible, follow existing political and geographical boundaries.

Subsection (c) provides that the order in which the standards within subsections (a) and (b) of Section 21 are set forth shall not be read to establish any priority of one standard over the other within that subsection.

The Legislature drew new districts to comply with state and federal law. The new congressional plans preserve the opportunities existing in the benchmark map for racial and language minorities to participate in the political process and elect candidates of their choice.

All 28 congressional districts consist of contiguous territory and comply with the State Constitution's co-equal tier two requirements of districts being nearly equal in population as is practicable, compact, and utilizing existing political and geographical boundaries where feasible.

As provided in Art. X, s. 8(a), State Constitution, the bill officially adopts the United States Decennial Census of 2020 as the official census of the state for the purposes of congressional redistricting.

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The bill provided definitions regarding Census geography and the electronic versions of districts, designates the process for territory that is not specified for inclusion in any district or is noncontiguous, designates electronic maps as the authoritative representation of the state's congressional districts, and provides severability in the event that any provision of the bill is invalidated.

The districts prescribed in plan H000C8019 shall apply to the qualification, nomination, and election of congressional representatives in the primary and general elections of 2022 and thereafter.

The bill contains a secondary congressional plan (H000C8015) that becomes effective immediately if District 5 in the primary plan (H000C8019) is invalidated by a court, subject to appellate review.

Under the bill, any legal action challenging the validity of districts in plan H000C8019 must be commenced within 30 days upon the bill becoming law. Any legal action challenging the validity of districts in plan H000CH8015 must be commenced within 30 days of it taking effect.

If approved by the Governor, these provisions take effect upon becoming law, except where otherwise provided.

Vote: Senate 31-4; House 67-47

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

HB 159 — Pub. Rec./Lottery Winners

by Rep. Davis and others (SB 170 by Senators Polsky and Book)

The bill creates a new subsection (3) in s. 24.1051, F.S., to provide a public records exemption for 90 days from the date a prize is claimed, for the name of a winner of a lottery prize valued at \$250,000 or more, unless the winner consents to the release of his or her name, or if disclosure is required by other provisions of current law.

The bill provides a public necessity statement for the exemption.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2027, unless reviewed and reenacted by the Legislature.

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

Vote: Senate 37-1; House 114-1

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

SB 222 — Swimming Pool Specialty Contracting Services

by Senator Gruters

The bill creates an exemption from local and state licensing requirements for persons under the supervision of a certified or registered pool contractor for the construction, remodeling, or repair of swimming pools, interactive water features, hot tubs, and spas. The supervising contractor need not employ or have a direct contract with the unlicensed person performing the specialty contracting services.

The exemption is not available for persons required to be certified or registered as contractors for specified trade categories described in current law, such as general contractor, building contractor, residential contractor, sheet metal contractor, roofing contractor, Class A, B, and C air-conditioning contractor, mechanical contractor, plumbing contractor, underground utility and excavation contractor, and solar contractor.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 36-0; House 112-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

SB 350 — Procedures for Petitions for Utility Rate Relief

by Senator Bean

The bill increases the maximum annual sales threshold for public electric utilities to qualify for rate relief under the Florida Public Service Commission's proposed agency action procedure to 1,000 gigawatt hours from 500 gigawatt hours. The proposed agency action procedure allows for a more expedient rate relief process than a standard rate case, if there are no objections.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 113-3

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 375 — Structural Engineering Recognition Program for Professional Engineers

by Regulatory Reform Subcommittee and Reps. Toledo, Silvers, and others (SB 940 by Senator Baxley)

The bill establishes the “Structural Engineering Recognition Program for Professional Engineers” (program) which requires the Florida Board of Professional Engineers (board) to recognize any licensed professional engineer who:

- Has successfully passed the National Council of Examiners for Engineering and Surveying Structural Engineering 16-hour PE Structural examination or any other examination approved by the board; and
- Specializes in structural engineering based on alternative criteria determined by the board.

Upon application to the board, a professional engineer who has the minimum program requirements must be recognized as a professional engineer who has gone above and beyond in the field of structural engineering. The board is prohibited from collecting a fee for the application or for recognition by the program.

The bill authorizes a professional engineer who is recognized by the program to identify the recognition in her or his professional practice, including in marketing and advertising materials.

Under the bill, recognition by the program is not required for a professional engineer to practice structural engineering. The bill requires the board to adopt rules to implement the above requirements.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 112-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 481 — Temporary Underground Power Panels

by Tourism, Infrastructure and Energy Subcommittee and Rep. Duggan (CS/CS/SB 1332 by Community Affairs Committee; Regulated Industries Committee; and Senator Wright)

The bill prohibits counties and municipalities from enacting ordinances, regulations, or policies preventing an electric utility from installing a temporary underground (TUG) power panel during construction. The TUG power panel must meet the requirements of Article 590 of the 2020 National Electrical Code.

After an initial inspection of a TUG power panel, a county or municipality is prohibited from requiring a subsequent inspection as a condition for issuance of a certificate of occupancy.

The bill does not apply to a municipality that owns or operates an electric utility with 100,000 customers or less if the municipality's ordinance, regulation, or policy applies only to its own operations as an electric utility.

Under the bill, "temporary underground power panel" is defined as a permanent meter base including a meter socket, meter, and downpipe, to which power is provided through an underground service line by an electric utility pursuant to the utility's tariffs or service standards. The TUG power panel must be permanently attached to a block residential structure, provide temporary power for construction of the residential structure, and be intended for use in providing permanent service to the residential structure upon issuance of the certificate of occupancy.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 36-0; House 115-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/HB 741 — Net Metering

by Commerce Committee; Tourism, Infrastructure and Energy Subcommittee; and Rep. McClure and others (CS/CS/CS/SB 1024 by Rules Committee; Community Affairs Committee; Regulated Industries Committee; and Senator Bradley)

The bill requires the Public Service Commission (PSC) to revise its rules on net metering of customer renewable generation, effective January 1, 2024. The revised rule must provide that excess electricity used by the customer is billed in accordance with normal billing practices; and electricity delivered to the utility's grid during the customer's regular billing cycle is credited toward the customer's energy consumption for the next month's billing cycle.

The bill provides for phases in which customers with renewable generation who have a net metering application approved will offset their energy consumption by a specified percentage of the amount credited as follows:

- Applications approved between January 1, 2024, and December 31, 2025, will receive a 75 percent energy usage credit;
- Applications approved between January 1, 2026, and December 31, 2026, will receive a 60 percent energy usage credit; and
- Applications approved between January 1, 2027, and December 31, 2028, will receive a 50 percent energy usage credit.

The bill allows customers who own or lease renewable generation systems with an approved net metering application before January 1, 2029, to continue to use the net metering rate design and the rates that applied at the time of the approval. This provision also applies to customers who purchase or lease real property with renewable generation systems installed for all or part of the twenty-year period.

On or after the effective date of the rules, the bill allows public utilities to petition the PSC for approval of fixed charges, base facilities charges, electric grid access fees, or monthly minimum bills, which ensure that the public utility recovers the fixed costs of serving customers and that the general body of ratepayers is not subsidizing customers with renewable generation systems.

The bill requires the PSC to adopt for subsequent rules that must become effective January 1, 2029, establishing a new program design for customer generation with an application approved on or after January 1, 2029. These subsequent rules must ensure that:

- Customers owning or leasing renewable generation systems pay the full cost of electric service and are not subsidized by the general body of ratepayers;
- All energy delivered by the public utility is purchased at the applicable retail rate; and
- All energy delivered by a customer generation system to the public utility is credited to the customer at the public utility's full avoided costs.

The bill requires the PSC to initiate rulemaking to implement the bill's subsequent rule criteria if at any time the generation in a public utility's service territory is reasonably expected to exceed

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6.5 percent within the succeeding 12 months. This may be done at any time, upon petition or on the PSC's own motion, and the rules become effective 60 days after adoption or 60 days after the PSC's determination that actual penetration is 6.5 percent, whichever is later. The bill provides a method for calculating the penetration rate.

The bill allows public utilities to recover lost revenue through their rate's fuel and purchased power cost recovery charge. The lost revenue resulting from additional residential customer generation, added between July 1, 2022, and December 31, 2023, above those estimated during the most recent rate case may be recovered by petitioning the PSC.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 24-15; House 83-31

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/SB 1140 — Alarm Systems

by Banking and Insurance Committee; Regulated Industries Committee; and Senator Perry

The bill reduces the initial training and continuing education requirements for fire alarm system agents with certain specialized certifications or training relating to fire alarm systems. Eligible agents need only meet a requirement for two hours of training in false alarms prevention required by s. 489.5185(1)(b), F.S.

The bill amends the definition of a low-voltage alarm system project to include video cameras and closed-circuit television (CCTV) systems used to signal or detect a burglary, fire, robbery, or medical emergency. Such systems use a closed circuit for the signal rather than the typical open transmission used in broadcast television.

The bill establishes an expedited permitting process for fire alarm system alterations of a total of 20 or fewer initiating devices and notification devices, or the installation or replacement of a fire communicator connected to an existing fire alarm control panel in an existing commercial, residential, apartment, cooperative, or cooperative building.

A local enforcement agency:

- May require a contractor to submit a completed application and payment, as a condition of obtaining a permit for an eligible fire alarm system project;
- May not require a contractor to submit plans or specifications as a condition of obtaining a permit for an eligible fire alarm system project;
- Must issue a permit for an eligible fire alarm system project in person or electronically;
- Must require at least one inspection of an eligible fire alarm system project to ensure compliance with applicable codes and standards; if an eligible fire alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.

A contractor must keep a copy of the plans and specifications at a fire alarm system project worksite and make them available to the inspector at each inspection.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 111-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/HB 1411 — Floating Solar Facilities

by Commerce Committee; Local Administration and Veterans Affairs Subcommittee; and Rep. Avila and others (CS/SB 1338 by Community Affairs Committee and Senator Diaz)

The bill promotes the expanded use of floating solar facilities (FSF) by requiring local governments to amend development regulations. Under the bill, FSFs are required to be a permitted use in appropriate land use categories in each local government’s comprehensive plan.

A “floating solar facility” is defined as a solar facility located on a wastewater treatment pond, abandoned limerock mine area, stormwater treatment pond, reclaimed water pond, or other water storage reservoir. The bill adopts the existing definition for solar facility, under s. 163.3205(2), F.S.

Under the bill, counties and municipalities are authorized to specify buffer and landscaping requirements. Such requirements may not exceed those for similar uses involving solar facility construction permitted in agricultural land use categories and zoning districts.

The bill requires the Office of Energy within the Department of Agriculture and Consumer Services to develop and submit recommendations to the Legislature by December 31, 2022, providing a regulatory framework for private and public sector entities that implement FSFs.

Under the bill, FSF construction is prohibited in an Everglades Agricultural Area reservoir project, if the local governments involved determine that there would be a negative impact on that area or project.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 112-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/SB 1764 — Municipal Solid Waste-to-Energy Program

by Appropriations Committee and Senator Albritton

The bill establishes the Municipal Solid Waste-to-Energy (MSWE) Program, within the Department of Agriculture and Consumer Services (DACS), comprised of a financial assistance grant program and an incentive grant program. The program is intended to incentivize the production and sale of energy and reduce waste disposed of in landfills. The program is limited to publicly owned MSWE facilities.

The financial assistance program will provide two cents per kilowatt-hour (kWh) purchased by an electric utility from the facility during the preceding state fiscal year, with specified limitations on the amount based on the terms of power purchase agreements entered into by the facility with an electric utility. If funds are insufficient to cover every qualifying kWh, available funds must be prorated on an equitable basis, with specified considerations. The Public Service Commission (PSC) is required to assist the DACS with verifying eligibility and the amount of energy purchased from the facility.

The incentive program will provide facilities with matching funds on a dollar-for-dollar basis to assist with planning and design for constructing, upgrading, or expanding MSWE facilities. To qualify, a facility owner must demonstrate the project is cost-effective, permissible, implementable, and complies with existing review requirements for new waste-to-energy facilities. The Department of Environmental Protection (DEP) must assist the DACS with determining eligibility and establishing requirements ensuring long-term and efficient operation and maintenance of facilities. These funds may not be used to promote, establish, or convert a residential collection system that does not provide for the separate collection of residential solid waste from materials that have recycling potential.

The bill requires the DACS to perform adequate overview of applications and awards. The bill requires termination or repayment of incentive grant funds if the DACS determines that program requirements are not being met. Rules for the financial assistance grant program must be developed by the DACS in consultation with the PSC. Rules for the incentive grant program must be developed by the DACS in consultation with the DEP.

The bill requires appropriated funds to be used first for financial assistance grants and then for incentive grants. Funds may be carried forward for up to five years after the effective date of the original appropriation. Funds are prohibited from being used to support, subsidize, or enable the sale of electric power generated by a MSWE to an electric utility eligible to petition for rate relief using the proposed agency action procedure.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 110-8

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

SB 7036 — Lifeline Telecommunications Service

by Regulated Industries Committee

The bill updates Florida’s Lifeline provisions to be consistent with current federal Lifeline regulation.

The bill clarifies that an eligible telecommunications carrier (ETC) must notify a Lifeline subscriber (subscriber) of impending termination of Lifeline service if there is reason to believe that the subscriber no longer qualifies for the service. It requires a subscriber to provide proof of continued eligibility for Lifeline service upon request of the ETC, the Federal Communications Commission (FCC) or its designee.

The bill removes obsolete provisions relating to income eligibility standards that are inconsistent with current FCC requirements. It clarifies that the only government entities involved in the Lifeline program are the Public Service Commission (PSC) and the Department of Children and Families (DCF). The bill clarifies that the PSC and the DCF may exchange information with ETCs, and the FCC or its designee, in order to enroll eligible customers in Lifeline service. The bill requires any state agency that determines a person is eligible for Lifeline service to coordinate with the FCC or its designee to verify eligibility.

The bill authorizes certain information exempt from public records laws to be released to the FCC or its designee as required to administer the Lifeline program.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 111-0

Committee on Rules

CS/HM 43 — Atrocities and Genocide in Cuba

by Rules Committee and Rep. Fabricio and others

The memorial urges the federal government to take action to address the atrocities and genocide in Cuba and formally request an emergency meeting of the United Nations Security Council to address the same issues.

Vote: Senate Adopted; House Adopted

Committee on Rules

CS/SM 174 — Trade

by Commerce and Tourism Committee and Senators Pizzo and Book

The memorial urges Congress to renew Trade Promotion Authority (TPA) to the executive branch. The memorial also encourages the executive branch to negotiate a comprehensive and mutually beneficial free trade agreement between the United States and the United Kingdom, and encourages Congress to ratify such an agreement.

Vote: Senate Adopted; House Adopted

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Rules

SM 302 — Recognizing Veteran Suicide

by Senators Burgess, Book, Gibson and Harrell

The memorial urges the Congress of the United States to recognize the epidemic of suicide among veterans and to fully fund suicide prevention activities of the United States Department of Veterans Affairs.

Both state and national statistics show a greater than 40 percent higher rate of suicide among veterans compared to the general population.

The memorial requires copies to be dispatched to the President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and to each member of the Florida delegation of the U.S. Congress.

Vote: Senate Adopted; House Adopted

Committee on Rules

HM 791 — Organ Harvesting Practices of the People’s Republic of China

by Rep. Fischer and others (SM 1108 by Senator Baxley)

The memorial urges the President and Congress to:

- Condemn China for the practice of forcibly removing human organs for transplants;
- Pass legislation and measures that prohibit collaboration between U.S. pharmaceutical and medical companies and any Chinese counterparts linked to forced organ harvesting; and
- Ban people who have participated in forced organ harvesting from entering the U.S. and provide for the prosecution of such people.

Vote: Senate Adopted; House Adopted

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Rules

SM 826 — Florida National Guard

by Senators Wright, Harrell, and Rodrigues

The memorial urges the Congress of the United States to impel the United States National Guard Bureau to review resource allocations to the Florida National Guard and allow an increase to the state's force structure.

The memorial requires copies to be dispatched to the President of the United States, Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

Vote: Senate Adopted; House Adopted

Committee on Rules

SM 982 — Memorial/Internal Revenue Service Regulations

by Senator Diaz

The memorial urges the Congress of the United States to protect consumers from harmful and intrusive Internal Revenue Service regulations, such as burdensome reporting requirements for financial institutions.

Vote: Senate Adopted; House Adopted

Committee on Rules

CS/HB 7049 — Legal Notices

by State Affairs Committee; Judiciary Committee; and Reps. Grall, Fine, and others

The bill allows a local governmental agency the option to publish legal notices on a publicly accessible website owned or designated by the county instead of in a print newspaper under specified conditions. The bill reverts the criteria a newspaper must satisfy to be qualified to publish all legal notices back to the criteria in place before the passage of chapter 2021-17, Laws of Fla., with the exception that newspapers qualified to publish legal notices are no longer required to be for sale. It requires a governmental agency located in a county that has a population of fewer than 160,000 to first hold a public hearing and determine that its residents have sufficient access to the Internet by broadband service before publishing legally required advertisements and public notices on the county website. Finally, the bill eliminates the obligations of the Florida Press Association relating to equitable legal notice access by minority populations.

If approved by the Governor, these provisions take effect July 1, 2023.

Vote: Senate 26-13; House 79-40

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/SB 58 — Relief of Yeilyn Quiroz Otero/Miami-Dade County

by Judiciary Committee and Senator Rodriquez

This is a settled claim bill that awards \$3.8 million as compensation for severe injuries that claimant, Yeilyn Quiroz Otero, sustained in a 2016 automobile accident involving a Miami-Dade County police cruiser. The accident occurred at an intersection with inoperative traffic signals. The police cruiser collided at a high rate of speed with the vehicle in which the claimant was a passenger, leaving her a paraplegic. The claimant's proceeds, after attorney fees and costs, will be placed in a special needs trust for her benefit.

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 116-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/SB 70 — Relief of Donna Catalano by the Department of Agriculture and Consumer Services

by Appropriations Committee and Senators Rouson and Ausley

This bill satisfies a settled claim supported by the Florida Department of Agriculture and Consumer Services (DACS). The bill appropriates the sum of \$3,175,000 from the General Inspection Trust Fund to the DACS and directs the Chief Financial Officer to draw a warrant from those sums in favor of the claimant, Donna Catalano. Under the bill, the total amount paid for attorney fees may not exceed \$635,000, the total amount paid for lobbying fees may not exceed \$158,750, and the total amount paid for costs or similar expenses may not exceed \$29,059.94.

The bill adopts the facts stated in the preamble, which explain that the claim arises from a head-on collision that occurred on June 26, 2019. Donald Gerard Burthe, was an employee of the DACS, operating a department vehicle during his employment. Mr. Burthe failed to maintain his lane of travel and crossed the center line of U.S. Highway 90, colliding with Ms. Catalano's vehicle. As a result, Ms. Catalano underwent six surgeries during the next four days, to repair various injuries. Ms. Catalano went on to spend approximately three months in a rehabilitation center and later continued physical therapy at home. Ms. Catalano can no longer perform her job as a nurse and was discharged from her employment with Tallahassee Memorial Hospital. She continues to suffer with immobility, chronic pain, mental anguish, stress, and anxiety.

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 116-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/SB 74 — Relief of Harry Augustin Shumow by the Public Health Trust of Miami-Dade County, d/b/a Jackson Memorial Hospital

by Judiciary Committee and Senator Rodriguez

The bill authorizes and directs the Public Health Trust of Miami-Dade County to draw a warrant for \$5,000,000 payable to the special-needs trust created for the exclusive use and benefit of Harry Augustin Shumow. This amount is compensation for injuries and damages sustained following a Jackson Memorial Hospital lab technician's negligence in failing to report a critical lab value, leading to undiagnosed anemia and subsequent cardiac arrest.

The attorney fee is limited to \$1,000,000, the lobbying fee will not exceed \$250,000, and the total amount paid for costs or other similar expenses will not exceed \$133,344.06.

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 116-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/CS/SB 80 — Relief of Christeia Jones/Department of Highway Safety and Motor Vehicles

by Appropriations Committee; Judiciary Committee; and Senator Baxley

This bill resolves an uncontested claim for \$17,715,000, based on a mediation settlement agreement between the claimant, Christeia Jones, as parent and natural guardian of Logan Grant, Denard Maybin, Jr., and Lanard Maybin, and the Florida Department of Highway Safety and Motor Vehicles. The mediation settlement agreement resolved a civil action arising from the negligent operation of a Florida Highway Patrol vehicle which resulted in a crash and severe injuries to the children.

Under the bill, the sum of \$7.5 million is appropriated from the Highway Safety Operating Trust Fund to the Department of Highway Safety and Motor Vehicles for the relief of Christeia Jones as compensation for injuries and damages sustained by her and her minor sons, Logan Grant, Denard Maybin, Jr., and Lanard Maybin. Further, the Chief Financial Officer is directed to draw a warrant in favor of Christeia Jones in the sum of \$7.5 million, minus payments required to satisfy outstanding Medicaid liens relating to the medical expenses and care of her and her minor sons, Logan Grant, Denard Maybin, Jr., and Lanard Maybin, upon funds of the Department of Highway Safety and Motor Vehicles in the State Treasury and to pay the same out of such funds in the State Treasury.

The bill provides the amount paid by the Division of Risk Management of the Department of Financial Services pursuant to s. 768.28, F.S., and the amount awarded under the bill are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in the bill which resulted in injuries and damages sustained by Christeia Jones and her minor sons, Logan Grant, Denard Maybin, Jr., and Lanard Maybin.

Of the amount awarded in the bill, the total amount paid for attorney fees may not exceed \$1.5 million, the total amount paid for lobbying fees may not exceed \$375,000, and the total amount paid for costs or other similar expenses may not exceed \$34,849.92.

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 116-1

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

SB 144 — Identification Cards

by Senator Hutson

The bill exempts additional persons from paying a fee to issue, replace, or renew an identification card. The bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to issue, replace, or renew an identification card at no charge to a person who presents a valid Florida voter's registration card to the DHSMV and attests that he or she is experiencing a financial hardship. Additionally, the bill requires the DHSMV to issue an identification card at no charge to a person who is 80 years of age or older and whose driving privilege is denied due to failure to pass a vision test.

If approved by the Governor, these provisions take effect July 1, 2022

Vote: Senate 35-1; House 116-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/SB 160 — Transportation-related Facility Designations

by Appropriations Committee; Transportation Committee; and Senator Harrell

The bill creates a number of honorary designations of transportation facilities around the state and directs the Florida Department of Transportation to erect suitable markers for each of the following designations:

- S.R. 715/Bacom Point Road between W. Morgan Road and S.W. 14th Street in Palm Beach County as “Deputy Sheriff Donta Manuel and Deputy Sheriff Jonathan Wallace Highway.”
- Bridge number 100850 on S.R. 60/Courtney Campbell Causeway over Old Tampa Bay in Hillsborough County as “Virginia Creighton Bridge.”
- The intersection of S.W. 23rd Avenue and S.W. 8th Street in Miami-Dade County as “Arturo Diaz Ariles Plaza.”
- W. Columbus Drive between N. Himes Avenue and N. MacDill Avenue in Hillsborough County as “Maximino Capdevila Road.”
- S.R. 19 between C.R. 48 and Lane Park Cutoff Road in Lake County as “Sergeant First Class Michael C. Aten Memorial Highway.”
- Bridge number 720684 on I-95 over the Trout River in Jacksonville/Duval County as “Warren Alvarez Memorial Bridge.”
- U.S. 27/S.R. 25 between the Polk County line and the Glades County line in Highlands County as “Deputy William Gentry, Jr., Highway.”
- S.R. 100 in Clay County between the Bradford County line and the Putnam County line as “Veterans Honor Highway.”
- Upon completion of construction, the interchange at First Coast Expressway/S.R. 23 and Henley Road in Clay County as “Sergeant Eric John Twisdale Memorial Interchange.”
- S.R. A1A between the northern terminus and southern terminus of Galt Ocean Drive in Broward County as “Pio Ieraci Memorial Drive.”
- S.R. 520/W. King Street between S.R. 501/Clearlake Road and S.R. 519/Fiske Boulevard in Brevard County as “Sgt. George Lee Taylor, Sr., Memorial Highway.”
- S.R. 519/Fiske Boulevard between Rosa L. Jones Drive and I-95 in Brevard County as “Dr. Martin Luther King, Jr., Boulevard.”
- U.S. 90 between Canal Street and Stewart Street in Santa Rosa County as “Reverend Murray Hamilton, Sr., Highway.”
- S.R. 87 between E. Bay Boulevard and U.S. 98 in Santa Rosa County as “Ira Mae Wells-Bruce Memorial Highway.”
- Bayfront Parkway between Tarragona Street and N. 17th Avenue in Escambia County as “Pensacola Police Fallen Heroes Highway.”

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- The Cow Key Channel Bridge, bridge numbers 900086 and 900125, between milepost 4.100 and milepost 4.169 on Overseas Highway in Monroe County as “Cheryl H. Cates Memorial Bridge.”
- S.R. 953/NW 42nd Avenue/Le Jeune Road from N.W. 11th Street to N.W. 14th Street in Miami-Dade County as “Oswaldo Payá Way.”
- S.R. 82 between Veronica S. Shoemaker Boulevard and Ortiz Avenue in Lee County as “Coach Guy Thomas Memorial Highway.”
- North University Drive between S.R. 827 and the Sawgrass Expressway as “Michael Moskowitz Drive.”
- S.R. 408/Spessard L. Holland East-West Expressway between the Mills Avenue exit and the Rosalind Avenue in Orange County as “Austin D. Gayne Memorial Highway.”
- S.R. 826/Sunny Isles Boulevard between N.E. 35th Avenue and S.R. A1A in Miami-Dade County as “Anthony Reznik Boulevard.”
- N.W. 12th Avenue/John Henry Peavy Jr. Avenue between N.W. 62nd Street and N.W. 71st Street in Miami-Dade County as “Soul of Miami Avenue.”
- Bridge number 380097 on U.S. 27 over the Fenholloway River in Taylor County as “Private Tillman R. Clark Memorial Bridge.”
- Matanzas Woods Parkway between Bird of Paradise Drive and Old Kings Road in Flagler County as “Staff Sergeant Keon Clyde Sands Memorial Parkway.”
- I-75 between the Charlotte County line bordering DeSoto County and the Lee County line bordering Collier County as “Purple Heart Highway.”
- U.S. 41/S.W. 8th Street between S.W. 21st Avenue and S.W. 22nd Avenue in Miami-Dade County as “Bellas Artes Way.”

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 116-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/SB 364 — Specialty License Plates

by Appropriations Committee; Transportation Committee; and Senators Bean and Perry

The bill reduces the minimum voucher sale requirement for all specialty license plates to 3,000, before manufacture of the license plate may commence. In addition, the bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to extend the presale period by an additional 24 months, from 24 months to 48 months, for an approved specialty license plate organization that, as of the date the bill becomes a law, is in the presale period but has not recorded at least 3,000 voucher sales.

The bill decreases the specialty license plate limit from 150 to 135.

The bill provides that independent colleges or universities opting to use the standard template specialty license plate will have their plate sales combined with existing valid registrations of individual independent college or university license plates for purposes of meeting the minimum license plate sales threshold for at least 12 consecutive months and license plate limits in statute.

The bill creates a Blue Angels motorcycle specialty license plate and eight new specialty license plates: Inter Miami CF; Safe Haven for Newborns; Pap Corps Champions for Cancer Research; Learn to Fly; Florida Swims; Down Syndrome Awareness; Gopher Tortoise; and Take Stock in Children. The bill also amends the existing Live the Dream specialty license plate.

If approved by the Governor, these provisions, except as otherwise expressly provided for in the bill, take effect upon becoming law.

Vote: Senate 38-0; House 105-10

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/CS/HB 399 — Motor Vehicle and Vessel Law Enforcement

by and Public Safety Subcommittee; and Rep. Rodriguez (CS/CS/CS/SB 876 by Rules Committee; Criminal Justice Committee; Transportation Committee; and Senators Pizzo and Rodrigues)

The bill amends the crimes under s. 316.191(2), F.S., to add additional types of vehicles and additional prohibited conduct including a street takeover, stunt driving, and operating a vehicle to film or record prohibited activities or to carry fuel for other vehicles involved in prohibited activities. The bill defines the terms “burnout,” “doughnut,” “drifting,” “motor vehicle,” “street takeover,” “stunt driving,” and “wheelie.” The bill also amends the current definition of “spectator” to include a person who is knowingly present at and views a street takeover and provides that evidence of filming or recording such an event or posting the event on social media are factors to be considered in determining whether a person qualifies as a spectator. Under the bill, a person commits a noncriminal traffic infraction if he or she is found to be a spectator at a race or street takeover.

The bill amends the first degree misdemeanor crimes under s. 316.191(2), F.S., to add drag race, street takeover, and stunt driving to each type of prohibited conduct. The bill also adds street takeovers and stunt driving to the list of violations which require an offender to pay a \$65 penalty.

Under the bill, if an officer has probable cause to believe that a person has committed a violation relating to a street takeover or stunt driving, the officer may arrest the person without a warrant.

The bill also provides that a person commits a first degree misdemeanor under s. 316.2397, F.S., by operating a vehicle displaying red, red and white, or blue lights if in displaying such lights he or she effects or attempts to effect a stop of another vehicle; and provides that a court or jury may consider any relevant evidence, including, but not limited to whether a defendant used certain prohibited lights, in determining if a defendant committed an offense of false personation, under s. 843.081, F.S.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 39-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

HB 631 — Airport Funding

by Rep. Grall (SB 780 by Senator Hutson)

The bill expands the public airports eligible for higher funding levels for master planning and eligible aviation development projects by the Florida Department of Transportation (FDOT). Currently, the higher funding is dependent on the availability of federal funds. If federal funds are not available, the FDOT may fund up to 80 percent of such projects and a 20 percent local match is required. If federal funds are available, the FDOT may fund up to 80 percent of the non-federal share of such projects, or 80 percent of the local match requirement. This funding is currently limited to airports that have no scheduled commercial service.

The bill revises this restriction so that the 80 percent funding levels are limited to:

- General aviation airports, or
- Commercial service airports that have fewer than 100,000 passenger boardings per year as determined by the Federal Aviation Administration.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 107-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/SB 754 — Mobile Home Registration Periods

by Transportation Committee and Senators Gainer, Hooper, and Rodrigues

The bill provides that the registration renewal period of a mobile home owned by a natural person begins the first day of the birth month of the owner and ends the last day of the month immediately preceding the owner's birth month in the succeeding year. If the mobile home is registered in the name of more than one person, the birth month of the person whose name first appears on the registration will be used to determine the registration period.

The bill requires the Department of Highway Safety and Motor Vehicles to prorate mobile home registration renewal fees to give customers the option to renew their registrations on their dates of birth in 2024 or 2025.

For a mobile home not owned by a natural person, the registration period would continue to be January 1 and end December 31.

If approved by the Governor, these provisions take effect September 1, 2023.

Vote: Senate 37-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

SB 914 — Department of Highway Safety and Motor Vehicles

by Senator Harrell

The bill makes the following revisions relating to the Department of Highway Safety and Motor Vehicles (DHSMV):

- Revises the dates associated with the texting and driving annual report of the DHSMV to require that information be provided to the DHSMV annually by April 1, and the report must be submitted annually by July 1;
- Requires an operator of a motor vehicle to provide proof of insurance upon the request of a law enforcement officer;
- Any operator who is the owner or registrant of the vehicle being operated and who fails to provide proof of insurance commits a nonmoving traffic infraction and will be required to furnish proof of insurance that was in effect at the time of the violation at or before a scheduled court appearance or have their driver license suspended.
- Any operator who is not the owner or registrant of the vehicle being operated and fails to provide proof of insurance commits a nonmoving traffic infraction.
- Expands the existing Private Rebuilt Vehicle Inspection Program to Bay, Broward, Duval, Escambia, Hillsborough, Leon, Manatee, Marion, Orange, Palm Beach, and Volusia counties beginning October 1, 2022;
- Provides a fee exemption for a surviving spouse transferring a motor vehicle title solely into their name when only the deceased spouse is named on the title;
- Provides that charter buses are apportionable vehicles subject to the requirements of the International Registration Plan;
- Prohibits individuals who have registration stops associated with toll violations from either renewing their registrations or replacing their license plates until satisfying the toll violation;
- Requires mobile home and recreational vehicle dealers, manufacturers, distributors, and importers to deliver to the DHSMV copies of renewed, continued, changed, or new insurance policies, surety or cash bonds, or irrevocable letters of credit within a specified time period;
- Revises certain minimum insurance requirements for commercial vehicles that carry passengers to comply with federal requirements; and
- Provides that beginning November 1, 2023, each distinguishing number assigned to an original, renewal, or replacement driver license and identification card must have a minimum of four randomly generated digits.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 111-1

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/HB 915 — Commercial Motor Vehicle Registration

by Commerce Committee; Tourism, Infrastructure and Energy Subcommittee; and Rep. Melo and others (SB 1582 by Senator Harrell)

The bill addresses the issuance of license plates and cab cards for commercial motor vehicles registered in accordance with the International Registration Plan (apportioned vehicles).

Currently apportioned vehicles are issued an annual license plate and a cab card denoting the declared vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate. Beginning July 1, 2024, the bill requires apportioned vehicles to be issued a license plate for a three-year period, at which time the plate must be replaced upon renewal.

The bill also authorizes the Department of Highway Safety and Motor Vehicles to replace a damaged or worn license plate at no cost to an applicant surrendering the current license plate.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 33-0; House 115-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

SB 1038 — Florida Seaport Transportation and Economic Development Council

by Senator Perry

The bill revises the membership of the Florida Seaport Transportation and Economic Development (FSTED) Council to include as a member the port director (or the director's designee) of the Port of Putnam County. The bill increases the total number of members on the FSTED Council from 17 to 18.

Until July 1, 2024, the bill authorizes Putnam County to apply for a grant through the FSTED Council to perform a study examining the economic, technical, and operational viability of the establishment of a port in Putnam County. The bill directs the Council to evaluate the grant application in accordance with existing statutory provisions governing evaluation and selection of projects for funding under the FSTED Program within the Florida Department of Transportation (FDOT).

If the grant application is approved, the bill requires the FDOT to include the feasibility study in its annual legislative budget request for funding of the FSTED Program. The Council must review the study upon completion to determine if a port in Putnam County is viable. If the Council does not approve the study, the membership of Putnam County on the FSTED Council terminates.

The bill also reenacts a number of statutory provisions to incorporate amendments made by the bill to the FSTED Council statute.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-1; House 110-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/HB 1435 — Code and Traffic Enforcement

by Judiciary Committee and Rep. Leek (CS/SB 1954 by Transportation Committee and Senator Wright)

The bill creates s. 316.1891, F.S., to provide the sheriff or chief administrative officer of a county or municipality the authority to designate an area as a special event zone in response to a special event, defined as an unpermitted activity or event organized or promoted via a social media platform which is attended by 50 or more persons and substantially increases or disrupts the normal flow of traffic on a roadway, street, or highway. The bill:

- Provides notice requirements for a special event zone and requires a specified warning sign be posted at each point of ingress and egress at least 24 hours prior to enforcement;
- Doubles the statutory fine for any noncriminal traffic infraction that occurs within a special event zone;
- Allows a law enforcement officer to impound a vehicle for up to 72 hours for any criminal traffic violation or noncriminal traffic infraction that occurs in a special event zone, but requires the vehicle to be released immediately upon payment of any impoundment costs or fees;
- Authorizes a law enforcement officer to enforce occupancy limits in a special event zone; and
- Provides for the recovery of costs associated with designating and enforcing a special event zone from the organizer or promoter of the special event.

The bill also amends s. 316.3045, F.S., which prohibits excessive noise emanating from a motor vehicle, by removing the portion of statute which the Florida Supreme Court deemed invalid in 2012. Additionally, the bill updates the types of soundmaking devices that are subject to such noise limitations and authorizes a local authority to impose more stringent regulations than those currently provided in statute.

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

Vote: Senate 35-3; House 83-32

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

HB 1469 — Transportation Facility Designations

by Rep. Greico and others (SB 1682 by Senators Pizzo, Book, Simpson, Albritton, Ausley, Baxley, Bean, Berman, Boyd, Bracy, Bradley, Brandes, Brodeur, Broxson, Burgess, Cruz, Diaz, Farmer, Gainer, Garcia, Gibson, Gruters, Harrell, Hooper, Hutson, Jones, Mayfield, Passidomo, Perry, Polsky, Powell, Rodrigues, Rodriguez, Rouson, Stargel, Stewart, Taddeo, Torres, and Wright)

The bill designates the portion of S.R. A1A/Collins Avenue between 87th Terrace and 88th Street in Miami-Dade County as “98 Points of Light Way,” in honor of the 98 victims of the June 24, 2021, collapse of the Champlain Towers South condominium in Surfside, Florida.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/SB 1614 — Public Records/Motor Vehicle Crashes/Traffic Citations
by Governmental Oversight and Accountability Committee; Transportation Committee; and
Senator Harrell

The bill expands a current public records exemption related to personal information in a crash report, and make crash report data in a computerized database confidential and exempt from public inspection and copying requirements. The bill also makes driver information contained in a uniform traffic citation (UTC) exempt from public record inspection and copying requirements.

The bill makes crash report data in a computerized database confidential and exempt from public inspection and copying requirements, and designates certain governmental and third-party entities to whom a crash report may be made immediately available. The bill permits a crash report to be available to the media provided that it does not contain the following information for the parties involved in the crash: home or employment street address; driver license or identification card number; date of birth; and home and employment telephone numbers.

The bill provides that crash reports may be made available 60 days after the report is filed to any person or entity eligible to access crash reports under the bill or in accordance with any of the permissible uses listed in the Driver's Privacy Protection Act (DPPA) of 1994 and pursuant to the resale and redisclosure requirements in the DPPA.

The bill makes driver information in a UTC exempt from public records inspection and copying requirements, and defines the term "driver information" to mean a driver's date of birth, driver license number, address excluding the five-digit zip code, telephone number, motor vehicle license plate number, and trailer tag number. The bill excludes the driver's name from the definition.

The bill specifically provides authority for an agency to release driver information in a UTC in accordance with the exemptions in the DPPA and in the same manner prescribed by statute.

The bill provides additional penalties for a person who obtains a crash report or crash data and who knowingly discloses or uses personal information revealed in the report for a purpose not permitted under the DPPA is liable to the individual to whom the information pertains, who may bring a civil action in court. The court may award: actual damages, but not less than liquidated damages in the amount of \$2,500; punitive damages upon proof of willful or reckless disregard of the law; reasonable attorney fees and other litigation costs reasonably incurred; or such other preliminary and equitable relief as the court determines to be appropriate.

The bill is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2027, unless reviewed and reenacted by the Legislature.

If approved by the Governor, these provisions take effect March 1, 2023.

Vote: Senate 35-3; House 115-1

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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