Committee on Agriculture

CS/CS/HB 59 — Agritourism

by State Affairs Committee; Local Government Affairs Subcommittee; Reps. Combee, Raburn, and others (CS/CS/SB 304 by Fiscal Policy Committee; Community Affairs Committee; and Senator Stargel)

This bill amends the legislative intent in s 570.85, F.S., to express the Legislature's intent to promote agritourism. The bill prohibits a local government from enforcing any local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under s. 193.461, F.S. However, the bill specifies that a local government is not limited by the prohibitions when adopting or enforcing local regulations that address substantial off-site impacts of agritourism activities.

The bill adds "civic," "ceremonial," and "training and exhibition" activities to the enumerated list of agritourism activities defined in s. 570.86, F.S. It also adds "livestock operation" to the list of places where an agritourism activity can occur.

The bill amends s. 570.87, F.S., to provide that lands classified as agricultural under 193.461, F.S., cannot be divested of that classification as long as the land remains used primarily for bona fide agricultural purposes.

These provisions were approved by the Governor and take effect July 1, 2016.
Vote: Senate 35-0; House 113-0

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Committee on Agriculture

CS/HB 103 — Transactions in Fresh Produce Markets

by Health and Human Services Committee; and Reps. Fullwood, Campbell, and others (SB 284 by Senator Thompson)

The bill (Chapter 2016-51, L.O.F.) defines "SNAP" as the federal Supplemental Nutrition Assistance Program. It permits the owner or operator of a market that sells fresh produce, but who is not an authorized SNAP retailer with an Electronic Benefits Transfer (EBT) system to allow certain specified groups, which may not be a competitor market, to implement and operate an EBT system in the market on behalf of the produce sellers. It requires the market owner or operator to reasonably accommodate the authorized third party in the implementation and operation of an EBT system in order to accept SNAP benefits. SNAP benefits may only be used for the purchase of fresh produce or other fresh food on a dollar-for-dollar basis and may not be traded for tokens or other means of trade for non-produce items.

The bill does not apply to a market selling fresh produce whose owner or operator has a system in place for accepting SNAP benefits nor does it prohibit an authorized Food and Nutrition Service produce seller from operating its own EBT system for its customers' transactions. Finally, the bill does not require a market owner or operator to create, operate, or maintain an EBT system on behalf of its produce sellers.

These provisions were approved by the Governor and will take effect July 1, 2016.
Vote: Senate 37-0; House 117-0

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Committee on Agriculture

CS/CS/CS HB 153 — Healthy Food Financing Initiative Pilot Program

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; Agriculture and Natural Resources Subcommittee; and Reps. Santiago, Lee, and others (CS/CS/SB 760 by Appropriations Committee; Agriculture Committee; and Senators Bean, Sobel, Soto, Flores, Gibson, Smith, Thompson, Joyner, and Sachs)

This bill directs the Florida Department of Agriculture and Consumer Services to establish a Healthy Food Financing Initiative Program to provide financial assistance for the rehabilitation or expansion of grocery retail outlets located in underserved or low-income communities. It will draw upon and coordinate the use of federal, state, and private loans or grants, federal tax credits, and other types of financial assistance. The goal of the program is to improve public health and well-being of low-income children, families, and older adults by increasing access to fresh produce and other nutritious foods at participating independent grocery outlets that will be required to allocate at least 30 percent of their retail space to the sale of perishable foods, which may include fresh or frozen dairy products, fresh produce, and fresh meats, poultry, and fish. Annual reporting of the Program's accomplishments is required to be made to the President of the Senate and Speaker of the House, and, after seven years, the Office of Program and Policy Analysis and Government Accountability is directed to review the impact and successfulness of the program.

The bill provides for an appropriation of $500,000 in nonrecurring general revenue in the 2016-2017 fiscal year to the Department of Agriculture and Consumer Services to implement this bill. It specifies that no more than three recipients may receive funding.

If approved by the Governor, these provisions take effect July 1, 2016
Vote: Senate 40-0; House 120-0

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Committee on Agriculture

CS/CS/HB 7007 — Department of Agriculture and Consumer Services

by State Affairs Committee, Agriculture and Natural Resources Appropriations Subcommittee; Agriculture and Natural Resources Subcommittee; Reps. Raburn, Artiles, Jacobs, Mayfield, Van Zant, Watson and others (CS/CS/SB 1010 by Agriculture Committee; Appropriations Committee and Senator Montford)

The bill addresses the following issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department):

- Designates tupelo honey as the official state honey.
- Changes the procedure to obtain and renew a pest control operator's certificate and eliminates a late charge.
- Preempts to the department the regulation of the use or sale of polystyrene products by entities regulated under the Florida Food Safety Act.
- Changes the deadline to submit a recertification application for the limited certification for urban landscape commercial fertilizer application and eliminates the $50 per month late charge for late recertification.
- Adds the term "dietary supplements" to the list of possibly adulterated foods.
- Defines the term "vehicle" to provide clarity to the types of mobile carriers that fall under the department's regulatory authority.
- Adds allergen information labeling requirements to the list of possibly misbranded foods.
- Authorizes the department to sponsor "events" (not just breakfasts, luncheons, or dinners) to promote agriculture and agricultural business products.
- Authorizes the department to secure letters of patent, copyrights, and trademarks on any work products of the department and accordingly to enforce its rights.
- Authorizes the department to use money deposited in the Pest Control Trust Fund to carry out any of the powers and duties of the Division of Agricultural Environmental Services.
- Creates an Office of Agriculture Technology Services.
- Removes the requirement for the department to provide administrative staff relating to meetings and office space for the Florida Agriculture Center and Horse Park Authority.
- Specifies the intent of the "Fresh From Florida" marketing brand.
- Amends membership requirements for the Florida Agricultural Promotional Campaign Advisory Council.
- Modifies the reporting period for fertilizer tonnage sales from monthly to quarterly and changes the reporting requirement from 15 days to 30 days following the close of the reporting period.
- Preempts regulatory authority for commercial feed and feedstuff to the department.
- Removes the requirement that the department notify a property owner that a plant infested or infected with plant pests or noxious weeds has been found on their property if the plant is infested with pests or noxious weeds that are determined to be widely established in Florida. This change provides the department with the flexibility to not have to require an owner to destroy or remove the plant.

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- Rewrites ch. 582, F.S., to modernize the 'Soil and Water Conservation Districts' (SWCDs) statutes to reflect the actual functions of the districts.
- Removes obsolete statutory references relating to Watershed Improvement Districts.
- Adds definitions for "school breakfast program," "summer nutrition program," and "universal school breakfast program" to specify that they are programs which are authorized by federal law.
- Authorizes the department to implement the Farmers' Market Nutrition Program to provide participants in the Supplemental Nutrition Program for Women, Infants, and Children with locally grown fruits and vegetables.
- Eliminates a federal licensing requirement for certain citrus fruit inspectors.
- Requires the department to provide the highest rate of reimbursement to which it is entitled under the federal school breakfast program to a "severe need school".
- Renames the "Florida Farm Fresh Schools Program" to be the "Florida Farm to School Program."
- Eliminates the requirement that each grain dealer report monthly to the department the value of grain it received from producers for which the producers have not received payment.
- Eliminates the Florida Forest Service's power to dedicate its land for use by the public as a park.
- Re-designates the Pompano State Farmers Market as the "Edward L. Myrick State Farmers Market."

If approved by the Governor, these provisions take effect July 1, 2016, except as otherwise expressly provided in the act.
Vote: Senate 38-0; House 110-4

Committee on Agriculture

HB 1205 — Fumigation

by Representative Magar (SB 1498 by Senator Benacquisto)

The bill requires the Department of Agriculture and Consumer Services (department) to adopt a rule specifying the circumstances when less than 24-hour notification of structural fumigation is acceptable. The bill removes the current emergency exception.

The bill requires the department to adopt rules that include additional safety measures to be taken regarding the clearance of residential structures before reoccupation after a fumigation. These measures can include extended aeration times or specific clearance procedures.

Additionally, the bill authorizes the department to adopt rules that establish conditions of registration or reregistration for structural fumigants which include requirements registrants (manufacturers) to:

- Train distributors and end users in safety measures and proper use, safe storage, and management of fumigant materials;
- Obtain continuing education program approval for stewardship training programs;
- Conduct quality assurance reviews;
- Report to the department any probation or stop-sale notices issued to end users. The department must then notify all other structural fumigant registrants of the reported probation or stop-sale notice; and
- Assist the department upon request, with the removal of fumigant containers from distributors and end users for compliance with permanent or extended stop-sale notices.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 116-0

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Committee on Agriculture

CS/CS/SB 1318 — Shellfish Harvesting

by Environmental Preservation and Conservation Committee; Agriculture Committee; and Senator Dean

The bill amends regulations for shellfish harvesting by:

- Authorizing the harvesting of shellfish from a sovereign submerged land lease;
- Authorizing individuals to use one dredge or mechanical harvesting device per lease at any one time;
- Defining the terms "shellfish" and "dredge or mechanical harvesting device";
- Authorizing the Board of Trustees of the Internal Improvement Trust Fund to permit the harvest of shellfish using a dredge or mechanical harvesting device in a submerged lands lease under certain conditions;
- Prohibiting the use of dredge or mechanical harvesting devices on public shellfish beds;
- Providing that violations of shellfish harvesting statutes, rules, or lease conditions will result in revocation of the violator's lease and denial of any future application to use sovereign submerged lands;
- Shifting the responsibility for setting the amount of oysters, clams, and mussels to be obtained for relaying or transplanting from the Department of Agriculture and Consumer Services to the Fish and Wildlife Conservation Commission (FWC);
- Repealing duplicative provisions that are contained in s. 379.2525, F.S., and
- Repealing the requirement that the FWC set the noncultured shellfish harvesting seasons in Apalachicola Bay by rule, along with the related reporting requirements.

If approved by the Governor, these provisions take effect July 1, 2016
Vote: Senate 39-0; House 116-0

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Committee on Agriculture

CS/CS/HB 7007 — Department of Agriculture and Consumer Services

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; Agriculture and Natural Resources Subcommittee; Rep. Raburn and others (CS/CS/SB 1010 by Appropriations Committee; Agriculture Committee and Senator Montford)

The bill addresses the following issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department):

- Designates tupelo honey as the official state honey.
- Changes the procedure to obtain and renew a pest control operator's certificate and eliminates a late charge.
- Preempts to the department the regulation of the use or sale of polystyrene products by entities regulated under the Florida Food Safety Act.
- Changes the deadline to submit a recertification application for the limited certification for urban landscape commercial fertilizer application and eliminates the $50 per month late charge for late recertification.
- Adds the term "dietary supplements" to the list of possibly adulterated foods.
- Defines the term "vehicle" to provide clarity to the types of mobile carriers that fall under the department's regulatory authority.
- Adds allergen information labeling requirements to the list of possibly misbranded foods.
- Authorizes the department to sponsor "events" (not just breakfasts, luncheons, or dinners) to promote agriculture and agricultural business products.
- Authorizes the department to secure letters of patent, copyrights, and trademarks on any work products of the department and accordingly to enforce its rights.
- Authorizes the department to use money deposited in the Pest Control Trust Fund to carry out any of the powers and duties of the Division of Agricultural Environmental Services.
- Creates an Office of Agriculture Technology Services.
- Removes the requirement for the department to provide administrative staff relating to meetings and office space for the Florida Agriculture Center and Horse Park Authority.
- Specifies the intent of the "Fresh From Florida" marketing brand.
- Amends membership requirements for the Florida Agricultural Promotional Campaign Advisory Council.
- Modifies the reporting period for fertilizer tonnage sales from monthly to quarterly and changes the reporting requirement from 15 days to 30 days following the close of the reporting period.
- Preempts regulatory authority for commercial feed and feedstuff to the department.
- Removes the requirement that the department notify a property owner that a plant infested or infected with plant pests or noxious weeds has been found on their property if the plant is infested with pests or noxious weeds that are determined to be widely established in Florida. This change provides the department with the flexibility to not have to require an owner to destroy or remove the plant.
- Rewrites ch. 582, F.S., to modernize the 'Soil and Water Conservation Districts' (SWCDs) statutes to reflect the actual functions of the districts.

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- Removes obsolete statutory references relating to Watershed Improvement Districts.
- Adds definitions for "school breakfast program," "summer nutrition program," and "universal school breakfast program" to specify that they are programs which are authorized by federal law.
- Authorizes the department to implement the Farmers' Market Nutrition Program to provide participants in the Supplemental Nutrition Program for Women, Infants, and Children with locally grown fruits and vegetables.
- Eliminates a federal licensing requirement for certain citrus fruit inspectors.
- Requires the department to provide the highest rate of reimbursement to which it is entitled under the federal school breakfast program to a "severe need school".
- Renames the "Florida Farm Fresh Schools Program" to be the "Florida Farm to School Program."
- Eliminates the requirement that each grain dealer report monthly to the department the value of grain it received from producers for which the producers have not received payment.
- Eliminates the Florida Forest Service's power to dedicate its land for use by the public as a park.
- Re-designates the Pompano State Farmers Market as the "Edward L. Myrick State Farmers Market."

If approved by the Governor, these provisions take effect July 1, 2016, except as otherwise expressly provided in the act.
Vote: Senate 38-0; House 110-4

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Committee on Appropriations

CS/SB 1322 — Juvenile Detention Costs

by Appropriations Committee and Senator Latvala

This bill creates s. 985.6585, F.S., relating to payment for the costs of juvenile detention care that is provided by the Department of Juvenile Justice (DJJ). The bill revises the method for calculating the share of detention care costs that must be paid by each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles. The new method applies to any county that: (1) dismisses all actions against the state that are related to detention costs; and (2) releases and waives any existing or future claim arising from detention cost share prior to Fiscal Year 2016-2017. Any county that does not fulfill the conditions will be billed according to the existing method set out in s. 985.686, F.S.

The share of detention costs for each county that meets the conditions of the new statute will be based on the percentage of detention days used for that county's juveniles in the most recently completed 12-month period compared to detention days used for all counties that are not fiscally constrained during the same period. For Fiscal Year 2016-2017, each such county's payment will be calculated by multiplying the county's percentage of detention day use by $42.5 million. For Fiscal Year 2017-2018 and thereafter, each such county's payment will be calculated by multiplying the county's percentage of detention day use by 50 percent of total detention care costs in the prior fiscal year for all counties that are not a fiscally constrained county. The DJJ is responsible for paying the remainder of detention costs.

The bill includes an appropriation of $7.3 million in recurring funds and $3.5 million in nonrecurring funds from the General Revenue Fund for Fiscal Year 2016-2017. This appropriation is a supplement to funds appropriated to the DJJ in the 2016-2017 General Appropriations Act for the purpose of paying the state's share of costs for juvenile detention. If approved by the Governor, the majority of the bill's provisions take effect upon becoming law. By exception, the appropriation takes effect July 1, 2016.

If approved by the Governor, the majority of the bill's provisions take effect upon becoming law. By exception, the appropriation takes effect July 1, 2016.
Vote: Senate 38-0; House 117-0

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Committee on Appropriations

HB 5001 — General Appropriations Act

by Appropriations Committee and Rep. Corcoran (SB 2500 by Appropriations Committee)

The General Appropriations Act for Fiscal Year 2016-2017 provides for a total budget of $82.3 billion, including:

- General revenue (GR): $30.3 billion
- Trust funds (TF): $52.1 billion
- Full time equivalent positions (FTE): 113,416.32

Reserves

Total: $3 billion

- Working Capital Fund - $1.0 billion
- Budget Stabilization Fund - $1.4 billion
- Lawton Chiles Endowment Fund - $568 million

Major Issues

Education Capital Outlay

- Total: $693.5 million [$678.5 million PECO TF; $15 million GR]
  - Public School Repairs and Maintenance - $75 million
  - Charter School Repairs and Maintenance - $75 million
  - Developmental Research Schools - $5.3 million
  - Public School Special Facilities - $75.4 million
  - Florida College System Repairs and Maintenance - $36.2 million
  - Florida College System Projects - $176 million
  - State University System Repairs and Maintenance - $61.8 million
  - State University System Projects - $168.5 million
  - School for the Deaf and Blind Critical Repairs and Maintenance - $9.1 million
  - Public Broadcasting - Health and Safety Issues - $3.1 million
  - Vocational-Technical Colleges - 3.8 million
  - Osceola County Schools - $4 million
  - Division of Blind Services - $310,000
- In addition: $35 million in authorization for SUS Capital Improvement Student Fee Projects

Florida Retirement System

- FRS Normal Costs, Unfunded Actuarial Liability, and an Administrative and Educational Fee Adjustment - Total $52.4 million [$46.6 million GR; $5.8 million TF]
  - State Agencies - $4.1 million GR; $5.8 million TF
  - School Boards K-12 - $34.6 million GR
  - State Universities - $4.9 million GR

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  - Community Colleges - $3.0 million GR
- State Group Health Insurance - Total $95.1 million [$55.5 million GR; $39.6 million TF]
- Pay Issues - Total $6.5 million [$2.5 million GR; $4.0 million TF]
  - Department of Agriculture Firefighter Salary Increase - $2.4 million GR
  - Crime Lab Salary Adjustments - $3.96 million TF
  - Military Affairs Pay Adjustments - $0.11 million GR

Information Technology

Total - $12.4 million [$9.4 million GR; $3.0 million TF]

Domestic Security

Total - $30.8 million TF

State Match for Federally Declared Disasters

Total - $23.1 million GR

Education Appropriations

Total Appropriations: $19.8 billion [$15.5 billion GR; $4.3 billion TF][1]
Total Funding - Including Local Revenues: $31.8 billion [$19.8 billion state funds; $12 billion local][2]

Major Issues

Early Learning Services

Total: $1.05 billion [$557.7 million GR; $477.1 million TF]

- Voluntary Prekindergarten Program - $395.2 million GR; including additional $5.9 million for 2,223 students and BSA funding maintained
- School Readiness Program - $570.8 million [$137.1 million GR; $433.7 million TF]

Public Schools/K12 FEFP

Total Funding: $20.2 billion [$11.3 billion state funds; $8.9 billion local]

- FEFP Total Funds Increase is $458 million or 2.33%
- FEFP Increase in Total Funds per Student is $71, a 1.00% increase
- Enrollment Workload Increase of $143 million state funds for additional 35,494 students
- Property Tax Millage Reduction of .29 mills [Property Tax Relief of $428 million]

[1] Excludes appropriated university tuition/fees.
[2] Local revenues include required and discretionary local effort for public schools and tuition/fees for district workforce, colleges, and universities.

- Federally Connected Student Supplement - $12.1 million
- ESE Guaranteed Allocation - additional $96 million to return to pre-recession funding level
- Supplemental Academic Instruction for Extended Day Program for Intensive Reading for 300 Elementary Schools and Workload - additional $61 million
- Digital Classrooms increase of $20 million for a total of $80 million

Public Schools/K12 Non-FEFP

- Mentoring Programs - $15.2 million GR
- Educator Professional Liability Insurance [$2 million coverage] - $1.2 million GR
- Teacher and Administrator Professional Development programs - $9.3 million GR
- Best and Brightest Teacher Scholarship Program - $49 million GR
- School District Matching Grants for school district foundations - $4.5 million GR
- Exceptional Education Program funds - $6.7 million [$4.3 million GR; $2.3 million TF]
- Florida School for the Deaf & Blind - $50.2 million [$45.7 million GR; $4.5 million TF]

District Workforce

Total: $535.3 million [$286.4 million GR; $202.2 million TF; $46.7 million tuition/fees]

- Workforce Development - $365 million [$276.5 million GR, $88.5 million TF]
- CAPE Incentive Funds for Industry Certifications in Targeted Occupational Areas, including Health Science and Information Technology - $4.5 million GR

Florida College System

Total: $2.4 billion [$966.2 million GR; $273.8 million TF; $1.2 billion tuition/fees]

- Designation of Distinguished Colleges $2 million GR
- Performance Based Funding - $60 million GR
  - $30 million State Investment [GR]
  - $30 million Institutional Investment
    - Reprioritization from the base of each institution
- CAPE Incentive Funds for Industry Certifications in Targeted Occupational Areas, including Health Science and Information Technology - $10 million GR
- Funding Model Equity - additional funds - $10 million
- Compression Funding - additional funds - $12.5 million

State University System

Total: $4.7 billion [$2.5 billion GR; $322.7 million TF; $2.0 billion tuition/fees]

- Performance Based Funding - $500 million
  - $225 million State Investment [GR]
  - $275 million Institutional Investment
    - Reprioritized from the base of each institution

- Johnson Matching Gift Program - $1.2 million GR ($465,000 Increase)
- Additional Funds for Preeminent and Emerging Preeminent State Universities - $36.9 million GR

Private Colleges

Total: $156.8 million GR

- Florida Resident Access Grant - Maintains current student award amount of $3,000
- ABLE Grant - Maintains current student award amount of $1,500
- Historically Black Colleges and Universities Funding Increase [$800,000 GR]

Student Financial Aid

Total: $408 million [$109.4 million GR, $298.6 million TF]

- Bright Futures - Workload Decrease - $22.5 million TF
- Florida National Merit Scholar Incentive Program - Workload Increase - $4.5 million
- Children/Spouses of Deceased or Disabled Veterans Workload Increase - $1.7 million
- Need-based educational benefits to pay living expenses during semester breaks for active duty and honorably discharged members of the Armed Forces - $1 million

Vocational Rehabilitation

Total: $216.6 million [$49 million GR, $167.6 million TF]

- Adults with Disabilities funding - $5.4 million

Health and Human Services Appropriations

Total Budget: $34,313.9 million [$9,490.8 million GR; $24,823 million TF]; 31,772.57 positions

Major Issues

Agency for Health Care Administration

- Total: $26,599.7 million [$6,545 million GR; $20,054.7 million TF]; 1,546 positions
- Hospital Rate Adjustors: Diagnosis Related Groups (DRG) - $67.7 million GR; $105.9 million TF
- Florida KidCare Coverage for Lawfully Residing Children - $28.8 million TF
- Medicaid Charter School Reimbursement - $4.0 million GR; $6.3 million TF
- Medicaid Homeless Mental Health Transitional Housing - $4.0 million GR; $6.3 million TF
- Medicaid Long Term Care Waiver Wait List (will serve approximately 570 individuals) - $3.2 million GR; $5.0 million TF
- Physician Supplemental Payments - $204.0 million TF

- Neonatal Intensive Care Unit (NICU/ Pediatric Intensive Care Unit (PICU) - $3.0 million GR; $4.7 million TF
- Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) Rate Increase - $4.0 million GR; $6.3 million TF
- Rate Increase for Private Duty Nursing Services - $3.0 million GR; $4.7 million TF
- Funding for Children's Specialty Hospitals - $7.3 million GR
- Florida Medicaid Management Information System - $8.7 million TF
- Legal Representation - $3.2 million TF
- Advanced Data Analytics and Detection Services - $3.0 million TF
- Rural Inpatient Hospital Reimbursement Adjustment - $.9 million GR; $1.5 million TF
- Reductions Based on Historical Reversions - ($2.2) million TF
- Contract Savings - ($.3) million GR; ($1.8) million TF
- Management Efficiencies - ($.5) million TF; (19) positions

Agency for Persons with Disabilities

Total: $1,310.1 million [$550.0 million GR; $760.2 million TF]; 2,711.50 positions

- Service Provider Rate Increases - $24.08 million GR, $37.7 million TF:
  - Service Provider Rate Increase to Address Federal Fair Labor Standards Act - $14.4 million GR; $22.5 million TF
  - Residential Habilitation Provider Rate Increase - $4.2 million GR; $6.6 million TF
  - Adult Day Training Provider Rate Increase - $2.7 million GR; $4.3 million TF
  - Personal Supports Provider Rate Increase - $2.7 million GR; $4.2 million TF
- Transition Waitlist Individuals to the iBudget Waiver (will serve approximately 1,350 individuals) -$14.2 million GR; $22.2 million TF
- Transition Waitlist Individuals with Phelan-McDermid Syndrome - $1 million GR; $1.6 million TF
- Rish Park and Developmental Disability Centers Fixed Capital Repairs - $2.8 million GR
- Additional Funding for 30 Staff at Regional Offices - $1.3 million GR; $1.3 million TF
- Client Data Management System - $1.9 million TF
- Centers for Medicare and Medicaid Rule Implementation - $.4 million GR; $.5 million TF
- Pre-Admission Screening and Resident Review and Utilization Review - $.2 million GR; $.4 million TF
- Support for Behavioral Analysis Services - $.5 million GR, $.5 million TF
- Supported Employment Services for Waitlist Individuals - $.5 million GR

Department of Children and Families

Total: $3,090.4 million [$1,715.3 million GR; $1,375.1 million TF]; 11,909.5 positions

- CBC Core Services Funding - $7.5 million GR; $15.4 million TF
- Mental Health and Substance Abuse Services - $20.5 million TF
- Grant Program for Central Receiving Systems - $10 million GR

- Community Teams Providing Mental Health and Substance Abuse Services - $9.8 million GR
- Maintenance Adoption Subsidies - $.3 million GR; $6.4 million TF
- Expansion of the Criminal Justice, Mental Health and Substance Abuse Reinvestment Grant Program - $6 million GR
- CBC Risk Pool - $5 million GR
- Additional Staff at the State Mental Health Facilities - $1.4 million GR; $3.1 million TF
- State Mental Health Facilities Additional Forensic Beds - $3.8 million GR
- Community Forensic Beds - $3.5 million GR
- Transition Vouchers for Individuals With Behavioral Health Conditions - $3.5 million GR
- Child Welfare Training - $3.1 million TF
- State Employee and CBC Adoption Incentive Awards - $3 million GR
- Healthy Families Expansion - $.5 million GR; $1.5 million TF
- Challenge Grant Program for Homeless Assistance - $1.2 million TF
- Homeless Coalitions - $1 million GR
- Maintenance and Repair of State Facilities - $2 million TF
- Surveillance System for State Mental Health Facilities - $1.6 million GR
- Automated Medication Dispensing System for State Mental Health Facilities - $1.5 million TF
- Enhancements to FSFN application - $2.1 million GR; $4.6 million TF

Department of Elder Affairs

Total: $311.3 million [$134.7 million GR; $176.6 million TF]; 433.5 positions

- Program of All Inclusive Care for the Elderly (PACE) Expansion - $4.2 million GR; $6.5 million TF; 394 additional slots
- Serve Additional Clients in the Community Care for the Elderly (CCE) Program (will serve approximately 324 individuals) - $2.0 million GR
- Alzheimer's Disease Initiative - Frail Elders Waiting for Services (will serve approximately 133 individuals) - $1.6 million GR
- Aging Resource Centers - $.7 million GR; $.7 million TF
- Information and Registration Tracking System - $.1 million GR; $.1 TF

Department of Health

Total: $ 2,896.8 million [$536.1 million GR; $2,360.7 million TF]; 14,065.57 positions

- Child Nutrition Program - $34.3 million TF
- Federally Qualified Health Centers - $18.3 million GR
- Women, Infant and Children (WIC) Program - $13.4 million TF
- Continuing Disability Review - $12.1 million TF
- Free and Charitable Clinics - $10.0 million GR
- Disability Determination - $9.8 million TF

- County Health Departments and State Laboratories Fixed Capital Repairs - $7.9 million TF
- Sanford-Burnham Research Institute - $1.1 million GR; $4.5 million TF
- Funding for Safety Net Program - Children's Medical Services Network - $5.0 million GR
- Poison Control Centers - $3.7 million GR
- Pharmaceuticals for the Department of Corrections - $3.2 million TF
- Information Technology - Addressing Security Risks and Disaster Recovery Services - $2.3 million GR
- Funding for Alzheimer's Research - $2.0 million GR
- Pregnancy Support Services - Wellness Services - $2 million GR
- HIV/AIDS Research at NIH-Designated Centers - $1.0 million GR
- Reduce Waitlist for Brain and Spinal Cord Injury Program Medicaid Waiver - $.4 million GR; $.6 million TF
- Cancer Registry Enhancements - $.7 million GR
- Nurse-Family Partnership Implementation - $.7 million GR
- Epilepsy Services Program - $.6 million GR
- Statewide Marketing Campaign for the Developmental Disabilities Information Clearinghouse - Bright Expectations - $.3 million GR
- Management & Efficiency - ($.5) million GR; ($15.0) million TF; (517.0) positions

Department of Veterans Affairs

Total: $105.6 million [$9.8 million GR; $95.8 million TF]; 1,106.5 positions

- Continue Construction of the Seventh State Veterans' Nursing Home - $6.8 million TF
- Maintenance and Repair for State Veterans' Nursing Homes - $2 million TF
- Florida is For Veterans Training Grants - $1.5 million GR
- Replacement of Office and Medical Equipment in State Veteran Nursing Homes - $1.1 million TF

Criminal and Civil Justice Appropriations

Total Budget: $4.974.6 billion [$4.084.1 billion GR; $890.5 million TF]; 45,608.50 FTE

Major Issues

- Department of Corrections redirection of funds to address operational deficiencies - $50.2 million
- State Court Revenue Trust Fund revenue shortfall - $8.5 million in recurring GR
- Construction of the Third and Fourth District Court of Appeal (DCA) courthouses - $14.0 million

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Attorney General/ Legal Affairs

Total: $308.6 million [$53.3 million GR; $255.3 million TF]; 1,390.50 FTE

- Criminal appeals workload - $.6 million GR
- Agency information governance for E-Discovery - $.5 million GR
- Medicaid Fraud Control Unit - Civil Enforcement - $4.0 million TF
- Implement the Federal Victims Assistance and Compensation (VOCA) Grants - $95.2 million TF
- Statewide Network of Commercially Sexually Exploited Children (CSEC) Program - The Children's Campaign - $.5 million GR / $2.6 million TF

Department of Corrections

Total: $2.40 billion [$2.33 billion GR; $71.8 million TF]; 24,107.00 FTE

- Reduce overtime and fill vacant positions - $12.2 million GR
- Health Services funding for increased costs - $15 million GR
- Motor vehicles - $3.3 million GR
- Reentry programs - $5.3 million GR
- Residential substance abuse treatment services - $.9 million GR
- Fixed capital outlay for repair and maintenance of DOC facilities - $17.0 million GR

Florida Department of Law Enforcement (FDLE)

Total: $293.1 million [$114.4 million GR; $178.7 million TF]; 1,830.00 FTE

- Forensic Services enhancements - $3.8 million TF
- Increase investigative staffing for officer involved shooting and use of force investigations - $1.7 million
- Fixed capital outlay for new Pensacola Regional Operations Center - $3 million GR
- Replacement of crime scene vans - $.7 million TF
- Sexual assault kit backlog reduction plan - $2.3 million GR
- Increase Domestic Security Grants Trust Fund authority - $3.9 million TF
- Increase Grants and Trust Fund authority - $2.6 million TF
- Capitol security upgrades - $.2 million TF
- Critical information systems upgrades - $1.7 million TF
- Computerized Criminal History (CCH) system replacement - $3.2 million TF
- Libra System Software/CCH system upgrade - $1.6 million TF
- Automated Training Management System update - $1.5 million TF

Department of Juvenile Justice

Total: $545.8 million [$395.7 million GR; $150.1 million TF]; 3,269.50 FTE

- PACE Centers for Girls - $2.4 million GR

- Children-In-Need-of-Services/Family-In-Need-of-Services (CINS/FINS) - $1.5 million GR
- Fixed capital outlay for repair and maintenance of department-owned facilities - $6.2 million GR
- Staff to youth ratio increase in contracted residential programs - $1.9 million GR
- Information technology infrastructure replacement - $.7 million GR

Supreme Court

Total: $34.1 million [$18.1 million GR; $16.0 million TF]; 287.50 FTE
- Operational support for the Supreme Court - 6 FTE and $.7 million GR
- Interior space refurbishing - $.2 million GR

District Courts of Appeal

Total: $60.8 million [$46.8 million GR; $14.0 million TF]; 445.00 FTE
- Construction of the 4th DCA courthouse - $7.5 million GR
- Completion of construction of the 3rd DCA courthouse - $6.5 million GR

Trial Courts

Total: $425.5 million [$365.0 million GR; $60.5 million TF]; 3,598.00 FTE
- Address revenue shortfalls in the State Court Revenue Trust Fund - $8.5 million GR
- Naltrexone injections to treat opioid- and alcohol-addicted offenders - $2.0 million GR

Justice Administrative Commission

Total: $107.9 million [$106.6 million GR; $1.3 million TF]; 99.00 FTE
- Increase flat fee rates for court-appointed attorneys - $2.9 million GR
- Increased due process funding for court-appointed attorneys - $3.4 million GR

Guardian ad Litem

Total: $46.4 million [$46.1 million GR; $0.3 million TF]; 740.00 FTE
- Increase staffing to represent children in in-home care - 25.5 FTE and $1.4 million GR
- Increase staffing to represent children in out-of-home care - 19 FTE and $1.1 million GR

State Attorneys

Total: $442.3 million [$341.2 million GR; $101.1 million TF]; 6,131.50 FTE
- State Attorney workload - 42.25 FTEs and $2.3 million GR / $889K in TF

Public Defenders

Total: $222.9 million [$182.8 million GR; $40.1 million TF]; 2,863.50 FTE
- Public Defender workload - 56.5 FTEs and $3.6 million GR / $2.4 million in TF

Capital Collateral Regional Counsels

Total: $10.4 million [$9.8 million GR; $0.6 million TF]; 92.00 FTE
- Capital Collateral Regional Counsel (CCRC) - North Office workload - 4 FTEs and $.4 million GR

Regional Conflict Counsel

Total: $43.1 million [$42.6 million GR; $0.6 million TF]; 431.00 FTE
- Regional Conflict Counsel workload - 6 FTE and $.5 million GR

Clerks of the Court

- Address clerk revenue deficits - $12.9 million nonrecurring GR for CFY 2015-16 and $11.7 million in recurring GR to compensate clerks for juror costs

Transportation, Tourism, and Economic Development Appropriations

Total Budget: $12.9 billion [$180.4 million GR; $12.7 billion TF]; 13,351.5 positions

Major Issues

- Transportation Work Program - $9.8 billion TF
- Affordable Housing Programs - $200.1 million TF
- Economic Development Incentive Programs, Projects and Initiatives - $52.4 million (TF & GR)
- Economic Development Partners - $129.2 million TF
- Library Grants and Initiatives - $27.3 million GR
- Cultural and Museum Grants and Initiatives - $47.1 million (TF & GR)
- Historic Preservation Grants and Initiatives - $19.4 million (TF & GR)
- Motorist Modernization Project and Enterprise Data Infrastructure - $15.3 million TF
- National Guard Tuition Assistance - $3.5 million GR

Department of Economic Opportunity

Total: $1.11 billion [$33.4 million GR; $1.08 billion TF]; 1,537.5 positions
- Economic Development Incentive Programs, Projects and Initiatives - $52.4 million [$12.7 million GR; $39.7 million TF] includes:
  - Economic Development Toolkit Payments - $18 million TF

- Economic Development Partners - $129.2 million [$9 million GR; $120.2 million TF] includes:
  - Enterprise Florida (EFI) - $23.5 million [$2.5 million GR; $21 million TF]
  - VISIT Florida - $76 million [$2 million GR; $74 million TF]
  - Florida Sports Foundation - $4.7 million TF
  - Space Florida - $19.5 million TF [$12.5 million recurring; $7 million nonrecurring]
  - Institute for the Commercialization of Public Research - $5.5 million [$4.5 million GR; $1 million TF]
- Workforce Development Programs, Projects, and Initiatives - $19 million [$1 million GR; $18 million TF] includes:
  - Quick Response Training Program - $12.1 million TF
  - Workforce Development Projects and Initiatives - $6.9 million [$1 million GR; $5.9 million TF]
- Affordable Housing Programs - $200.1 million TF:
  - SHIP - $135.5 million TF (allocated to local governments), includes:
    - More flexibility in the SHIP program regarding rent subsidies and rental assistance
    - $5.2 million allocated for homeless Challenge Grants
  - State Housing Programs - $64.6 million TF includes:
    - At least 50 percent for the SAIL Program
    - $10 million for competitive grant program for housing developments designed for persons with developmental disabilities
    - $20 million for workforce housing to serve low-income persons and certain households in the Florida Keys
- Housing and Community Development Programs, Projects, and Initiatives - $33.2 million [$10.3 million GR; $22.9 million TF] includes:
  - Housing and Community Development Projects and Initiatives - $31.9 million [$10.3 million GR; $21.6 million TF]
  - Technical and Planning Assistance and Competitive Florida Partnership Program - $1.3 million TF

Department of State

Total: $150.1 million [$113.0 million GR; $37.1 million TF]; 411 positions

- State Aid to Libraries - $22.3 million GR
- Libraries - $5 million GR
  - Library Construction Grant Ranked List - $2 million (fully funds list - 4 projects)
  - Library Construction Projects - $1 million
  - Library Cooperatives - $2 million recurring
- Cultural & Museum Program Support Grants - $22.6 million [$18.6 million GR; $4 million TF]
  - Ranked List - $19 million (funds distributed proportionally to 413 projects)
  - Cultural and Museum Projects - $3.6 million
- Cultural Facilities Grants - $22.3 million GR

  - Ranked List - $11.9 million (fully funds list - 37 projects)
  - Cultural Facilities Projects - $10.4 million
- Culture Builds Florida Grants - $1.7 million GR (fully funds list - 80 projects)
- Cultural Endowment Grants - $.5 million GR (fully funds list - 2 projects)
- Historic Small Matching Grants - $1.8 million [TF and GR] (fully funds list - 54 projects)
- Historic Facilities Grants - $17.6 million
  - Ranked List - $10.8 million TF (funds 37 of 50 projects on list)
  - Historic Preservation Projects - $6.8 million GR
- County Elections Assistance - $3 million TF

Department of Transportation

Total: $10.8 billion [$2.7 million GR; $10.8 billion TF]; 6,379 positions

- Transportation Work Program - $9.8 billion TF:
  - Highway and Bridge Construction - $5.1 billion
  - Resurfacing and Maintenance - $1.1 billion
  - Design and Engineering - $782.8 million
  - Right of Way Land Acquisition - $602 million
  - Public Transit Development Grants - $546.3 million
  - Rail Development Grants - $304.2 million
  - County Transportation Programs:
    - Small County Road Assistance Program (SCRAP) - $43.3 million
    - Small County Outreach Program (SCOP) - $68.1 million (includes $9 million for Small Cities)
    - Other County Transportation Programs - $48.8 million
  - Aviation Development Grants - $250.6 million [TF and GR]
  - Seaport and Intermodal Development Grants - $216.8 million
  - Economic Development Transportation ("Road Fund") Projects - $42.5 million [TF and GR]
  - Shared-Use Non-Motorized Trail Network - $25 million
- Transportation Disadvantaged Program Grants - $55.2 million

Department of Military Affairs

Total: $71.9 million [$27.8 million GR; $44.1 million TF; 453 positions]

- Armories - funds provided for:
  - West Palm Beach Armory Revitalization - $3 million GR
  - Maintenance and repair - $1.7 million GR
- Community Outreach Programs (Forward March and About Face) - $2 million recurring GR
- Secure and Harden State Readiness Centers - $2 million GR
- Tuition Assistance for Florida National Guard - $3.5 million GR

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Department of Highway Safety and Motor Vehicles

Total: $467.3 million TF; 4,414 positions

- Florida Highway Patrol:
  - Pursuit Vehicles - $11.4 million TF [$10 million recurring; $1.4 million nonrecurring] to replace 366 vehicles
  - FHP Academy Driving Range - $2.8 million TF
- Motorist Modernization Project - Phase I - $8.7 million TF
- Enterprise Data Infrastructure - $6.6 million TF
- Maintenance and Repairs of Facilities - $5.1 million TF

Division of Emergency Management

Total: $334.4 million [$3.5 million GR, $330.9 million TF]; 157 positions

- Federally Declared Disaster Funding, including state match - $251.3 million:
  - Communities - $238.8 million
  - State Operations - $12.5 million
- Statewide Notification and Alert System - $3.5 million TF
- Residential Construction Mitigation - $3.4 million TF
- Emergency Management Facilities - $3.5 million nonrecurring GR

General Government Appropriations

Total Budget: $5.9 billion [$699.1 million GR; $893.5 million LATF; $4.3 billion Other TFs]; 20,082 positions

Major Issues

Department of Agriculture & Consumer Services

Total: $1.8 billion [$159.9 million GR; $122.4 million LATF; $1.5 billion TF]; 3,634 positions

- Land Management Improvements - $18.8 million [$1.3 million GR; $14.5 million LATF; $3 million TF]
  - Wildfire Suppression Equipment - $4.3 million [$1.3 million GR and $3 million TF]
  - Reforest Florida Cost Share Incentive Program - $5 million LATF
  - Forestry Roads and Bridges Maintenance - $5.8 million LATF
- Florida Forever/Rural and Family Lands Conservation Easements - $35 million TF
- Lake Okeechobee Restoration Agricultural Projects - $11.1 million LATF
- Agricultural Nonpoint Sources Best Management Practices - $19.3 million [$10.4 million GR; $7.5 million LATF; $1.4 million TF]
  - Hybrid Wetland Treatment Systems - $8.9 million GR
  - Water Supply Planning and Conservation Program - $1.5 million GR
- Citrus Greening Research - $8 million TF
- Florida Agriculture Promotion Campaign - $5.9 million GR

- Farm Share and Food Banks - $4 million GR
- Water & Land Conservation/Budget Restructure - $3.1 million LATF
- Passive Dispersed Water - $4 million LATF
- Water Policy Workload - $1.1 million [$.2 million GR and $.9 million LATF]; 10 positions
- Agriculture Education and Promotion Facilities - $6.8 million GR
- Apiary Research and Extension Laboratory - $2 million GR
- Animal Disease Diagnostic Laboratory - $7.4 million GR
- Licensing Regulatory Management System and Concealed Weapons License Renewal Workload - $5 million TF; 12 positions
- Citrus Health Response Program - $14.7 million [$6 million GR; $8.6 million TF]
- State Farmers Markets Facility Improvements - $1 million TF
- Critical Building Repairs and Maintenance - $2.4 million GR
- African Snail Eradication Program - $2.3 million TF
- Child Nutrition Program Grants - $107.1 million TF
- Energy Grants - $17.3 million TF

Department of Business & Professional Regulation

Total: $154.1 million [$2.4 million GR; $151.7 million TF]; 1,618 positions

- Florida State Boxing Commission - $.3 million GR
- Drugs, Devices, and Cosmetics Program - $.7 million GR; $.3 million TF
- Electronic Data Submission System - $1.2 million TF
- Unlicensed Activity Programs - $.6 million TF
- Compulsive and Addictive Gambling Prevention - $.3 million TF
- Visit Florida - $2.5 million TF

Department of Citrus

Total: $49.1 million [$41.4 million TF; $7.7 million GR]; 48 positions

- Consumer Awareness Campaigns - $7 million GR
- New Varieties Development - $.7 million GR

Department of Environmental Protection

Total: $1.7 billion [$186.6 million GR; $664.8 million LATF; $889.8 million TF]; 2,933.5 positions

- Everglades Restoration - $132 million LATF (includes $32 million for the Restoration Strategies Regional Water Quality Plan)
- Northern Everglades & Estuaries Protection - $56.8 million [$55.1 million LATF; $1.7 million GR]
- Land Acquisition - $56.9 million [$48.2 million LATF; $6.9 million GR; $1.8 million TF]

  - Florida Forever/Conservation Lands - $15.1 million
  - Florida Forever/Florida Communities Trust, Recreational Access for All - $10 million
  - Everglades Restoration - $27.7 million
  - Howell Branch Preserve - $2 million
  - Helena Run Preserve - $.6 million
  - Heritage Lake Estates Conservation Easement - $1.5 million
- Springs Restoration - $50 million LATF
- Water Projects - $81.8 million GR
- Beach Projects - $32.6 million [$21.2 million LATF; $11.4 million GR]
- Water & Land Conservation/Budget Restructure - $2.9 million LATF
- Florida Recreation Development Assistance Program (FRDAP) - $10.4 million [$10 million GR; $.4 million LATF]
  - Recreational Enhancements and Opportunities for Individuals with Unique Abilities - $3 million
  - $6.6 million for small development projects and $.8 million for large development projects
- Land Management Operational Increase and Infrastructure Improvements - $39.1 million [$4.4 million GR; $27.8 million LATF; $6.9 million TF]
  - State Parks Maintenance and Repairs $26.9 million
- Petroleum Tanks Cleanup Program - $118 million TF
- Information Technology for Conservation Lands & Water Shed/Waterbody (CS/CS/SB 552) - $1.1 million TF; 2 positions
- Total Maximum Daily Loads (TMDLs) - $8.9 million [$7.4m GR; $1.5m LATF]
- Drinking Water & Wastewater Revolving Loan Programs - $15.9 million GR; $118.7 million TF
- Small County Solid Waste Management Grants - $3 million TF
- Small County Wastewater Treatment Grants - $21 million TF
- Lake Apopka - $7.1 million [$5.1 million LATF; $2 million TF]
- Water Management Districts' Operational Support - $8 million GR
- Nonmandatory Land Reclamation - $3.2 million TF

Department of Financial Services

Total: $343.9 million [$26 million GR; $317.9 million TF]; 2,596 positions

- FLAIR Replacement - $5.9 million TF
- Florida Accounting & Information Resource (FLAIR) Staff Augmentation - $2 million [$1.9 million GR & $.1 million TF]
- Fire College and Arson Lab Repairs and Maintenance - $.4 million TF
- Workers' Compensation Insurance Fraud - $.2 million TF; 3 positions
- Public Assistance Fraud - $.3 million TF; 5 positions
- Risk Management - $9.1 million TF
- Office of Financial Regulation Regulatory & Licensing System - $8.8 million TF

Fish & Wildlife Conservation Commission

Total: $379.6 million [$34.7 million GR; $106.3 million LATF; $238.5 million TF]; 2,118 positions

- Land Management Operational Increase - $16.7 million LATF [$16.7m LATF & $.5m TF]
- Water & Land Conservation/Budget Restructure - $2.5 million LATF
- Boating Infrastructure and Improvement Program - $6.5 million [$.8 million GR; $5.7 million TF]
- Artificial Fishing Reef Construction - $.6 million [$.3m GR & other TF]
- Derelict Vessel Removal - $1.4 million GR
- Python Management - $.5 million GR
- Black Bear Conflict Reduction - $.5 million TF
- Lionfish Management - $.3 million GR
- Lowery Park Zoo Manatee Hospital - $1 million GR

Department of the Lottery

Total: $167.1 million TF; 420 positions

- Information Technology Infrastructure Replacement - $.9 million TF

Department of Management Services

Total Budget: $603.1 million [$67.1 million GR; $536 million TF]; 832 positions

- Florida Facilities Pool - $29 million GR; $16.8 million TF
- Florida Historic Capitol - $.3 million GR
- Government Facilities Infrastructure Assessment/Study - $.1 million GR; $.6 million TF
- Florida Interoperability Network and Mutual Aid - $2.5 million GR
- Statewide Law Enforcement Radio System (SLERS) Staff Augmentation - $1.1 million TF
- MyFloridaNet Staff Augmentation - $.3 million TF
- Fleet Management Information System - $1.8 million GR
- Statewide Law Enforcement Radio Equipment Replacement - $7 million GR

Division of Administrative Hearings

Total Budget: $25.8 million TF; 241 positions

Agency for State Technology

Total: $71.5 million [$3.6 million GR; $67.9 million TF]; 231 positions

- Infrastructure Replacement and License Compliance - $1.9 million TF
- Security Management and Training - $1 million TF

Public Service Commission

Total: $25 million [$.2 million GR; $24.8 million TF]; 277 positions

Department of Revenue

Total: $575 million [$211 million GR; $364 million TF]; 5,132 positions

- Fiscally Constrained Counties - $25.2 million GR
- Aerial Photography - $.3 million GR

If approved by the Governor, these provisions take effect on July 1, 2016, except where otherwise expressly provided.
Vote: Senate 40-0; House 119-1

Committee on Appropriations

HB 5003 — Implementing the 2016-2017 General Appropriations Act

by Appropriations Committee and Rep. Corcoran (SB 2502 by Appropriations Committee)

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for Fiscal Year 2016-2017.

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

Section 3 provides that funds provided for instructional materials shall be released and expended as required in the proviso language attached to Specific Appropriation 94.

Section 4 provides that any district school board that generates less than $2 million dollars in revenue from one mill of ad valorem tax shall contribute 0.75 mill, rather than 1.5 mills, for Fiscal Year 2016-2017, to the cost of funded special facilities projects.

Sections 5 and 36 require the auditor general to conduct annual financial audits of the Florida School for the Deaf and the Blind.

Section 6 reauthorizes the Florida College System (FCS) Performance Based Incentive funding model, for Fiscal Year 2016-2017, to evaluate the FCS institutions' performance on specified metrics. Funding for the FCS Performance Based Incentive consists of a state investment, plus an institutional investment consisting of funds redistributed from the Florida College System Program Fund.

Section 7 establishes the Distinguished Florida College System program which recognizes the highest performing Florida Colleges.

Sections 8 and 36 amend the preeminent state research universities program by modifying the academic and research excellence standards and requiring the Board of Governors (BOG) to designate each state university that meets at least six of the 12 academic and research excellence standards as an "emerging preeminent state research university."

Section 9 reauthorizes the State University System (SUS) Performance-Based Incentive funding model, for Fiscal Year 2016-2017, to evaluate the state universities' performance on specified metrics. Funding for the SUS Performance Based Incentive consists of a state investment, plus an institutional investment consisting of funds redistributed from SUS base funding.

Sections 10 and 11 amends s. 1008.46, F.S., to change the date for the Board of Governors annual accountability report from December 31 to March 15.

Sections 12 and 36 amend s. 1009.23, F.S., to cap the distance learning fee that Florida colleges can charge students taking distance learning courses to $15 per credit hour.

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Sections 13 and 36 amend s. 1009.24, F.S., to cap the average distance learning fee that state universities can charge students taking distance learning courses to $30 per credit hour.

Sections 14, 15, 16, 17, and 36 amend ss. 1009.50. 1009.505. 1009.51 and 1009.52, Florida Statutes, to maximize the current allocation of state need-based financial aid by adding a prioritization of award to eligible students. Postsecondary financial aid offices are required to complete an analysis of need for each eligible student to include all sources of funds available to the student (Pell Grant, scholarships, and all other aid).

Sections 18, 19, 20, 21, 22, 23, and 36 provide changes, for the 2016-2017 fiscal year, to the calculation of multiple components of the Florida Education Finance Program (FEFP), including:

- Authorizing a recalculation of the ESE Guaranteed Allocation based on actual FTE as reported on the October FTE survey.
- Providing funding for the 300 lowest performing elementary schools through funds allocated in the Supplemental Academic Instruction (SAI) and the Research-Based Reading Instruction Allocation categoricals and amends the SAI calculation.
- Modifying the sparsity supplement calculation to compute the sparsity supplement for larger eligible districts with a full-time equivalent (FTE) student membership of between 20,000 and 24,000, by dividing the total number of full- time equivalent students in all programs by the number of permanent senior high school centers in the district, not in excess of four.
- Amending the Florida Digital Classrooms Allocation to provide each district with a $500,000 minimum and requiring school districts to use the digital classroom allocation to purchase enough devices to achieve a 1:1 device ratio in the largest grade group for each school in grades 3-10.
- Reauthorizing the federally connected student supplement to provide funding to school districts to support the education of students connected with federally-owned military installations, National Aeronautics and Space Administration (NASA) property, and Indian lands. To be eligible for this supplement, the district must also be eligible for federal impact aid funds, pursuant to Title VIII of the Elementary and Secondary Education Act of 1965.
- Removing the requirement for an adjustment to be made to a district's funding in the FEFP based on an FTE reporting error that is not corrected by the district within the FTE reporting amendment periods.
- Conforming a cross-reference in s.1011.71, F.S., changed as a result of the addition of the federally connected student supplement as a new subsection of law in s.1011.62, F.S.

Sections 24 and 36 amend s. 1012.39, F.S., to require district school boards to notify a student performing a clinical field experience of the availability of educator liability insurance under s. 1012.75, Florida Statutes, and prohibits a postsecondary educational institution or district school board from requiring a student enrolled in a state-approved teacher preparation program to purchase liability insurance as a condition of participation in any clinical field experience

Section 25 creates s. 1012.731, F.S. to codify the Florida Best and Brightest Teacher Scholarship Program which awards highly effective teachers who have demonstrated a high level of academic achievement based on their SAT or ACT score being at or above the 80th percentile.

Section 26 requires the Department of Education to administer an educator liability insurance program, which provides a minimum of $2 million in liability coverage for all full-time public school instructional personnel.

Sections 27 and 36 amend s. 1013.64, F.S., to adjust the capital outlay full-time equivalent (COFTE) calculations to be consistent with Florida Education Finance Program (FEFP) FTE calculations relative to facilities space needs and COFTE determination procedures.

Sections 28 and 29 extend the Adults with Disabilities Pilot Program through July 1, 2017.

Sections 30 and 36 extend the date by which Florida Polytechnic University must meet statutory deadlines by one year.

Section 31 establishes the Florida Center for the Partnerships for Arts Integrated Teaching (PAInT) within the University of South Florida Sarasota-Manatee and specifies goals such as research on policies and practices related to arts integrated teaching, partnerships, and dissemination of information.

Section 32 authorizes the Florida Fund for Minority Teachers, Inc., to expend up to $250,000 from available funds for administration, including administration of the required training program and purchase of an online management and administration system.

Section 33 and 36 authorizes Florida ABLE, Inc., to:

- Postpone the implementation date of the Florida ABLE program until December 31, 2016, if necessary, due to:
  - Final regulations being issued by the United States Secretary of the Treasury, or
  - Determination that an equivalent alternative to implementation of a qualified ABLE program in Florida becomes available through contracting with another state at a significant savings to the State.
- Determine whether or not to require residency as a condition of participation based on market research and estimated operating revenues and costs.

Section 34 directs the Office of Early Learning not to adopt a kindergarten readiness rate for the 2014-2015 or 2015-2016 academic year and specifies that any Voluntary Prekindergarten (VPK) Education provider on probation in 2013-2014 will remain on probation.

Sections 35, 36, and 23 extend for an additional year the authority for school districts to levy the Prior Period Funding Adjustment Millage (PPFAM) before the final taxable value is certified with technical clarifications to ensure that the PPFAM is not levied multiple times for the same year.

Section 36 provides for the expiration of changes to statutes in the Implementing Bill.

Section 37 provides that the calculations of the Medicaid Low-Income Pool, Disproportionate Share Hospital, and hospital reimbursement programs for the 2016-2017 fiscal year contained in the document titled "Medicaid Hospital Funding Programs," dated March 8, 2016, and filed with the Clerk of the House of Representatives, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of state law, in making appropriations for the Medicaid Low-Income Pool, Disproportionate Share Hospital, and hospital reimbursement programs.

Sections 38 and 39 amend s. 393.063, F.S., to add Down syndrome and Phelan-McDermid syndrome to the definition of "Developmental disability" and provides a definition of Phelan-McDermid syndrome.

Sections 40 and 41 amend s. 393.065, F.S., to provide parameters to the Agency for Persons with Disabilities for removing clients from the wait list for home and community-based waiver services and provides client prioritization for that process.

Section 42 provides requirements to the Agency for Persons with Disabilities for setting iBudget amounts for clients receiving home and community-based waiver services. Provides parameters under which a client's iBudget amount may be increased.

Sections 43 and 44 provide that, in the event HB 1083 or similar legislation fails to become law during the 2016 Legislative Session, and notwithstanding the expiration date in s. 24 of ch. 2015-222, L.O.F., subsection (15) of s. 393.067, F.S., is reenacted.

Sections 45 and 46 provide that, in the event HB 1083 or similar legislation fails to become law during the 2016 Legislative Session, and notwithstanding the expiration date in s. 26 of ch. 2015-222, L.O.F., subsection (4) of s. 393.18, F.S., is reenacted, and subsections (5) and (6) of that section are amended.

Section 47 amends s. 296.37(3), F.S., for the 2016-2017 fiscal year, to maintain the personal needs allowance for residents of state veterans' nursing homes at $105 per month. Otherwise, the amount would fall to $35 per month on July 1, 2016.

Section 48 authorizes the Agency for Health Care Administration (AHCA) to submit a budget amendment to realign funding between AHCA and DOH for the CMS Network for the implementation of Statewide Medicaid Managed Care, to reflect actual enrollment changes due to the transition from fee-for-service into the capitated CMS Network.

Section 49 provides that, notwithstanding s. 409.991, F.S., for the 2016-2017 fiscal year, funds provided for training purposes shall be allocated to community-based care lead agencies based on a training needs assessment conducted by the Department of Children and Families.

Section 50 provides that, in the event HB 1335 or similar legislation does not become law during the 2016 legislative session, the AHCA must ensure that nursing facility residents eligible for

funds to transition to home and community-based services waivers must first have resided in a skilled nursing facility for at least 60 consecutive days.

Section 51 provides that, in the event HB 1335 or similar legislation does not become law during the 2016 legislative session, the AHCA and the Department of Elder Affairs (DOEA) must prioritize individuals for enrollment in the Long Term Care waiver using a frailty based screening instrument resulting in a prioritization score and shall enroll individuals in the Long Term Care waiver in accordance with the assigned priority score as funds are available. The AHCA may adopt rules, pursuant to s. 409.919, F.S., and enter into interagency agreements necessary to administer s. 409.979(3), F.S. Any rules or interagency agreements adopted by the AHCA relating to the scoring process may delegate to the DOEA, pursuant to s. 409.978, F.S., responsibility for implementing and administering the scoring process, providing notice of Medicaid fair hearing rights, and responsibility for defending, as needed, the scores assigned to persons on the Long Term Care waiver waitlist in any resulting Medicaid fair hearings. The DOEA may delegate the provision of notice of Medicaid fair hearing rights to its contractors.

Section 52 amends s. 409.911, F.S., to provide that, notwithstanding the provisions of s. 409.911, F.S., for the 2016-2017 state fiscal year, the AHCA must distribute moneys to hospitals providing a disproportionate share of Medicaid or charity care services as provided in the 2016-2017 GAA.

Section 53 amends s. 409.9113, F.S., to provide that, notwithstanding the provisions of s. 409.9113, F.S., for the 2016-2017 state fiscal year, the AHCA must make disproportionate share payments to teaching hospitals, as defined in s. 408.07, F.S., as provided in the 2016-2017 GAA.

Section 54 amends s. 409.9119, F.S., to provide that, notwithstanding the provisions of s. 409.9119, F.S., for the 2016-2017 state fiscal year, for hospitals achieving full compliance under 409.9119(3), F.S., the AHCA must make disproportionate share payments to specialty hospitals for children as provided in the 2016-2017 GAA.

Section 55 amends s. 893.055(17), F.S., to provide that, for the 2016-2017 fiscal year only, the Department of Health may use state funds appropriated in the 2016-2017 General Appropriations Act to administer the prescription drug monitoring program. Also provides that neither the state attorney general nor the department may use funds received as part of a settlement agreement to administer the program.

Section 56 amends s. 216.262, F.S., to allow the Executive Office of the Governor (EOG) to request additional positions and appropriations from unallocated general revenue funds during the 2016-2017 fiscal year for the Department of Corrections (DOC) if the actual inmate population of the DOC exceeds certain Criminal Justice Estimating Conference forecasts. The additional positions and appropriations may be used for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated

increase in the inmate population, and are subject to Legislative Budget Commission review and approval.

Section 57 authorizes the Department of Legal Affairs to expend appropriated funds in those specific appropriations on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years.

Section 58 amends s. 932.7055, F.S., relating to the disbursement of proceeds from the sale of forfeited property, to extend for another year the authorization for a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.

Section 59 amends s. 215.18, F.S., to provide the Chief Justice the authority to request a trust fund loan.

Section 60 prohibits the DOC from transferring funds from salaries and benefits to any other appropriations category without the approval of the Legislative Budget Commission.

Section 61 authorizes the DOC to transfer funds from categories other than fixed capital outlay into the Inmate Health Services category subject to the notice, review and objection procedures of s. 216.177, F.S.

Section 62 requires the Department of Juvenile Justice to ensure that counties are fulfilling their financial responsibilities and to report any deficiencies to the Department of Revenue. If the Department of Juvenile Justice determines that a county has not met its obligations, it must direct the Department of Revenue to deduct the amount owed to the Department of Juvenile Justice from shared revenue funds provided to the county under s. 218.23, F.S. The section also includes procedures to provide assurance to holders of bonds for which shared revenue fund distributions are pledged.

Sections 63 and 64 amend s. 27.5304, F.S., to permit the Legislature to increase the statutory compensation limits for fees paid to court-appointed attorneys in two case categories: noncapital, nonlife felonies and life felonies. These changes allow the Legislature to increase flat fees paid to attorneys in these categories in the General Appropriations Act.

Section 65 requires the Department of Management Services (DMS) to organize a work group to develop a sworn law enforcement career development plan for certain bargaining units represented by the Florida Police Benevolent Association (PBA).

Section 66 permits the Justice Administrative Commission to provide funds to compensate the clerks of court for juror compensation, juror lodging and meals, and jury-related personnel costs.

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Section 67 prohibits the payment of reimbursement or application of credits to a nonfiscally constrained county for any previous overpayment of juvenile detention costs to offset detention share costs owed pursuant to s. 985.686, F.S., or any other law in Fiscal Year 2016-2017. The section is contingent upon CS/SB 1322 becoming law.

Section 68 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, 2019.

Sections 69 and 70 reenact s. 624.502, F.S., to require that fees for service of process against the Department of Financial Services or Office of Insurance Regulation be deposited to the Administrative Trust Fund rather than the Insurance Regulatory Trust Fund.

Sections 71 and 72 reenact s. 282.709, F.S., relating to the Joint Task Force on State Agency Law Enforcement Communications, by removing a representative from the Department of Transportation from the task force.

Section 73 provides that the online procurement system transaction fee authorized in ss. 287.042(1)(h)1 and 287.057(22)(c), F.S., will remain at 0.7 percent for the 2016-2017 fiscal year only.

Section 74 provides that the EOG is authorized to transfer funds appropriated in any appropriation category used to pay for data processing in the General Appropriations Act between agencies, in order to align the budget authority granted with the utilization rate of each department.

Section 75 notwithstands s. 216.292(2)(a), F.S., which authorizes agency budget transfers of up to 5 percent of approved budget between categories. Except for transfers approved pursuant to sections 74 of the Implementing Bill, agencies are prohibited from transferring funds from a data center appropriation category to a category other than a data center appropriation category.

Section 76 provides that the EOG is authorized to transfer funds appropriated in the appropriations category “expenses” between agencies in order to allocate a reduction relating to SUNCOM Services.

Section 77 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 78 authorizes the EOG to transfer funds in the appropriation category “Special Categories-Transfer to DMS-Human Resources Services Purchased Per Statewide Contract” of the 2016-2017 General Appropriations Act between departments, in order to align the budget authority granted with the assessments that must be paid by each agency to the DMS for human resources management services.

Section 79 defines the components of the Florida Accounting Information Resource subsystem (FLAIR) and Cash Management System (CMS) included in the Department of Financial Services Planning Accounting and Ledger Management (PALM) system. This section also provides the executive steering committee (ESC) membership and the process for ESC meetings and decisions.

Section 80 authorizes the EOG to transfer funds between appropriation categories, with 14 days' notice, for the relocation of state agencies located in the Northwood Centre by July 1, 2016, notwithstanding s. 216.292(2), (3), and (4), F.S.

Section 81 notwithstands s. 161.143, F.S., relating to beach inlet projects. This provision requires the Department of Environmental Protection (DEP) to make available at least 10 percent of the total amount appropriated for each fiscal year for statewide beach management for the three highest-ranked projects on the current year's inlet management project list. For the 2016-2017 fiscal year, the amount allocated for inlet management funding is provided in the GAA.

Section 82 amends s. 259.105, F.S., related to the distribution of proceeds in the Florida Forever Trust Fund, to provide: $15,156,206 to only the Division of State Lands within the DEP for the Board of Trustees Florida Forever Priority List land acquisition projects; $35 million to the Department of Agriculture and Consumer Services for the acquisition of agricultural lands through perpetual conservation easements and other perpetual less-than-fee techniques, which will achieve the objectives of Florida Forever and s. 570.71, F.S.; and $10 million to the Florida Communities Trust for projects acquiring conservation or recreation lands benefiting individuals with unique abilities. This section authorizes the DEP to waive the local government match requirements for projects acquiring conservation and recreational lands for individuals with unique abilities. If funds provided to acquire conservation and recreational lands to enhance recreation opportunities for individual with unique abilities have not been awarded by May 1, 2017, funds may be awarded to redevelop or renew outdoor recreational facilities on public land.

Section 83 requires that a minimum of $3 million of the Fiscal Year 2016-2017 funding for the Florida Development Assistance Program (FRDAP) be used exclusively for projects that provide recreational enhancements and opportunities for individuals with unique abilities and that the DEP establish a separate application process for such projects. A definition for these projects is provided.

Section 84 expands the powers of the Florida Communities Trust to include the authority necessary to undertake, coordinate, and fund projects that provide accessibility, availability, or adaptability of conservation or recreation lands for individuals with unique abilities and provides a definition for these projects.

Section 85 amends s. 216.181(11)(d), F.S., to authorize the Legislative Budget Commission to increase amounts appropriated to the Fish and Wildlife Conservation Commission or the DEP for fixed capital outlay projects. The increase in fixed capital outlay budget authority is authorized

for funds provided to the state from the Gulf Environmental Benefit Fund administered by the National Fish and Wildlife Foundation, the Gulf Coast Restoration Trust Fund related to the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast Act of 2012 (RESTORE Act), or from British Petroleum Corporation (BP) for natural resources damage assessment early restoration projects. Any continuing commitment for future appropriations by the Legislature must be specifically identified.

Sections 86 and 87 eliminate certain revenues from the calculation of the unobligated balance of the Water Quality Assurance Trust Fund within the DEP which are used to determine the excise tax rates that supports the expenditures within the trust fund.

Section 88 establishes a solid waste management closure account within the Solid Waste Management Trust Fund within the DEP, to provide funding for the closing and long-term care of solid waste management facilities. This section allows the DEP to use funds from the Solid Waste Management Trust Fund to pay for these activities, if other funding is insufficient or otherwise unavailable.

Section 89 amends s. 403.7095, F.S., to require the DEP to award $3 million in grant funds, in Fiscal Year 2015-2016, equally to counties having populations of fewer than 100,000 for waste tire, litter prevention, recycling and education, and general solid waste programs under the solid waste management grant program. Also, requires the DEP to award $3 million in grant funds, in Fiscal Year 2016-2017, equally to counties having populations of fewer than 110,000 for waste tire, litter prevention, recycling and education, and general solid waste programs under the solid waste management grant program.

Section 90 amends s. 215.18(3), F.S., to authorize the Governor to temporarily transfer moneys, from one or more of the trust funds in the State Treasury, to a land acquisition trust fund (LATF) within the Department of Agriculture and Consumer Services, the DEP, the Department of State, or the Fish and Wildlife Conservation Commission, whenever there is a deficiency that would render the LATF temporarily insufficient to meet its just requirements, including the timely payment of appropriations from that trust fund. These funds must be expended solely and exclusively in accordance with Art. X, s. 28 of the Florida Constitution. This transfer is a temporary loan and the funds must be repaid to the trust funds from which the moneys were loaned by the end of the 2016-2017 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 91 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.

Sections 92 and 93 authorizes the transfer of interest earnings from the Inland Protection Trust Fund to the Water Quality Assurance Trust Fund within the DEP as authorized in the General Appropriations Act.

Sections 94 excludes copayment requirements, reporting requirements, and funding cap limits for petroleum contamination sites cleaned up with non-traditional or innovative technologies that are approved by the DEP.

Sections 95 reenacts s. 376.3071(4)(q), F.S., related to the Inland Protection Trust Fund, stating that the DEP may not seek recovery or reimbursement of funds from another agency for state-funded petroleum contamination site rehabilitation.

Section 96 requires the Department of Highway Safety and Motor Vehicles to continue to contract with Prison Rehabilitation Industries and Diversified Enterprises, Inc., (PRIDE) for manufacturing license plates, provided that the cost is the same as that paid by the department during fiscal year 2013-2014. This section requires PRIDE to seek bids for the reflectorized sheeting used on the license plates and return 70 percent of savings to the department.

Section 97 provides that, notwithstanding s. 339.2818(2)(b), F.S., the DOT may use appropriated funds to serve any county with a population of 170,000 or less through the Small County Outreach Program (SCOP) in the 5-year work program for the 2016-2017 fiscal year.

Section 98 amends s. 339.135(4)(i) and (5)(b), F.S., to require the Department of Transportation (DOT) to fund a statewide system of multi-use trails and related facilities. The section also provides that the funding appropriated may not impact any existing projects for multi-use trails and related facilities that are in the work program as of July 1, 2016.

This section also amends s. 339.135(4)(j) and (5)(c), F.S., to authorize the DOT to use up to $15 million of appropriated funds to pay the costs of strategic and regionally significant transportation projects. Funds may be used to provide up to 75 percent of projects costs for production-ready eligible projects. Preference must be given to projects that support the state's economic regions or have been identified as regionally significant in accordance with s. 339.155(4)(c), (d), and (e), F.S., and that have an increased level of non-state match.

Sections 99 and 100 reenact s. 341.302(10), F.S., to authorize the DOT to approve and provide matching grant funding for railroad quiet zones for the 2016-2017 fiscal year.

Section 101 and 102 amend s. 339.2816(3) and (4), F.S., to allow the DOT to use up to $50 million from the State Transportation Trust Fund for the purposes of funding the Small County Road Assistance Program (SCRAP) in the 5-year work program and allows the use of SCRAP

funds for the widening of existing lanes to address critical safety concerns as part of a resurfacing or reconstruction project for the 2016-2017 fiscal year.

Section 103 amends s. 420.9072, F.S., relating to the State Housing Initiatives Partnership (SHIP) Program, to provide exceptions to the limitations on using SHIP funds for rent subsidies and to allow counties and eligible municipalities to use up to 25 percent of available SHIP funds for rental housing.

Section 104 amends s. 420.5087, F.S., relating to the State Apartment Incentive Loan (SAIL) Program, to change requirements for reserving percentages of available SAIL funding for specified tenant groups to reflect the projected housing needs for those groups. Additionally, notwithstanding requirements that SAIL funds be used for housing for very-low income persons and specified percentages of the units in SAIL projects be reserved for persons or families of specified income levels, the Florida Housing Finance Corporation is directed to issue, during Fiscal Year 2016-2017, a notice of fund availability for $20 million for loans to construct workforce housing to serve primarily low-income persons.

Section 105 amends s. 427.013, F.S., to authorize the Commission for the Transportation Disadvantaged to make distributions during Fiscal Year 2016-2017 to community transportation coordinators:

- That do not receive federal Urbanized Area Formula Funds to provide transportation disadvantaged services; and
- As competitive grants to support transportation projects to enhance access to specified activities, to assist in development of transportation systems in nonurbanized areas, to promote efficient coordination of services, to support inner-city bus transportation, and to encourage private transportation providers to participate.

Section 106 provides that, notwithstanding s. 216.292(2), (3), and (4), F.S., the Department of Highway Safety and Motor Vehicles may transfer up to $6,563,775 between appropriation categories, to realign funds based on the completion of a cost benefit analysis evaluating different options for hardware and software needed for the department,

Section 107 and 108 amend s. 339.135(7)(g) and (h), F.S., by requiring Legislative Budget Commission (LBC) approval of any work program amendment that adds a project, construction phase, right-of-way phase, or public transportation phase over $5 million. The DOT must provide a narrative description, a written justification and an explanation for such project or phase addition. The LBC chair and vice chair, the Senate President, and the House Speaker may jointly authorize approval of the amendment if an LBC meeting cannot be held within 30 days of amendment submission.

Sections 109 and 110 provide that for the 2015-2016 and 2016-2017 fiscal years, the Department of Highway Safety and Motor Vehicles may assign a patrol officer to the Lieutenant Governor, at his or her discretion, and to a Cabinet member if the department deems such assignment appropriate or in response to a threat, if requested by such Cabinet member.

Sections 111 and 112 reenact amendments to s. 216.292(2)(a), F.S., that remove language limiting scope of legislative review of "five percent" budget transfers. The Legislature would continue to be able to object that a proposed action exceeds delegated authority or is contrary to legislative policy and intent.

Section 113 provides that no state agency may initiate a competitive solicitation for a product or service if the completion of such competitive solicitation would require a change in law or require a change to the agency's budget other than a transfer authorized in s. 216.292(2) or (3), F.S., unless the initiation of such competitive solicitation is specifically authorized in law or in the General Appropriations Act or by the Legislative Budget Commission.

Section 114 amends s. 112.24, F.S., to provide that the reassignment of an employee of a state agency may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the Senate and House budget committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after receiving notice of the action, pursuant to s. 216.177, F.S. This requirement applies to state employee reassignments regardless of which agency (sending or receiving) is responsible for pay and benefits of assigned employee.

Section 115 maintains legislative salaries at the July 1, 2010, level.

Sections 116 and 117 amend 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 2016-2017 General Appropriations Act.

Section 118 provides that, in order to implement the issuance of new debt authorized in the 2016-2017 General Appropriations Act, and pursuant to the requirements of s. 215.98, F.S., the Legislature determines that the authorization and issuance of debt for the 2016-2017 fiscal year should be implemented and is in the best interest of the state.

Section 119 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 120 provides that, notwithstanding s. 112.061, F.S., costs for lodging associated with a meeting, conference or convention organized or sponsored in whole or in part by a state agency or the judicial branch may not exceed 150 dollars per day. An employee may expend his or her own funds for any lodging expenses in excess of 150 dollars.

Section 121 directs the executive branch agencies and judicial branch agencies to collaborate with the EOG to implement a statewide travel management system and utilize the system.

Sections 122 and 123 reenact amendments to s. 110.12315, F.S., that: modify copayments associated with the state employees' group health insurance program consistent with decisions that have been made in the General Appropriations Act; authorize the Department of Management Services, for the state employees' prescription drug program, to negotiate the pharmacy dispensing fee, to implement a 90-day supply limit program for certain maintenance drugs at retail pharmacies for state employees under certain circumstances, and to maintain a list of maintenance drugs and preferred brand name drugs; and provide that copayments for state employees for a 90-day supply of prescription drugs at a retail pharmacy will be the same as a 90-day supply through mail order.

Section 124 provides that a state agency may not enter into a contract containing a nondisclosure clause that prohibits a contractor from disclosing to members or staff of the Legislature information relevant to the performance of the contract.

Section 125 specifies that no section of the bill shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 126 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 127 provides a severability clause.

Section 128 provides an effective date.

If approved by the Governor, these provisions take effect July 1, 2016, except where otherwise expressly provided.
Vote: Senate 35-5; House 120-0

Committee on Appropriations

HB 5007 — Collective Bargaining

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

The bill resolves the collective bargaining issues at impasse between the State of Florida and the bargaining representatives for state employees for the 2016-2017 fiscal year that have not been resolved in the General Appropriations Act or other legislation.

The amendment does not change substantive law.

If approved by the Governor, these provisions take effect 60 days after the adjournment of sine die.
Vote: Senate 40-0; House 120-0

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Committee on Appropriations

HB 5101 — Medicaid

by Health Care Appropriations Subcommittee and Representative Hudson (SB 2508 by Appropriations Committee)

The bill:

- Effective upon the bill becoming law, authorizes the Department of Highway Safety and Motor Vehicles to allow the Agency for Health Care Administration (AHCA), via interagency agreement, to access photographic images of driver licenses for the purpose of preventing health care fraud. The bill authorizes the AHCA to contract with a private entity to carry out duties relating to health care fraud prevention under specified safeguards and parameters.
- Provides that reimbursement for emergency services provided to an enrollee of a Medicaid managed care plan by a provider that is not under contract with the managed care plan, must be no more than the Medicaid fee-for-service rate, less any amounts for indirect costs of medical education and direct costs of graduate medical education that are otherwise included in the fee-for-service payment. Also requires the AHCA to post on its website annually, or more frequently as needed, the applicable fee-for-service fee schedules and their effective dates, less any amounts for indirect costs of medical education and direct costs of graduate medical education that would otherwise be included in the fee-for-service payments.
- Provides that a hospital classified as a sole community hospital which has up to 175 licensed beds is included in the definition of "rural hospital."
- Transfers from the Department of Children and Families (DCF) to the AHCA the responsibility for conducting Medicaid fair hearings related to Medicaid programs administered by the AHCA, by March 1, 2017. Provides for rulemaking by the AHCA. Provides that the AHCA will use the DCF's existing fair hearing rules if the AHCA's rulemaking is not completed by March 1, 2017.
- Permits certain non-citizen children to receive federal financial premium assistance under Medicaid or the Children's Health Insurance Program (CHIP). Replaces a reference to "qualified alien" with a reference to "lawfully residing child" when referring to children who are not eligible for Title XXI funded premium assistance.
- Clarifies that Kidcare program eligibility is not being extended to undocumented immigrants. Provides that a child younger than 19 years of age who is a lawfully residing child, as defined in s. 409.811, F.S., is eligible for Medicaid under s. 409.903, F.S.
- Clarifies that Medicaid eligibility is not being extended to undocumented immigrants. Amends the Florida Healthy Kids Corporation Act to conform to changes made under the bill and to update references to modified or deleted terms.
- Deletes the requirement in current law for the AHCA to limit payment for hospital emergency department visits for non-pregnant Medicaid recipients 21 years of age or older to six visits per fiscal year.
- Effective July 1, 2017, requires the AHCA to implement a prospective payment methodology for hospital outpatient reimbursement, thereby replacing the current cost-based reimbursement methodology on that date.

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- Provides that adjustments to outpatient reimbursements may not be made later than July 31 of the year in which they take effect. Also requires the AHCA, effective July 1, 2017, to reimburse ambulatory surgical centers with a prospective payment system, thereby replacing the current cost-based reimbursement methodology on that date.
- Requires the AHCA to seek federal approval to pay for flexible services for persons with severe mental illness or substance abuse disorders, including, but not limited to, temporary housing assistance. Payment for such services may be made as enhanced rates or incentive payments to managed care plans within Statewide Medicaid Managed Care. Requires the AHCA to establish a payment methodology to fund the managed care plans for flexible services for persons with severe mental illness and substance abuse disorders, including, but not limited to, temporary housing assistance. After receiving such payments for at least one year, a managed care plan must document the results of its efforts to maintain the target population in stable housing up to the maximum duration allowed under federal approval.
- Adds Down syndrome and Phelan-McDermid syndrome to the list of disorders that define "developmental disability." Provides a definition of Phelan-McDermid syndrome.
- Revises the parameters used by the Agency for Persons with Disabilities (APD) to assign priority to clients waiting for services from the developmental disability waiver.
- Authorizes the AHCA to certify that a Medicaid provider is out of business and that any overpayments made to the provider cannot be collected under state law.
- Authorizes the AHCA to reimburse private schools and charter schools for providing Medicaid school-based services identical to those offered under the Medicaid certified school match program and under the same eligibility criteria as children eligible for services under that program.
- Adds class III psychiatric hospitals to the current list of facilities for which the AHCA is authorized to establish an alternative reimbursement methodology to the DRG-based prospective payment system otherwise required under state law for inpatient services.
- Revises parameters for the Statewide Medicaid Residency Program (SMRP), to:
  - Add psychiatry to the current list of primary care specialties;
  - Provide that federally qualified health centers are qualifying institutions for the purpose of receiving funds for residency slots through the SMRP;
  - Require that hospitals applying for the start-up bonus component of the SMRP must submit to the AHCA certain validations of new resident positions approved on or after March 2 of the prior fiscal year through March 1 of the current fiscal year for physician specialties identified to be in statewide supply/demand deficit in the General Appropriations Act; and
  - Revise the definition of "Medicaid payments," effective July 1, 2017, in order to conform to the transition to a prospective payment system for hospital outpatient reimbursement on that date.
- Revises requirements for managed care plans within Statewide Medicaid Managed Care to:
  - Clarify that the term "essential provider" includes providers determined to be essential Medicaid providers under s. 409.975(1)(a), F.S., and providers specified as statewide essential providers under s. 409.975(1)(b), F.S., for the purpose of applying

the criteria for excluding an essential provider from a managed care plan network for failure to meet quality or performance standards under s. 409.975(1)(c), F.S.; and
  - Delete the provision in s. 409.975(6), F.S., requiring that for rates, methods, and terms of payment negotiated after a Statewide Medicaid Managed Care contract between the AHCA and a managed care plan has been executed, the managed care plan must pay hospitals within its provider networks, at a minimum, the rate that the AHCA would have paid on the first day of the contract between the provider and the plan.[1]
- Provides that the amount of reimbursement for emergency services provided to subscribers who are enrolled in an HMO in the Florida Healthy Kids program by a provider for whom no contract exists between the provider and the HMO, will be the lesser of a list of specified amounts, including the Medicaid rate.
- Amends s. 18 of ch. 2012-33, Laws of Florida, to require the AHCA to contract with a current Program of All-inclusive Care for the Elderly (PACE) organization in Southeast Florida to develop and operate a PACE program in Broward County to serve frail elders who reside in Broward County or Miami-Dade County with up to 150 initial enrollee slots.
- Authorizes a new PACE site to serve frail elders residing in hospice service area 1 (Escambia, Okaloosa, Santa Rosa, and Walton counties), hospice service area 2A (Bay, Calhoun, Gulf, Holmes, Jackson, and Washington counties), and hospice service area 2B (Franklin, Gadsden, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla counties) with up to 100 initial enrollee slots.
- Authorizes a new PACE site to serve frail elders residing in Clay, Duval, St. Johns, Baker, and Nassau counties with up to 300 initial enrollee slots.
- Authorizes a new PACE site to serve frail elders residing in hospice service area 7B (Orange and Osceola counties) and hospice service area 3E (Lake and Sumter counties) with up to 150 initial enrollee slots.
- Authorizes a new PACE site to serve frail elders residing in Hillsborough County with up to 150 initial enrollee slots.
- Amends s. 391.055, F.S., to update a cross-reference to changes made in the bill.
- Amends s. 427.0135, F.S., to update a cross-reference to changes made in the bill.
- Amends s. 1002.385, F.S., to provide cross-references to changes made in the bill.
- Amends s. 1011.70, F.S., to correct cross-references to changes made in the bill.

If approved by the Governor, these provisions take effect July 1, 2016, except as otherwise expressly provided.
Vote: Senate 40-0; House 96-23

[1] Section 2 of HB 7087 and s. 46 of SB 12 repealed this provision of HB 5101.

Committee on Appropriations

HB 5103 — Alzheimer's Disease Research

by Health Care Appropriations Subcommittee and Rep. Hudson (SB 2510 by Appropriations Committee)

This bill (Chapter 2016-25, L.O.F.) conforms statutes to the funding decisions included to the General Appropriations Act, HB 5001, for Fiscal Year 2016-2017.

The bill amends s. 381.82, F.S., allowing the Ed and Ethel Moore Alzheimer's Disease Research Program to carry forward appropriations from the General Revenue Fund up to five years after an appropriation's effective date, if the appropriation is obligated by June 30 of the fiscal year for which the funds were appropriated.

The General Appropriations Act provides a $5 million recurring general revenue appropriation for the Ed and Ethel Moore Alzheimer's Disease Research Program.

These provisions were approved by the Governor and take effect on July 1, 2016.
Vote: Senate 40-0; House 113-0

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Committee on Appropriations

CS/CS/HB 7029 — School Choice

by Education Committee; Education Appropriations Subcommittee; Choice and Innovation Subcommittee; and Reps. B. Cortes, M. Diaz, and others (CS/SB 1166 by Appropriations Committee and Senator Gaetz)

The bill amends numerous sections of the education statutes pertaining to postsecondary education performance funding, K-12 education policy and funding, school choice, and school construction. Specifically the bill:

- Permits the proration of dues paid to membership associations, authorizes school board members to visit schools in their districts, and allows returning retirees to be rehired in the same manner as new teachers are employed.
- Enables a parent to request a different classroom teacher for his or her child, clarifies student notification requirements pertaining to the pledge of allegiance.
- Allows a parent to defer enrollment in a Voluntary Prekindergarten (VPK) Education Program for one year.
- Directs the Office of Early Learning to not adopt a kindergarten readiness rate for the 2014-2015 or the 2015-2016 VPK program years.
- Enables students, beginning in the 2017-2018 school year, to attend any public school in the state, including charter schools, subject to maximum class size requirements, capacity and other specified provisions.
- Expands options pertaining to charter school accountability and flexibility.
  - Accountability: Requires specific information in the application process; requires monthly financial statements upon execution of the charter contract; prohibits charter schools from basing admission or dismissal on a student's academic performance; creates requirements when a charter school voluntarily closes; automatically terminates double-F charter schools; requires annually a specified number of charter school meetings to be held in the school district where the charter school is located; provides that a charter school must be located in Florida to be eligible to receive Public Education capital Outlay (PECO); and revises reading requirements to shift to evidence-based reading and provide parents with information concerning reading deficiencies.
  - Flexibility: Authorizes charter schools to seek an injunction to enforce existing requirements for local governments to treat charter schools equitably as compared to public schools; authorizes charter school governing board members to attend meetings via communications media technology; revises first quarter funding methods for charter schools, with specified payment times and amounts; prohibits districts from delaying the issuance of funds, including local funds; clarifies that an existing charter school that is seeking to become a virtual charter school must amend its application or submit a new application; and expands charter school in a municipality enrollment preferences to employees of the municipality.
- Expands options pertaining to the credit acceleration program (CAP), provides options to meet online graduation requirements, and updates terminologies to reflect the current ACT test, ACT Aspire, which has replaced the Preliminary ACT (PLAN) test.

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- Provides district school boards with responsibility to determine student eligibility requirements and subsequent disciplinary actions through suspension and expulsion policies; enables students to be immediately eligible to try out for athletic activities under certain conditions; specifies restrictions for same sport participation in a subsequent school; allows private schools to join the Florida High School Athletic Association (FHSAA) by sport; specifies 3 tiers of increased penalties for recruiting violations; specifies remaining duties of the FHSAA; and revises the FHSAA's burden of proof from "clear and convincing" to a "preponderance of the evidence."
- Revises minimum term school funding provisions to prorate FTE for schools that provide less than 900 hours of instruction (e.g., public schools, double-session schools, experimental calendar schools, and emergency conditions); authorizes recalculation of the Exceptional Student education (ESE) guaranteed amount for school districts; provides funds to school districts for federally connected students, authorizes performance funding for certain Career and Professional Education (CAPE) industry certifications; increases teacher bonuses for CAPE industry certifications; and requires a school district to add 4 special consideration points to the calculation of a matrix of services for a student who is deaf and enrolled in an auditory-oral education program.
- Authorizes charter schools to offer education competency and professional preparation for instructional personnel.
- Creates, re-enacts and amends various education and funding and scholarship programs.
  - Distinguished Florida College System (FCS) Program. Creates the program as a collaborative partnership between the State Board of Education (SBE) and the Legislature to recognize the excellence of Florida's highest-performing FCS institutions. Establishes 7 excellence standards; requires the SBE to designate each FCS institution that meets 5 of 7 standards as a distinguished college; and permits funding as provided in the General Appropriations Act.
  - FCS Performance Funding. Re-enacts performance-based incentive funding program to award FCS institutions for attaining metrics adopted by the SBE. Beginning in 2017-2018, limits the ability of an institution to submit an improvement plan to the SBE to one fiscal year.
  - State University System (SUS) Performance Funding. Extends the State University System (SUS) performance-based incentive funding program to reward SUS institutions for attainment of metrics adopted by the Board of Governors (BOG).
  - SUS Preeminence. Modifies standards that apply to Preeminent State Research Universities and creates standards and benefits for "Emerging Preeminent State Research Universities."
  - Renames the "Florida National Merit Scholar Incentive Program" as the "Benacquisto Scholarship Program", and requires all eligible state universities (and encourages all eligible Florida public or independent postsecondary educational institutions) to become college sponsors of the National Merit Scholarship Program.
  - Removes the sunset provision for the Adults with Disabilities Workforce Education Program.
- Amends the process and criteria for charter schools capital outlay funding.
  - Removes the priority preference for charter schools capital outlay funding.

  - Clarifies the financial stability requirements for charter schools.
  - Establishes a weighted funding model for state charter school capital outlay funds.
- Revises school district efforts and participation requirements pertaining to projects funded through the Special Facilities Construction Account.
- Requires school district accountability on school construction costs from all funding sources with sanctions for those districts exceeding the established cost per student station. Also, the Office of Economic and Demographic Research and Office of Program Policy and Government Accountability are authorized to study the cost per student station and current State Requirements for Educational Facilities (SREF) provisions.
- Authorizes a district school board to adopt, by supermajority vote, a resolution to implement SREF exceptions.
- Requires the Department of Education (DOE) to develop a list of approved suicide awareness and prevention training materials that may be used for training; allows a school the option to incorporate 2 hours of such training for instructional personnel; creates a new designation of "Suicide Prevention Certified School" for schools that incorporate such training; and requires a school participating in the training to report its participation to the DOE.
- Clarifies existing law to provide that the written notice informing students they have the right not to participate in the pledge of allegiance may be placed in the student handbook or similar publication.
- Requires high-performing charter schools to continually meet the same requirements for initial eligibility and annual continuing eligibility.
- Requires the Division of Vocational Rehabilitation to develop and implement a performance improvement plan to achieve specified goals and elevate the state VR program to one of the top 10 in the nation, and to annually submit a performance report with specified data to the Governor and the Legislature.
- Requires each state university board of trustees to select its chair and vice chair from the appointed members, with specified term limits, and publish notification requirements regarding attendance and meeting materials.
- Creates the Seal of Biliteracy Program to recognize high school graduates who attain a high level of competency in foreign languages.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 29-10; House 82-33

Committee on Appropriations

HB 7091 — Trust Funds/Termination & Administration/Working Capital Trust Fund/DCF & Operations and Maintenance Trust Fund/DOH

by the Health Care Appropriations Subcommittee and Representative Hudson (SB 7060 by Appropriations Committee)

The bill (Chapter 2016-29, L.O.F.) terminates the Working Capital Trust Fund within the Department of Children and Families (DCF) and provides that any revenues of the trust fund will be transferred to the Federal Grants Trust Fund within the DCF.

The bill terminates the Operations and Maintenance Trust Fund within the Department of Health (DOH) and provides that any revenues of the trust fund will be transferred to the Federal Grants Trust Fund within the DOH.

The bill also conforms Florida Statutes to the termination of the trust funds.

These provisions became law upon approval by the Governor on March 9, 2016.
Vote: Senate 40-0; House 114-0

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Committee on Appropriations

HB 7099 — Taxation

by Finance and Tax Committee; and Rep. Gaetz and others

The bill contains the following provisions:

- Makes permanent the sales tax exemption for machinery and equipment used in manufacturing and provides exemptions for machinery and equipment used in agricultural post-harvest activities or used by metal recyclers.
- Effective July 1, 2019, eliminates a current aviation fuel tax exemption and reduces the aviation fuel tax rate from 6.9 cents per gallon to 4.27 cents per gallon.
- Replaces the current tax calculation for determining the tax imposed on alcohol and tobacco sold on cruise ships with a simpler revenue-neutral calculation.
- Makes a technical change to the documentary stamp tax statute to provide that certain documentary stamp tax revenue is pledged and made first available to pay debt service on bonds authorized before July 1, 2017.
- Clarifies that counties and municipalities may grant economic development property tax exemptions in areas which were previously designated as enterprise zones for projects that were preapproved before December 31, 2015.
- Adopts the Internal Revenue Code as in effect on January 1, 2016, for purposes of corporate income tax, but decouples from certain federal bonus depreciation provisions.
- Makes changes to corporate income tax filing dates and estimated payment due dates to conform to changes made to the federal corporate tax.
- Provides a sales tax exemption for sales of food and drink by veterans' organizations to members of veterans' organizations.
- Reduces the beverage tax rate imposed on pear cider to make it the same as the rate on apple cider.
- Allows purchasers of airplanes to retain an airplane in Florida while waiting for the airplane to be registered in a foreign country without having to pay sales tax.
- Clarifies the definition of "wholesale sales price" for purposes of the tax on other tobacco products.
- Provides a three-day "back-to-school" sales tax holiday from August 5, 2016, to August 7, 2016, for clothing and footwear costing $60 or less, and school supplies costing less than $15.
- Authorizes certain counties, currently Okaloosa, Bay, and Walton, to use 10 percent of the revenue from existing Tourist Development Taxes for expenses incurred in providing public safety services.
- Phases out, over three years, the indexed sales tax on asphalt used for government projects.
- For purposes of the local option economic development property tax exemption, allows the exemption for replacement data center equipment and extends the length of the exemption from 10 to 20 years for such equipment.
- For the Fiscal Year 2016-2017, the bill appropriates $330,356 in nonrecurring funds from the General Revenue Fund to the Department of Revenue to administer the sales tax holiday and the changes to the corporate return and estimated payment due dates.

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 35-4; House 105-9

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Committee on Banking and Insurance

SB 80 — Family Trust Companies

by Senators Richter and Soto

The bill (Chapter 2016-35, L.O.F.) amends the Florida Family Trust Company Act. This bill amends ch. 662, F.S., to:

- Require all family trust companies in operation on October 1, 2016, to either apply for licensure as a licensed family trust company, register as a family trust company, register as a foreign licensed family trust company, or cease doing business in this state by December 30, 2016.
- Provide that a family trust company registration application must state that trust operations will comply with statutory provisions relating to requirements in organizational documents and relating to minimum capital requirements;
- Require that a registration application for a foreign licensed family trust company must provide proof that the company is in compliance with the family trust company laws and regulations of its principal jurisdiction;
- Require amendments to certificates of formation or certificates of organization to be submitted to the Office of Financial Regulation (OFR) at least 30 days before it is filed or effective;
- Allow family trust companies, licensed family trust companies, and foreign licensed family trust companies to file annual renewal applications within 45 days of the end of each calendar year;
- Create a mechanism for automatic reinstatement of lapsed licenses and registrations by payment of appropriate fees and any fines imposed by the OFR;
- Provide that the OFR must conduct an examination of a licensed family trust company every 36 months instead of the current 18 months. The bill does not allow an audit to substitute for an examination conducted by the OFR;
- Remove the requirement that the OFR conduct examinations of unlicensed family trust companies;
- Require that a court determine there has been a breach of fiduciary duty or trust before the OFR may enter a cease and desist order;
- Require the management of a licensed family trust company to have at least three directors or managers and require that at least one of those directors or managers be a Florida resident;
- Provide that the designated relatives in a licensed family trust company may not have a common ancestor within three generations instead of the current five generations; and
- Make legislative findings that clarify that the OFR is responsible for the regulation, supervision, and examinations of licensed family trust companies but that for unlicensed or foreign family trust companies the role of the OFR is limited to ensuring that services provided by such companies are provided only to family members and not to the general public.

These provisions became law upon approval by the Governor on March 10, 2016.
Vote: Senate 34-0; House 116-0

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Committee on Banking and Insurance

CS/CS/HB 145 — Financial Transactions

by Regulatory Affairs Committee; Insurance and Banking Subcommittee; and Rep. McGhee and others (CS/CS/CS/CS/SB 260 by Banking and Insurance Committee; Rules Committee; Judiciary Committee; Banking and Insurance Committee; and Senators Smith and Richter)

Remittance Transfers

The bill (Chapter 2016-53, L.O.F.) clarifies that ch. 670, F.S., applies to funds transfers that are remittance transfers under the federal Electronic Funds Transfer Act (EFTA), unless the remittance transfer is also an electronic funds transfer under the EFTA. The bill also provides that the federal EFTA will preempt ch. 670, F.S., in the event any inconsistency exists between ch. 670, F.S., and the EFTA regarding a funds transfer.

Cancellation of Mortgages

This bill reduces the period for cancellation of a mortgage from 60 days to 45 days after full payment of the amount due under a promissory note secured by a mortgage. The bill provides an additional requirement for cancelling open-end mortgages, requiring written notice from the borrower that he or she intends to close the mortgage. The provisions on mortgage cancellation do not apply to an open-end mortgage existing before July 1, 2016, if the loan agreement included procedures for cancelling the mortgage.

Consumer Finance Loans

Under current law, the Florida Consumer Finance Act, administered by the Office of Financial Regulation, prohibits and imposes disciplinary action on any person who compensates another person for referring a loan applicant to a licensed consumer finance lender. This bill provides an exception to the prohibition, in instances in which an amount is not charged directly or indirectly to the borrower.

Convenience Fees on Credit Cards

Current law authorizes certain private colleges to impose a convenience fee on credit card payments made to the school for tuition, fees, and other student expenses. This bill extends the authority to charge a convenience fee to private schools offering K-12 education.

These provisions were approved by the Governor and take effect July 1, 2016.
Vote: Senate 37-0; House 119-0

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Committee on Banking and Insurance

CS/CS/SB 286 — Merger and Acquisition Brokers

by Fiscal Policy Committee; Banking and Insurance Committee; and Senator Brandes

The bill creates an exemption from registration with the Office of Financial Regulation (OFR) for a merger and acquisition (M&A) broker facilitating the offer or sale of securities in connection with the transfer of ownership of an eligible privately held company. Generally, an M&A broker, acting as an intermediary, engages in the business of transferring the ownership and control of a privately-held company through the sale of the business, which may be structured as an asset or securities transaction. The bill also provides an exemption for the securities transactions that are conducted through an M&A broker if certain conditions are met. Failure to meet the requirements of statutory exemptions can subject entities to civil, criminal, and administrative liability for the sale of unregistered securities.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 117-0

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Committee on Banking and Insurance

SB 340 — Vision Care Plans

by Senators Latvala and Gaetz

The bill prohibits an insurer, a prepaid limited health service organization (PLHSO), or a health maintenance organization (HMO) from requiring a licensed ophthalmologist or licensed optometrist to join a network solely for credentialing the licensee for another insurer's, PLHSO's, or HMO's vision network, respectively. The bill does not prevent an insurer, PLHSO, or HMO from entering into a contract with another insurer's, PLHSO's, or HMO's vision care plan to use the vision network.

Further, plans are prohibited from restricting a licensed ophthalmologist, optometrist, or optician to specific suppliers of material or optical labs. However, the bill provides that this provision does not restrict an insurer, PLHSO, or HMO in determining specific amounts of coverage or reimbursement for the use of network or out-of-network suppliers or labs. The bill provides that a knowing violation of either of these provisions, as described above, constitutes an unfair insurance trade practice under s. 626.9541(1)(d), F.S.

The bill also requires insurers, PLHSOs, and HMOs to update their online vision care network directory monthly to reflect currently participating providers in their respective network.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 34-0; House 117-0

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Committee on Banking and Insurance

CS/CS/HB 413 — Title Insurance

by Regulatory Affairs Committee; Insurance and Banking Subcommittee; and Rep. Hager (CS/CS/SB 548 by Appropriations Committee; Banking and Insurance Committee; and Senator Richter)

This bill increases the limit of risk a title insurer may assume on a single contract to not greater than its surplus as to policyholders. This bill also requires a title insurer to reinsure any excess above the surplus as to policyholders from authorized insurers or reinsurers that may provide reinsurance under s. 624.610, F.S. Currently, the limit of risk is one-half of the company's surplus as to policyholders and title insurers that are required to reinsure any excess may only obtain reinsurance from "approved" insurers.

There is no fiscal impact to state funds.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 35-0; House 119-0

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Committee on Banking and Insurance

SB 422 — Health Insurance Coverage For Opioids

by Senator Benacquisto

The bill allows a health insurance policy providing coverage for opioid analgesic drug products to impose a prior authorization requirement for an abuse-deterrent opioid analgesic drug product only if the policy imposes the same prior authorization requirement for opioid analgesic drug products without an abuse-deterrence labeling claim. The bill also prohibits a health insurance policy from requiring the use of an opioid analgesic without an abuse-deterrent labeling claim before providing coverage for an abuse-deterrent opioid analgesic drug product.

If approved by the Governor, these provisions take effect January 1, 2017.
Vote: Senate 40-0; House 108-0

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Committee on Banking and Insurance

CS/CS/HB 431 — Fire Safety

by Regulatory Affairs Committee; Insurance and Banking Subcommittee; and Reps. Raburn, Combee, and others (CS/CS/SB 822 by Appropriations Committee; Banking and Insurance Committee; and Senator Stargel)

The bill makes changes related to the Florida Fire Prevention Code on agricultural property.

The bill defines an "Agricultural pole barn" and exempts them from the Florida Fire Prevention Code, National Codes and the Life Safety Code. The bill clarifies tents currently exempt from such codes can be any shape up to 900 square feet.

The bill defines a nonresidential farm building and establishes classes for use in which such buildings can be exempt from the Florida Fire Prevention Code, National Codes and the Life Safety Code:

- Class 1: A nonresidential farm building that is used by the owner 12 times per year or fewer for agritourism activity with up to 100 persons occupying the structure at one time. A structure in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is not subject to the Florida Fire Prevention Code but is subject to rules adopted by the State Fire Marshal.
- Class 2: A nonresidential farm building that is used by the owner for agritourism activity with up to 300 persons occupying the structure at one time. A structure in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is not subject to the Florida Fire Prevention Code but is subject to rules adopted by the State Fire Marshal.
- Class 3: A structure or facility used primarily for housing, sheltering, or otherwise accommodating members of the general public. A structure or facility in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is subject to the Florida Fire Prevention Code.

The bill also requires the State Fire Marshal to adopt rules, including;

- The use of alternative lifesafety and fire prevention standards for Classes 1 and 2;
- Notification and inspection requirements for structures in Class 1 and Class 2;
- The application of the Florida Fire Prevention Code for structures in Class 3; and
- Any other standards or rules deemed necessary in order to facilitate the use of structures for agritourism activities.

Finally, the bill allows a local fire official to consider NFPA 101A: Guide on Alternative Approaches to Life Safety to identify low-cost, reasonable alternatives to fire safety.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 118-0

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Committee on Banking and Insurance

CS/SB 592 — Public Records/Department of Financial Services/Emergency Medical Technicians or Paramedics

by Governmental Oversight and Accountability Committee and Senator Hutson

This bill amends s. 119.071, F.S., expanding the public records exemption for agency personnel information to include the home addresses, telephone numbers, social security numbers, dates of birth, and photographs of former and current nonsworn investigative personnel of the Department of Financial Services and former and current emergency medical technicians or paramedics certified under ch. 401, F.S. The bill also exempts the names, home addresses, telephone numbers, social security numbers, photographs, dates of birth, and places of employment, locations of schools and child care facilities of the spouses and children of such personnel.

The bill specifies that the exemptions are subject to the Open Government Sunset Review Act and provides a statement of public necessity for the exemptions.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-1; House 113-0

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Committee on Banking and Insurance

CS/HB 613 — Workers' Compensation System Administration

by Regulatory Affairs Committee and Rep. Sullivan (CS/SB 986 by Banking and Insurance Committee and Senator Simpson)

The bill (Chapter 2016-56, L.O.F.) amends regulatory provisions of ch. 440, F.S., the "Workers Compensation Law," which are administered by the Department of Financial Services (DFS).

The bill eliminates the new insurer registration fee ($100) and the Special Disability Trust Fund notice of claim fee ($250) and the proof of claim fee ($500). The bill also eliminates the Preferred Worker Program, which has been inactive for over 10 years.

The bill revises provisions related to compliance and enforcement as follows:

- Creates a 25 percent penalty credit for employers who have not been issued a stop-work order or order of penalty assessment previously for non-compliance with coverage requirements if they maintain required business records and timely respond to the written DFS business records requests.
- Establishes a deadline for employers to file certain documentation to receive a penalty reduction.
- Reduces the imputed payroll multiplier related to penalty calculations from 2 times to 1.5 times the statewide average weekly wage.
- Eliminates a 3-day response requirement applicable to employer held exemption documentation.
- Allows employers to notify their insurers of their employee's coverage exemption, rather than requiring that a copy of the exemption be provided.

The bill revises provisions related to health care services and disputes as follows:

- Removes insurers and employers from the medical reimbursement dispute provision.
- Allows a Judge of Compensation Claims the discretion to designate an expert medical advisor, rather than only those that are certified by the DFS.

These provisions were approved by the Governor and take effect October 1, 2016.
Vote: Senate 40-0; House 115-2

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Committee on Banking and Insurance

CS/SB 626 — Consumer Credit

by Banking and Insurance Committee; and Senators Gaetz and Altman

The bill authorizes the Office of Financial Regulation to enforce the provisions of the federal Military Lending Act (MLA) for state-chartered financial institutions, consumer finance lenders, deferred presentment providers (payday lenders), and title loan lenders. The MLA provides greater consumer protections for service members and their dependents in connection with a broad range of consumer credit transactions, including consumer finance loans, payday loans, title loans, overdraft lines of credit, small dollar loans, and credit card accounts. The MLA caps the Military Annual Percentage Rate (MAPR) on these credit transactions at 36 percent, requires oral and written disclosures for the consumer, and prohibits certain terms and conditions on the loan, such as mandatory arbitration and prepayment penalties.

If approved by the Governor, these provisions take effect October 3, 2016.
Vote: Senate 37-0; House 117-0

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Committee on Banking and Insurance

CS/CS/CS/HB 651 — Department of Financial Services

by Regulatory Affairs Committee; Governmental Operations Appropriations Subcommittee; Insurance and Banking Subcommittee; Rep. Beshears and others (CS/CS/SB 992 by Appropriations Committee; Banking and Insurance Committee; and Senator Brandes)

This bill amends various statutory provisions relating to the Department of Financial Services (DFS).

Current law requires plaintiffs to serve lawsuits on insurance companies by serving documents initiating the lawsuit at the DFS. These documents are sent to the DFS by mail or by process server. The bill allows the DFS to create a system for electronic service of process and create an internet-based system for distributing documents to insurance companies.

The Chief Financial Officer (CFO) is designated the State Fire Marshal. The CFO administers the state fire code and the certification of firefighters. This bill provides for expiration of firefighter certifications after four years and provides a renewal process. It provides additional grounds that the State Fire Marshal can suspend, revoke, or deny an application for certification. The bill creates a procedure for an applicant for firefighter certification with a criminal record or dishonorable discharge from the United States Armed Forces to obtain a certificate if they can demonstrate by clear and convincing evidence that they do not pose a risk to persons or property. The bill updates the safety requirements and standards for carbon monoxide detectors in rooms containing boilers. The bill amends the Anti-Fraud Reward Program to allow rewards for persons who provide information related to crimes investigated by the State Fire Marshal.

The bill creates the "Firefighter Assistance Grant Program." The purpose of the program is to improve the emergency response capability of volunteer fire departments and combination fire departments. The program will provide financial assistance to improve firefighter safety and enable fire departments to provide firefighting, emergency medical, and rescue services to their communities.

Under current law, the exemption for medical malpractice insurance premiums from emergency assessments of the Florida Hurricane Catastrophe Fund will expire May 31, 2016. The bill extends the exemption until May 31, 2019.

This bill amends the Florida Single Audit Act to raise the audit threshold from $500,000 to $750,000 to conform to the federal single audit act. It reorganizes the statute to place the provisions relating to higher education entities in one section.

The bill provides that employees of the state university system, a special district, or a water management district can participate in the deferred compensation program for state employees administered by the DFS.

The bill allows the DFS to have access of digital photographs from the Department of Highway Safety and Motor Vehicles to investigate allegations of violations of the insurance code.

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The bill provides that a licensed health insurance agent who assists an insured with coverage questions, medical procedure coding issues, balance billing issues, understanding the claim filing process, or filing a claim is not acting as a public adjuster.

The bill authorizes the DFS to select five persons nominated by the Florida Surplus Lines Association to serve on the Florida Surplus Lines Service Office board of governors. Current law requires the DFS to select members from the Florida Surplus Lines Association's regular membership but does not provide for nominations. The bill also provides that a surplus lines agent who has not transacted business during a quarter need not file an affidavit with the Florida Surplus Lines Service Office stating that all business conducted by the agent has been submitted to the office.

The department administers the sinkhole neutral evaluation program for the resolution of disputed sinkhole insurance claims. This bill amends the qualifications of the neutral evaluator to provide that one cannot serve as a neutral evaluator on a claim if the individual was employed, within the previous five years, by the firm that did the initial sinkhole testing.

The bill provides increased rulemaking authority for the unclaimed property program within the DFS.

The bill exempts travel insurance from the full rate review requirements of s. 627.062(2)(a) and (f), F.S., and the requirement to annually make a rate filing under s. 627.0645, F.S., if the insurance is issued as a master group policy, with a situs in another state, where each certificateholder pays less than $30 for each covered trip, and if the insurer has written less than $1 million in annual travel insurance premiums in this state during the most recent calendar year.

The bill appropriates the recurring sum of $229,165 and one position to implement the bill.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 113-0

Committee on Banking and Insurance

CS/CS/HB 659 — Automobile Insurance

by Regulatory Affairs Committee; Insurance and Banking Subcommittee; and Rep. Santiago (CS/CS/CS/SB 1036 by Rules Committee; Commerce and Tourism Committee; Banking and Insurance Committee; and Senator Brandes)

The bill makes the following changes relating to automobile insurance:

Use of a Single ZIP-Code as a Rating Territory

The bill allows motor vehicle insurance rates to be developed using rating territories contained within a single zip code if the justification for the rate incorporates sufficient loss and loss adjustment expense experience to be actuarially sound. The Office of Insurance Regulation (OIR) must require that a rate filing resulting from the use of a single zip code as a rating territory does not contain a rate or rate change that is excessive, inadequate, or unfairly discriminatory.

Florida Automobile Joint Underwriting Association

The bill allows the Florida Automobile Joint Underwriting Association (Auto JUA) to cancel personal lines or commercial lines policies issued by the plan for nonpayment of premium if a check is dishonored for any reason or any other form of payment is rejected or deemed invalid. The cancellation may only occur within the first 60 days of the policy or binder. The bill prohibits an insured of the Auto JUA from cancelling a policy or binder within the first 90 days of its effective date unless the insured vehicle is totally destroyed, ownership of the vehicle is transferred, or another policy is purchased covering the vehicle.

Payment of Premium and Return of Unearned Premium

The bill allows motor vehicle insureds to apply the unearned portion of premium to unpaid balances of other policies with the same insurer or insurer group instead of receiving the premium via mail or electronic transfer. The bill specifies that motor vehicle insurance premiums may be paid in cash in the form of a draft or drafts. The bill allows an insurer to impose an insufficient funds fee of up to $15 per occurrence if, due to insufficient funds, specified methods of premium payments are declined. The bill also exempts policies paid via a recurring credit card or debit card agreement with the insurer from the requirement that, prior to issuing or binding a motor vehicle insurance policy, the insured must pay at least 2 months' premium.

Personal Injury Protection (PIP)

The bill exempts publicly traded corporations with $250 million or more in total annual sales in health care services from the requirement to obtain health care clinic licensure as a condition of qualifying for reimbursement under PIP coverage. The bill also clarifies and updates references to billing requirements under PIP.

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If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 34-5; House 111-5

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Committee on Banking and Insurance

CS/HB 695 — Title Insurance

by Regulatory Affairs Committee and Rep. Boyd (CS/CS/SB 940 by Commerce and Tourism Committee; Banking and Insurance Committee; and Senator Bradley)

The bill (Chapter 2016-57, L.O.F.) changes the unearned premium reserve requirement for title insurers that are members of an insurance holding company system having $1 billion or more in surplus as to policyholders and have a financial strength rating of "superior," "excellent," "exceptional," or an equivalent rating by a rating agency acceptable to the Office of Insurance Regulation. Such insurers must have a reserve of a minimum of 6.5 percent of the total of direct premiums written and premiums for reinsurance assumed, with certain adjustments. Currently, only title insurers with a surplus in excess of $50 million can use that formula to calculate required unearned premium reserve.

The bill removes the requirement that a title insurer that transfers its domicile to Florida must set an unearned premium reserve and release its unearned premium reserve under the laws of its previous domicile state. Instead, the bill requires a title insurer that transfers its domicile to Florida to calculate an adjusted statutory or unearned premium reserve as if, on the effective date of redomestication, the insurer had been domesticated in Florida for the previous 20 years and authorizes the release of such reserve.

The bill is not anticipated to have an impact on state funds.

These provisions were approved by the Governor and take effect July 1, 2016.
Vote: Senate 37-0; House 119-0

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Committee on Banking and Insurance

CS/CS/CS/HB 783 — Unclaimed Property

by Regulatory Affairs Committee; Government Operations Appropriations Subcommittee; Insurance and Banking Subcommittee; and Rep. Trumbull and others (CS/SB 970 by Banking and Insurance Committee and Senator Richter)

The bill amends the Florida Disposition of Unclaimed Property Act as implemented by the Department of Financial Services (DFS) Bureau of Unclaimed Property.

The bill makes the following changes to the act:

- Eliminates exceptions to the general 20 percent fee cap for out of country claimants and non-probated claims;
- Requires that the purchase agreement for unclaimed property which compensates the buyer through a flat fee show the fee as a percentage of the property;
- Requires that agreements to recover unclaimed property other than an original limited power of attorney be executed by the claimant no earlier than the date the claimant executed the original limited power of attorney;
- Requires a claim for unclaimed property to include certified copies of all court pleadings to establish entitlement to the property which were filed within 180 days before the claim form is signed;
- Repeals a provision giving DFS the exclusive right to notify owners of the existence of unclaimed property valued at more than $250 within the first 45 days after the property is added to the unclaimed property database;
- Provides that unclaimed property in a campaign account for public office will escheat to the state and the proceeds will be deposited in the State School Trust Fund.
- Increases from $5,000 to $10,000 the aggregate value of the unclaimed property held by DFS which may be claimed by the beneficiary of the estate of a deceased owner without initiating probate proceedings;
- Authorizes DFS to estimate the value of unclaimed property held by the holder of the property if the holder fails to provide records after being requested to do so; and
- Increases to 30 days from 10 days the time by which a purchaser of unclaimed property must pay the seller, and voids the claim by the purchaser, if proof of payment is not filed with DFS.
- Exempts unclaimed patronage refunds held by a not-for-profit water and wastewater corporation under s. 196.2002, F.S., from the unclaimed property statute.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 116-0

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Committee on Banking and Insurance

SB 812 — Reciprocal Insurers

by Senator Diaz de la Portilla

This bill creates an alternative process for a domestic reciprocal insurer to distribute unassigned funds, such as unused premiums, savings, and credits, to policyholders. The process created by the bill differs from current law primarily by not requiring the reciprocal insurer to create subscriber accounts to make distributions to policyholders. Distributions using this method may not exceed 50 percent of the insurer's net income from the previous calendar year and may be up to 10 percent of the insurer's surplus.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 36-0; House 117-0

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Committee on Banking and Insurance

CS/CS/SB 828 — Insurance Guaranty Association Assessments

by Finance and Tax Committee; Banking and Insurance Committee; and Senator Bean

The bill substantially revises the assessment process of the Florida Workers' Compensation Insurance Guaranty Association (FWCIGA). The FWCIGA provides payment of workers' compensation claims of insolvent insurers and group self-insurance funds to avoid excessive delay in payment and to avoid financial loss to claimants in the event of the insolvency of a member insurer.

The bill provides the following changes to the FWCIGA assessment process:

- Revises the assessment recoupment method from recouping the assessment as part of the premium in a rate filing to adding a policy surcharge, which the insurer collects. The surcharge will not be subject to the insurance premium tax;
- Increases the assessment cap for self-insurance funds from 1.5 to 2 percent of net direct written premiums in Florida for workers' compensation insurance, which is consistent with the cap for insurers;
- Authorizes two assessment options for the FWCIGA, namely, an immediate single assessment payment by insurers with recoupment through policy surcharges; and an installment payment, which requires insurers to collect and remit policy surcharges quarterly to the FWCIGA;
- Revises the insurer's premium subject to an assessment from being based on the prior year's net direct written premium to the net direct written premium of the calendar year of the assessment; and
- Transfers order authority for assessments and other FWCIGA reporting related to insurer financial condition from the Department of Financial Services (DFS) to the Office of Insurance Regulation (OIR).

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 35-0; House 114-0

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Committee on Banking and Insurance

CS/CS/SB 854 — Funeral, Cemetery, and Consumer Services

by Regulated Industries Committee; Banking and Insurance Committee; and Senator Hukill

The bill amends ch. 497, F.S., the Florida Funeral, Cemetery, and Consumer Services Act, and the licensure requirements related to funerals and cemeteries regulated by the Department of Financial Services and the Board of Funeral, Cemetery, and Consumer Services.

The bill:

- Amends definitions in s. 497.005, F.S.
- Requires an applicant for embalmer apprentice to be of good character.
- Requires an e-mail address for licensure and allows email as a means of notification.
- Requires the department adopt rules on discipline for miscellaneous financial errors.
- Specifies disputes regarding cremated remains must be resolved by the courts.
- Specifies cremated remains are not property and not subject to partition by a court unless a legally authorized person consents.
- Provides a consistent deposit requirement for graves, mausoleums, and columbaria.
- Specifies that care and maintenance (C&M) trusts must be maintained by a cemetery company so that the grounds, structures, and improvements of a cemetery are maintained.
- Requires withdrawals from C&M trusts to cemetery companies must be done through a net income withdrawal or total return withdrawal method.
- Requires the board and department to adopt rules concerning C&M trusts.
- Clarifies that the C&M trust annual report must include the fair market value of the trust.
- Prohibits a trustee from investing in or counting as assets life insurance policies or annuity contracts and allows the trustee to allocate and divide capital gains and losses.
- Grants the board rulemaking authority to classify items sold in preneed contracts as services, cash advances, or merchandise.
- Requires a preneed licensee to deposit all preneed contract funds into a trust upon electing inactive status.
- Clarifies when a preneed contract may be made irrevocable, for purposes of a person qualifying for assistance programs such as Medicaid and Supplemental Security Income.
- Requires preneed licensees to provide an annual trust reports to the department.
- Repeals the servicing agent exemption from preneed licensure.
- Repeals the use of surety bonding in lieu of establishing a trust for the deposit of funds. Those licensees that have bonds in place prior to July 1, 2016, may continue to use them.
- Requires cemetery companies to remit unexpended monies paid on irrevocable preneed contracts to the Agency Health Care Administration for deposit into the Medical Care Trust Fund after the beneficiary's final disposition.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0. House 117-0

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Committee on Banking and Insurance

CS/HB 875 — Motor Vehicle Service Agreement Companies

by Insurance and Banking Subcommittee and Reps. Stark, Santiago, and others (CS/SB 1120 by Banking and Insurance Committee and Senator Abruzzo)

The bill (Chapter 2016-60, L.O.F.) allows motor vehicle service agreements regulated under chapter 634, F.S., to warrant the replacement of tires or wheels damaged as a result of encountering a road hazard, and the replacement of keys or key fobs. The bill defines road hazard as it relates to wheel and tire damage, and also clarifies that an "additive product" does not include a product applied to the exterior or interior surface of a motor vehicle to protect appearances.

These provisions were approved by the Governor and take effect July 1, 2016.
Vote: Senate 38-0; House 117-0

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Committee on Banking and Insurance

SB 908 — Organization of the Department of Financial Services

by Senator Lee

The bill changes the organization of the Department of Financial Services (DFS). The bill repeals the statutory requirement to establish the following divisions and bureau:

- The Division of Legal Services;
- The Division of Information Systems and;
- The Bureau of Unclaimed Property.

The bill creates a Division of Unclaimed Property within the DFS. The DFS will continue to perform the functions performed by the Division of Legal Services and the Division of Information Systems but the CFO will have the authority to determine the organizational placement of those functions within the DFS.

The bill renames the Division of Insurance Fraud as the Division of Investigative and Forensic Services. It creates the Bureau of Forensic Services and the Bureau of Fire and Arson Investigations within the new division. The bill moves the Office of Fiscal Integrity from the Division of Accounting and Auditing to the new Division of Investigative and Forensic Services. The new division will perform the investigative functions currently performed by the Division of Insurance Fraud and the Division of State Fire Marshal.

The bill has no fiscal impact to the state.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 114-0

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Committee on Banking and Insurance

CS/CS/HB 931 — Operations of the Citizens Property Insurance Corporation

by Regulatory Affairs Committee; Insurance and Banking Subcommittee; and Reps. Passidomo, Rodriguez J., and others (CS/CS/SB 1630 by Ethics and Elections Committee; Banking and Insurance Committee; and Senator Flores)

The bill make several changes to Citizens Property Insurance Corporation.

The bill requires Citizens to make changes, by January 1, 2017, to their plan of operation as it relates to take-out agreements made with private insurers. These changes require:

- Citizens to publish cycles for which take-out offers can be made.
- Private insurers to offer similar coverage comparable to Citizens and provide an estimate of premium.
- Private insurers must include in their take-out offers a comparison of coverages and rate between the insurer's policy and Citizens policy.
- Citizens to compile a list of companies that have shown interest in depopulating a policy and to make available to the agent of record.

The bill also:

- Requires that agents who write business for Citizens must also hold an appointment with an admitted carrier that is currently writing or renewing policies in the state.
- Allows the consumer representative to the Citizens Board of Governors to be afforded the same conflict of interest exemption as other board members.
- Allows Citizens to share underwriting and claims files data with authorized entities for the development of takeout plans or rating plans. General lines agents may not use such data to directly solicit policyholders.
- Allows Citizens to use a combination of the public model and private models when calculating the windstorm portion of rates.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 36-1; House 110-2

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Committee on Banking and Insurance

CS/CS/HB 965 — Firesafety

by Health and Human Services Committee; Appropriations Committee; and Rep. Harrison (CS/CS/SB 1164 by Children, Families, and Elder Affairs Committee; Banking and Insurance Committee; and Senator Legg)

The bill authorizes the State Fire Marshal to use the most current edition of the National Fire Protection Association (NFPA) Life Safety Code, 101 and 101A, in determining the uniform safety fire code adopted for Assisted Living Facilities (ALFs). The bill amends s. 429.41, F.S., to repeal current fire safety requirements for ALFs that utilized previous editions of the NFPA Life Safety Code, including NFPA 101, 1994 edition.

The bill allows ALFs that have a building permit or certificate of occupancy issued before July 1, 2016, to remain under the provisions of the 1994 and 1995 editions of the NFPA Life Safety Code. Such facilities may make repairs, modernizations, renovations, or additions to or rehabilitate the facility in compliance with the 1994 and 1995 editions, as applicable. A facility must comply with the current NFPA Life Safety Code if it undergoes a Level III building alteration or rehabilitation under the Florida Building Code or seeks to utilize features not authorized under the 1994 or 1995 editions.

The bill removes the requirement that the Office of the State Fire Marshall provide specified training and education to the Agency for Health Care Administration employees and local government inspectors.

Lastly, the bill prohibits a local government or a utility from charging fees in excess of the actual expenses incurred in the installation and maintenance of an automatic fire sprinkler system in an existing ALF.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 114-0

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Committee on Banking and Insurance

CS/SB 966 — Unclaimed Property

by Banking and Insurance Committee and Senators Benacquisto, Gaetz, Brandes, Negron, Bean, Hutson, Richter, Detert, Simpson, Simmons, Hays, Stargel, Soto and Bradley

The bill requires life insurers to determine whether their life or endowment insurance policyholders, annuitants, and retained asset account holders have died by annually comparing them against the United States Social Security Administration Death Master File (DMF). If an insurer compares annuities and other books of business with the DMF, the insurer must perform the comparison required by this bill at the same frequency. Insurers must also compare all life or endowment insurance policies, annuity contracts, and retained asset accounts that were in force on or after January 1, 1992. An insurer is required to perform the DMF comparison only for policies that are currently in-force if the insurer has compared all policies that were in force on or after January 1, 1992, or as of June 30, 2016, has a favorable targeted market conduct examination from the Office of Insurance Regulation (OIR) regarding claims-handling practices and use of the DMF or as of June 30, 2016, has entered into a regulatory settlement agreement with the OIR. The following products are not subject to the requirements of the bill: an annuity issued in connection with an employment-based plan subject to the Employee Retirement Income Security Act of 1974 or issued to fund an employment-based retirement plan, credit life or accidental death insurance, a joint and survivor annuity if an annuitant is still living, a policy issued to a group master policy owner for which the insurer does not perform recordkeeping functions, and life insurance assigned to a preneed licensee to fund a preneed funeral merchandise or service contract.

If a death is indicated, the bill requires the insurer to verify the death, verify if the deceased had other products with the company, determine if benefits are due, and attempt to locate and contact beneficiaries. If the policy or contract proceeds remain unclaimed 5 years after the date of death of the insured, annuitant, or account holder, the property escheats to the state as unclaimed property. Fines, penalties, or additional interest may not be imposed on the insurer for failure to report and remit property under the bill if such proceeds are reported and remitted to the Department of Financial Services (DFS) Bureau of Unclaimed Property no later than May 1, 2021.

The bill applies to all life insurers requirements agreed to by many of the largest life insurers in settlement agreements with the DFS, the Office of the Attorney General, and the Office of Insurance Regulation (OIR), often as part of multi-state settlement agreements. The settlement agreements are related to examinations that often find insurers use information from the Social Security Administration's Death Master File to stop paying a deceased person's annuity, but do not use such information to search for beneficiaries of a life insurance policy. According to the OIR, these settlement agreements have resulted in the return of over $5 billion to beneficiaries directly by the companies nationwide and over $2.4 billion being delivered to the states, which also attempt to locate and pay beneficiaries.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 109-0

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Committee on Banking and Insurance

CS/CS/SB 1104 — Service of Process on Financial Institutions

by Rules Committee; Banking and Insurance Committee; and Senator Flores

This bill amends the procedures for service of process upon a financial institution. The bill allows a financial institution to designate a place or registered agent with the Department of State as the sole location or agent for service of process. The location or agent must be available to receive service of process between 9 a.m. and 5 p.m. on business days, excluding federal and Florida holidays.

If service upon a financial institution cannot be made at the designated central location, or the institution has not designated a registered agent, service may be made upon the officer, director, or business agent of the financial institution at its principal place of business or any other branch, office, or place of business in the state.

Service of process required or authorized to be made by the Office of Financial Regulation (OFR) may continue to be made through certified mail to any officer, director, or business agent of the financial institution at its principal place of business or any other branch, office, or place of business.

If approved by the Governor, these provisions take effect January 1, 2017.
Vote: Senate 38-0; House 117-0

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Committee on Banking and Insurance

CS/SB 1106 — International Trust Entities

by Appropriations Committee and Senator Flores

The bill revises provisions relating to the regulation of international banking activity by the Office of Financial Regulation (OFR). The bill provides the following changes:

- The OFR will delay the enforcement of the licensure requirements under s. 663.04(4), F.S., relating to an organization or entity in Florida providing services to an international trust entity (ITE) that engages in the activities described in s. 663.0625, F.S. The delay in requirements is provided if the organization or entity meets certain regulatory requirements and provides assurances to the OFR. The moratorium would apply to the ITE, which is the offshore entity and the Florida organization or entity that is providing marketing and customer assistance on behalf of the ITE. The moratorium is repealed July 1, 2017.
- Defines the term, "international trust entity," to mean any international trust company, international business, international business organization, or affiliated or subsidiary entities that are licensed, chartered, or similarly permitted to conduct trust business in a foreign country or countries under the laws of which it is organized and supervised.
- Provides the moratorium does not affect the OFR's authority to enforce other provisions of the Financial Institutions Codes.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 35-0; House 116-0

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Committee on Banking and Insurance

CS/CS/SB 1170 — Health Plan Regulatory Administration

by Appropriations Committee; Banking and Insurance Committee; and Senator Detert

The bill revises provisions in the Insurance Code and other Florida Statutes that conflict with the federal Patient Protection and Affordable Care Act (PPACA) and provides other changes. These changes include:

- Eliminating provisions relating to the imposition of a preexisting condition exclusion since the federal act requires guaranteed issue of coverage and prohibits preexisting condition exclusions;
- Removing the requirement that insurers provide an outline of coverage for individual or family accident and health insurance policies since the federal act requires a summary of benefits and coverage for individual and small group coverage;
- Eliminating provisions relating to medical loss ratios since the federal act prescribes such standards and requires rebates if certain conditions are met;
- Eliminating the requirement for insurers to issue certificates of creditable coverage; and
- Providing technical and conforming changes.

The bill also provides that a not for profit corporation whose membership consists entirely of local governmental units that are authorized to enter into risk management consortiums under s. 112.08, F.S., is exempt from licensure by the Office of Insurance Regulation (OIR) as a third-party administrator for self-insurance.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 114-0

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Committee on Banking and Insurance

CS/HB 1233 — Federal Home Loan Banks

by Insurance and Banking Subcommittee; and Rep. Stevenson and others (CS/SB 1490 by Banking and Insurance Committee and Senators Garcia and Soto)

The bill clarifies that the Office of Financial Regulation (OFR), is not prevented from providing otherwise confidential information to any Federal Home Loan Bank (FHLB) regarding its member institutions pursuant to an information-sharing agreement. The FHLB system is a government-sponsored enterprise designed to support residential mortgage lending and community investment at the local level by providing primary mortgage liquidity (direct loans) to its members. Members include thrift institutions, commercial banks, credit unions, insurance companies, and certified community development financial institutions. The OFR is required to execute an information-sharing agreement with the FHLBs by August 1, 2016.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 113-0

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Committee on Banking and Insurance

CS/CS/SB 1274 — Limited Sinkhole Coverage Insurance

by Fiscal Policy Committee; Banking and Insurance Committee; and Senator Latvala

The bill creates s. 627.7151, F.S., which allows insurers to offer a new type of personal lines residential sinkhole insurance coverage. Limited sinkhole coverage provides coverage for "sinkhole loss," which is structural damage to the covered building, including the foundation, caused by sinkhole activity. Limited sinkhole coverage would also be subject to the statutory requirements for sinkhole insurance in ss. 627.706-627.7074, F.S., with the following exceptions:

- Coverage may be limited to repairs to stabilize the building and repair the foundation;
- Coverage does not have to include contents replacement or coverage for additional living expenses;
- Deductibles may be in an amount agreed to by the insured and insurer;
- Policy limits may be in an amount agreed to by the insured and insurer, provided policy limits below $50,000 are not allowed unless that amount exceeds full replacement cost of the property;
- A notice signed by the applicant is required that the applicant has read and understands the coverages of limited sinkhole coverage, including when insuring for less than replacement cost or agreeing to a deductible greater than allowed in s. 627.706(1)(b), F.S.
- If a loss exceeds the policy limits, the insurer must agree to pay above policy limits to complete the repair or pay a contractor policy limits after the policyholder has signed a contract to repair. If the insured obtains a lower-cost alternative repair recommendation, the insurer must pay up to policy limits to complete the lower-cost alternative repair.
- Insurers are allowed to establish limited sinkhole policy forms not subject to filing with and approval by the Office of Insurance Regulation (OIR);
- Until October 1, 2019, insurers may file rates for limited sinkhole coverage that are not subject to the filing and review requirements of s. 627.062(2)(a) and (f), F.S.

The bill prohibits Citizens Property Insurance Corporation for offering limited sinkhole coverage and establishes surplus requirements of $7.5 million for new and existing insurers that solely transact limited sinkhole coverage insurance. Insurers providing limited sinkhole coverage must notify the OIR at least 30 days prior to offering the coverage in the state. Such insurers must file a plan of operation and financial projections or revisions to such plan, as applicable, with the office

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 113-1

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Committee on Banking and Insurance

CS/CS/SB 1386 — Insurance Agents

by Rules Committee; Banking and Insurance Committee; and Senator Richter

The bill amends s. 626.593, F.S., to allow health insurance agents providing services on an individual health plan to contract with the insured for an additional service fee above the commission allowed under Chapter 627. If a contract for additional fee or compensation is agreed to then the agent must rebate to the insured any commissions paid by an insurer to the agent.

The bill also amends s. 626.785, F.S., to increase the allowable amount of coverage an insurance agent is able to sell for insurance policies covering burial related expenses. The bill increases the policy coverage maximum to $21,000, plus an annual increase based on the CPI, beginning with the 2016 CPI. The bill will allow individuals, securing preneed contracts by means of insurance policies, to obtain a greater amount of coverage for burial services and merchandise.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 40-0; House 116-0

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Committee on Banking and Insurance

SB 1402 —Ratification of Department of Financial Services Rules

by Senator Simmons

Florida's workers' compensation law requires that the provider reimbursement manuals setting maximum reimbursement rates for medical services must be updated every 3 years. Since the 2015 Legislature adjourned, the Department of Financial Services (DFS) has adopted amendments to the rule incorporating by reference the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2015 Edition (2015 Edition). The 2015 Edition sets out the policies, guidelines, codes, and maximum reimbursement allowances for services and supplies furnished by health care providers under the workers' compensation statutes. The 2015 Edition adopted as part of Rule 69L-7.020, F.A.C., *Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2015 Edition* (rule), on July 16, 2015, and submitted for ratification on November 3, 2015.

The Statement of Estimated Regulatory Costs developed in conjunction with the rule shows that it has a specific, adverse economic effect, or increases regulatory costs, exceeding $1 million over the first 5 years the rule is in effect. Accordingly, the rule must be ratified by the Legislature before it may go into effect. The bill ratifies the rule. The scope of the bill is limited to this rulemaking condition and does not adopt the substance of any rule into the statutes.

The bill will have a significant negative fiscal impact to state expenditures from the State Risk Management Trust Fund (SRMTF) within the DFS. The DFS Division of Risk Management (division) estimates an increase in workers' compensation expenses for the division by $2.1 million in FY 2016-17, $2.1 million in FY 2017-18, and $2.2 million in FY 2018-19.

The impact to local government and the private sector is indeterminate. However, local governments and private employers responsible for paying workers' compensation claims or obtaining workers' compensation insurance will incur increased costs due to the increase in the maximum reimbursements for providers.

If approved by the Governor, these provisions take effect on July 1, 2016.
Vote: Senate 40-0; House 116-0

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Committee on Banking and Insurance

CS/CS/SB 1416 — Public Records/Own-risk and Solvency Assessment/ Corporate Governance Annual Disclosure

by Governmental Oversight and Accountability; Banking and Insurance Committee; and Senator Simmons

The bill creates a public records exemption to incorporate the confidentiality provisions of two National Association of Insurance Commissioners' (NAIC) model acts. These two model acts provide state insurance regulators with additional solvency regulatory tools – the Own Risk and Solvency Assessment (ORSA) and the Corporate Governance Annual Disclosure. Both model acts require that states must keep these documents confidential. The related bill, CS/CS/SB 1422, implements the requirements of the model acts in the Insurance Code.

Generally, the ORSA model act requires certain insurers to conduct an ORSA and submit an ORSA summary report to the OIR. The Corporate Governance Annual Disclosure (Corporate Governance) Model Act and corresponding Corporate Governance Annual Disclosure Model Regulations, require insurers to disclose their corporate governance structure, procedures, and practices to the OIR on an annual basis.

The bill provides that, except for information obtained by the OIR, which would otherwise be available for public inspection, the following information held by the OIR is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

- An ORSA summary report, a substantially similar ORSA report, and supporting documents submitted pursuant to s. 628.8015, F.S.
- A corporate governance annual disclosure and supporting documents submitted pursuant to s. 628.8015, F.S.

The bill states that it is a public necessity to protect such information because it contains sensitive and strategic financial information and internal practices about an insurer or insurer group.

The bill provides for repeal of the exemption on October 2, 2021, unless reviewed and saved from repeal by the Legislature pursuant to the Open Government Sunset Review Act.

If approved by the Governor, these provisions take effect on the same date that CS/CS/SB 1422 takes effect, if such legislation becomes a law.
Vote: Senate 39-0; House 117-0

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Committee on Banking and Insurance

CS/CS/SB 1422 — Insurer Regulatory Reporting

by Appropriations Committee; Banking and Insurance Committee; and Senator Simmons

The bill revises provisions within the Insurance Code relating to solvency requirements and regulatory oversight of insurers by the Office of Insurance Regulation (OIR). The bill implements the Risk Management and Own Risk and Solvency Assessment (ORSA) Model Act and the Corporate Governance Annual Disclosure (Corporate Governance) Model Act. These model acts originated from the National Association of Insurance Commissioners' Solvency Modernization Initiative.

The ORSA model act requires insurers to analyze all reasonable foreseeable and relevant material risks potentially affecting their ability to meet policyholder obligations. This will provide the OIR with an effective early warning mechanism and provides a group-level perspective on risk and capital. The Corporate Governance model act will provide the OIR with a detailed narrative describing governance practices to promote market stability and to deter unethical behavior.

If approved by the Governor, these provisions take effect on the same date that CS/CS/SB 1416 takes effect, if such legislation becomes a law.
Vote: Senate 38-0; House 117-0

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Committee on Banking and Insurance

HB 7035 — OGSR/Office of Financial Regulation

by Government Operations Subcommittee and Rep. Fant (SB 7032 by Banking and Insurance Committee)

The bill (Chapter 2016-28, L.O.F.) reenacts the public records exemption that makes the following information held by the Office of Financial Regulation (OFR) before, on, or after July 1, 2011, confidential and exempt from public-records requirements:

- Information received from another state or federal regulatory, administrative, or criminal justice agency that is otherwise confidential or exempt pursuant to the laws of that state or pursuant to federal law.
- Information that is received or developed by the OFR as part of a joint or multiagency investigation or examination.

The Office of Financial Regulation (OFR) has regulatory oversight of financial institutions, securities dealers, investment advisers, mortgage loan originators, money services businesses, retail installment sellers, consumer finance companies, debt collectors, and other financial service providers. The OFR also has the authority to conduct examinations and investigations. Other states and federal agencies also have regulatory oversight of many of these entities. In addition, many of the regulated entities operate in multiple states, making interstate cooperation essential to achieving comprehensive, efficient, and effective regulatory oversight.

Pursuant to the Open Government Sunset Review Act, the exemption will repeal on October 2, 2016, unless reenacted by the Legislature. The bill eliminates the scheduled repeal of the public records exemption. As a result, this information will continue to be confidential and exempt from public disclosure. The continuation of this exemption will allow the OFR to obtain information that could assist it in pursuing violations of law under its jurisdiction and to participate in joint or multiagency investigations and examinations. Without this exemption, the effective and efficient administration of the regulatory programs administered by the OFR would be significantly impaired.

These provisions were approved by the Governor and take effect October 1, 2016.
Vote: Senate 36-0; House 118-0

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Committee on Children, Families, And Elder Affairs

CS/SB 12 — Mental Health and Substance Abuse

by Appropriations Committee and Senators Garcia, Galvano and Ring

The bill addresses Florida's system for the delivery of behavioral health services. The bill provides for mental health services for children, parents, and others seeking custody of children involved in dependency court proceedings. The bill identifies the components of a coordinated system of care to be provided for individuals with mental illness or substance use disorder and defines a "No Wrong Door" model for accessing care.

The Agency for Health Care Administration (AHCA) and the Department of Children and Families (DCF) are directed to modify licensure requirements through the rulemaking process if possible, to create an option for a single, consolidated license to provide both mental health and substance use disorder services. For modifications requiring statutory revisions, the agency and the department shall produce a plan for consolidation to the Legislature by November 1, 2016.

Additionally, by December 31, 2016, AHCA and DCF are directed to develop a plan to increase federal funding for behavioral health care; compile detailed documentation of the cost and reimbursements for Medicaid covered services provided to Medicaid eligible individuals by providers of behavioral health care services. If the report provides clear and convincing evidence that Medicaid reimbursements are less than the costs of providing services, the agency and the department shall request additional trust fund authority necessary to draw down Medicaid funds as a match for the documented general revenue expenditures supporting covered services delivered to eligible individuals.

To more closely align the Baker Act (mental illness) and Marchman Act (substance abuse), the bill modifies the legal procedures and timelines, as well as processes for assessment, evaluation, and provision of services.

The duties and responsibilities of DCF are revised for the contract and oversight of the managing entities[1]. The duties and responsibilities of the managing entities are also revised. The new duties include, among others, the requirement to conduct a community behavioral health care needs assessment every three years in the geographic area served by the managing entity; determine the optimal array of services to meet the needs identified in the needs assessment and develop strategies to divert people with mental illness or substance use disorder from the criminal justice system and collaborate with the Department of Juvenile Justice and the state court system to integrate behavioral health services with the child welfare system.

[1] *See* s. 394.9082, F.S. A managing entity is a not-for-profit corporation organized in Florida which is under contract with DCF on a regional basis to manage the day-to-day operational delivery of behavioral health services through an organized system of care and a network of providers who are contracted with the managing entity to provide a comprehensive array of emergency, acute care, residential, outpatient, recovery support, and consumer support services related to behavioral health.

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By September 1 of each year, beginning in 2017, each managing entity is required to develop and submit a plan to the department describing the strategies for enhancing services and addressing three to five priority needs in the service area. The plans must be developed with input from consumers and their families, local governments, local law enforcement agencies, and other stakeholders.

The department is directed to update the crisis stabilization services utilization database. The database is renamed the acute care services utilization database. Managing entities are required to collect utilization data from all public receiving facilities situated within its geographical service area and all detoxification and addictions receiving facilities under contract with the managing entity.

The bill allows a crisis stabilization unit, a short-term residential treatment facility, or an integrated adult mental health crisis stabilization and addictions receiving facility that is collocated with a centralized receiving facility to be in a multi-story building and may be authorized on floors other than the ground floor.

The department is to develop certain forms to be used by law enforcement for use when a person is taken into custody under chapter 397. The department is also to develop a website and post standard forms to be used to file a petition for involuntary admission under the Marchman Act.

The bill has a fiscal impact of $400,000 in nonrecurring funds from the Operations and Maintenance Trust Fund to DCF for the purpose of modifying the existing crisis stabilization database to collect and analyze data and information pursuant to s. 397.321, F.S.

If approved by the Governor, these provisions take effect July 1, 2016
Vote: Senate 38-0; House 118-1

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Committee on Children, Families, And Elder Affairs

CS/CS/SB 202 — Florida Association of Centers for Independent Living

by Fiscal Policy Committee; Children, Families, and Elder Affairs Committee; and Senator Bean

The bill renames the James Patrick Memorial Work Incentive Personal Attendant Services Program as the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program. The bill expands the program to provide other supports and services, such as adaptive technology and transportation, in addition to providing a personal care attendant to disabled adults to assist them in securing and maintaining employment. The bill changes an existing oversight group to an oversight council and revises its membership and responsibilities. The Florida Association for Independent Living will continue to provide administrative support and may use up to 12 percent of the funds deposited in the Florida Endowment Foundation for Vocational Rehabilitation (the Able Trust) for the program. The bill also increases the amount provided to each state attorney that participates in the tax collection enforcement diversion program from $50,000 to $75,000 each year.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 113-0

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Committee on Children, Families, And Elder Affairs

CS/CS/CS/SB 232 — Guardianship

by Fiscal Policy Committee; Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senators Detert, Joyner, Margolis, Gardiner, Abruzzo, Altman, Bean, Benacquisto, Bradley, Brandes, Braynon, Bullard, Clemens, Dean, Diaz de la Portilla, Evers, Flores, Gaetz, Galvano, Garcia, Gibson, Grimsley, Hays, Hukill, Hutson, Latvala, Lee, Legg, Montford, Negron, Richter, Ring, Sachs, Simmons, Simpson, Smith, Sobel, Soto, Stargel, and Thompson

The bill expands and renames the Statewide Public Guardianship Office within the Department of Elder Affairs (DOEA) as the Office of Public and Professional Guardians. The office is given the additional responsibility of writing the rules for the administration of the regulation of professional guardians. Professional guardians have not previously been closely regulated by the state. The newly titled office remains housed within the Department of Elder Affairs (DOEA) and the executive director, an appointee of the Secretary of the DOEA, will oversee the newly formed office.

The bill establishes additional duties and responsibilities of the executive director and the office, including disciplinary and enforcement powers. The bill requires the annual registration of professional guardians, including $100 registration and $25 credit investigation fees.

The Office of Public and Professional Guardians is directed to adopt rules to establish standards of practice for public and professional guardians, receive and investigate complaints, establish procedures for disciplinary oversight, conduct hearings, specify penalties, and take administrative action pursuant to chapter 120, F.S.

The bill provides for Fiscal Year 2016-2017, 6 full-time positions and an appropriation of $698,153 in recurring funds and $123,517 in nonrecurring funds from the General Revenue Fund to DOEA for the purpose of carrying out the oversight and monitoring responsibilities of the office.

These provisions became law upon approval by the Governor on March 10, 2016.
Vote: Senate 40-0; House 115-2

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Committee on Children, Families, And Elder Affairs

HB 241 — Children and Youth Cabinet

by Rep. Harrell (SB 500 by Senator Montford)

The bill (Chapter 2016-19, L.O.F.) adds a superintendent of schools to the membership of the Florida Children and Youth Cabinet. The superintendent is to be appointed by the Governor.

These provisions were approved by the Governor and take effect July 1, 2016.
Vote: Senate 40-0; House 115-2

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Committee on Children, Families, And Elder Affairs

CS/CS/CS/SB 590 — Adoption

by Fiscal Policy Committee; Judiciary Committee; Children, Families, and Elder Affairs Committee and Senators Detert and Gaetz

The bill revises the definition "abandoned" or "abandonment" in Chapter 39, F.S., to provide that a man's acknowledgement of paternity of the child does not limit the period of time considered in determining whether the child was abandoned. Additionally, the definition of "parent" in Chapter 39, F.S., was revised to clarify that the term "parent" does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent except in certain conditions.

The bill revises the circumstances under which an adoption consent is valid, binding and enforceable; amends the factors a court must consider in determining whether the best interests of the child are served by transferring custody to a prospective adoptive parent chosen by the parent or adoptive entity; authorizes the court to establish reasonable timelines for the transfer of custody; and requires the court to provide written notice to a parent of his or her right to participate in a private adoption plan earlier in the process than currently required by law.

According to the Department of Children and Families, the bill is not expected to impact state funds. However, according to the Office of State Courts Administrator the bill is expected to have an indeterminate negative impact on judicial workloads.

If approved by the Governor, these provisions take effect July 1, 2016
Vote: Senate 36-0; House 119-0

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Committee on Children, Families, And Elder Affairs

SB 628 — Fees for Records

by Senator Richter

The bill adds the Agency for Persons with Disabilities to the list of specified state entities and vendors that pay a reduced fee per record for state and national criminal history information for each name submitted to the Florida Department of Law Enforcement (FDLE).

If approved by the Governor, these provisions take effect July 1, 2016
Vote: Senate 40-0; House 116-0

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Committee on Children, Families, And Elder Affairs

CS/SB 860 — Foster Families

by Children, Families, and Elder Affairs Committee and Senator Detert

The bill designates the second week of February of each year as "Foster Family Appreciation Week," to recognize the enduring and invaluable contributions that foster parents provide to the children in their care and to the future of the state.

The bill encourages the Department of Children and Families, local governments, and other entities to sponsor events to promote awareness of the contributions made by foster families to the vitality of the state.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 36-0; House 118-1

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Committee on Children, Families, And Elder Affairs

CS/HB 977 — Behavioral Health Workforce

by Health Quality Subcommittee and Reps. Peters, Pigman and others (CS/CS/SB 1250 by Appropriations Committee; Children, Families, and Elder Affairs Committee and Senator Grimsley)

This bill expands the behavioral health workforce, recognizes the need for additional psychiatrists as a critical state concern, integrates primary care and psychiatry, and allows persons with disqualifying offenses that occurred five or more years ago to work under the supervision of certain qualified personnel until a final determination regarding the request for an exemption from disqualification is made.

The bill modifies the process of retaining a patient in a receiving facility, or placing a patient in a treatment facility under the Baker Act, by allowing the psychiatrist providing the first opinion and the psychiatrist or clinical psychologist providing a second opinion to examine the patient through electronic means. Currently, only the psychiatrist or clinical psychologist providing a second opinion may perform an examination electronically.

The bill provides that persons employed directly or under contract with the Department of Corrections (DOC) in an inmate substance abuse program are exempt from a fingerprinting and background check requirement unless they have direct contact with unmarried inmates under the age of 18 or with inmates who are developmentally disabled.

The bill expands who is eligible to be a service provider in a substance abuse program by allowing persons who have had a disqualifying offense that occurred five or more years ago and who have requested an exemption from disqualification to work with adults with substance abuse disorders.

This bill allows physicians licensed under chapters 458 and 459 the discretion to dispense medications or prescribe a controlled substance regulated under chapter 893 on the premises of a registered pain-management clinic.

The bill allows a psychiatric nurse, as defined in s. 394.455, and working within the framework of an established protocol with a psychiatrist, to prescribe psychotropic controlled substances for the treatment of mental disorders. Grounds for discipline or denial of a license for psychiatric nurses for violations of such prescription duties are included in the bill.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 111-0

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Committee on Children, Families, And Elder Affairs

CS/CS/HB 1083 — Agency for Persons with Disabilities

by Appropriations Committee; Health and Human Services Committee; and Rep. Renner and others (CS/SB 7054 by Appropriations Committee; Children, Families, and Elder Affairs Committee)

The bill amends s. 393.065(5), F.S., to make changes to the waiver waiting list prioritization categories. The bill allows individuals with developmental disabilities needing both waiver and extended foster care child welfare services to be prioritized in Category 2 and, when enrolled on the waiver, to be served by both the Agency for Persons with Disabilities (APD) and community-based care organizations. The bill permits waiver enrollment without first being placed on the waiting list for individuals who were on a home and community-based waiver services (HCBS) program in another state and whose parent or guardian is an active-duty military service member transferred into the state. The bill provides that individuals remaining on the waiting list after other individuals are added are not substantially affected by agency action and not entitled to a hearing under s. 393.125, F.S., or administrative proceeding under chapter 120, F.S. Rulemaking authority is provided to specify tools for prioritizing waiver enrollment within categories.

Additionally, the bill allows increases in funding for waiver enrollees' services if they have a significant need for transportation to waiver-funded adult day training or employment services and have no other reasonable transportation options.

Section 393.067, F.S., requires APD to license comprehensive transitional education programs (CTEPs). The FY 2015-16 implementing bill amended s. 393.067, F.S., to remove a requirement that APD must contract for residential services with facilities licensed prior to October 1, 1989. The FY 2015-16 implementing bill also amended s. 393.18, F.S., to delete language restricting APD's ability to license new CTEP providers. Prior to the implementing bill, these two provisions operated to create a monopoly for one provider. The amendments to these statutes will expire and revert to the original language on July 1, 2016. The bill repeals those expiration and reversion clauses, allowing the amended language of ss. 393.067 and 393.18, F.S., from Chapter 2015-222, Laws of Florida, to remain law.

Section 393.11, F.S., authorizes involuntary admission of persons with intellectual disabilities and autism that require residential services. However, a 2015 Florida Supreme Court ruling found that current law does not address the agency's duty to perform periodic reviews of continued involuntary admission with the duty to consider appropriate placement and provision of services and the authority to order release. This bill directs APD to have people involuntary admitted into residential services to be evaluated by a qualified evaluator and provide the evaluations to the court for consideration of placement and services.

The bill requires contracted waiver services providers to use any APD data management systems to document service provision to APD clients and to have required hardware and software for doing so; they must also comply APD's requirements for provider staff training and professional development. The bill also adds Down syndrome to the definition of "developmental disability."

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Such individuals already are eligible for HCBS waiver services under that diagnosis and also may qualify for services due to intellectual disability.

If approved by the Governor, these provisions take effect July 1, 2016, except as otherwise provided in the bill.
Vote: Senate 39-0; House 117-0

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Committee on Children, Families, And Elder Affairs

CS/CS/HB 1125 — Eligibility for Employment as Child Care Personnel

by Health and Human Services Committee; Criminal Justice Subcommittee; Children, Families, and Seniors Subcommittee; and Rep. McBurney and others (CS/SB 1420 by Children, Families, and Elder Affairs Committee and Senators Bean and Gaetz)

The bill prohibits the Department of Children and Families from removing a disqualification from employment or granting exemption for employment as child care personnel to persons who have been:

- Registered as a sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) and are subject to the registration requirements under the Adam Walsh Child Protection and Safety Act; or
- Arrested for and are awaiting final disposition of, found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged for certain state felonies and misdemeanors enumerated in the bill. The list of crimes in the bill is more comprehensive than those in federal law and less comprehensive than the list in current Florida law.

Such individuals are disqualified from employment with a child care provider notwithstanding any prior exemption from disqualification.

The bill requires that any person employed by a child care provider on July 1, 2016, who has been granted an exemption to a disqualification from employment must be rescreened no later than August 1, 2016. The bill also provides that the provisions of this bill related to exemptions from disqualification from employment will supersede the provisions of CS/HB 7053 if that bill were to pass this session and become law.

CS/HB 7053 contains all of the provisions necessary for Florida to be in compliance with the federal reauthorization of the Child Care and Development Block Grant. The changes to s. 435.07, F.S., only apply to child care personnel working for providers who receive block grant funds whereas the provisions in CS/CS/CS/HB 1125 apply to all child care personnel. Further, CS/CS/CS/HB 1125 requires all child care personnel currently employed as the result of receiving an exemption be rescreened by August 1, 2016.

If approved by the Governor, these provisions take effect July 1, 2016
Vote: Senate 38-0; House 116-0

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Committee on Children, Families, And Elder Affairs

SB 7048 — OGSR/Client Records and Donor Information Collected by Regional Autism Centers

by Children, Families, and Elder Affairs Committee

The bill continues the public records exemption for Florida's seven regional autism centers by removing the October 2, 2016 repeal date. The exemption provides that all records relating to a client of an autism center and the client's family are confidential and exempt from public record requirements. The exemption also provides that the personal identifying information of donors or prospective donors who wish to be anonymous is confidential and exempt.

Since the bill does not expand or create an exemption to public records law, the bill requires a majority vote of each chamber for passage.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 37-0; House 117-0

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Committee on Commerce and Tourism

CS/SB 180 — Trade Secrets

by Commerce and Tourism Committee and Senator Richter

The bill (Chapter 2016-5, L.O.F.) expands the definition of the term "trade secret," as provided in s. 812.081, F.S., to expressly include financial information.

An individual who steals, copies without authorization, or misappropriates financial information which meets the criteria of a trade secret is guilty of a third degree felony under s. 812.081, F.S.

These provisions were approved by the Governor and take effect on October 1, 2016.
Vote: Senate 34-0; House 116-3

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Committee on Commerce and Tourism

CS/CS/SB 182 — Public Records and Meetings/Trade Secrets

by Governmental Oversight and Accountability Committee; Commerce and Tourism Committee; and Senator Richter

The bill (Chapter 2016-6, L.O.F.) reenacts several public records exemptions of trade secret information to conform to the s. 812.081, F.S., definition of "trade secret," which was amended by CS/SB 180 to expressly include financial information. These exemptions protect financial information deemed to be trade secrets from public disclosure.

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

These provisions were approved by the Governor and take effect on October 1, 2016.
Vote: Senate 35-0; House 111-7

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Committee on Commerce and Tourism

CS/CS/HB 739 — Secondhand Dealers

by Judiciary Committee; Criminal Justice Subcommittee; and Reps. Passidomo and others (CS/CS/CS/SB 948 by Rules Committee; Fiscal Policy Committee; Commerce and Tourism Committee; and Senator Richter)

The bill (Chapter 2016-59, L.O.F.) revises the laws that govern transactions by secondhand dealers. The bill:

- Amends the definition of "secondhand goods" to include gift cards and credit memos;
- Defines the term "automated kiosk;"
- Enlarges the definition of "secondhand dealer" to include any secondhand dealer who is engaged in the business of purchasing secondhand goods by means of an automated kiosk;
- Requires secondhand dealers to maintain digital photos of the goods they acquire;
- Provides recordkeeping requirements for goods procured by a secondhand dealer at an automated kiosk;
- Extends the time period for which a secondhand dealer must hold certain items from 15 to 30 days from initial acquisition, and requires any item procured at an automated kiosk to be held for 30 days;
- Subjects secondhand dealers to noncriminal penalties, punishable by a fine of up to $2,500; and
- Allows a secondhand good to be kept at a location outside of the jurisdiction of the appropriate law enforcement agency if there is an agreement between the law enforcement official and the secondhand dealer, and if the secondhand dealer can deliver the good to appropriate law enforcement within 2 days of a request.

These provisions were approved by the Governor and take effect on July 1, 2016.
Vote: Senate 40-0; House 115-0

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Committee on Commerce and Tourism

CS/SB 754 — Public Records/Department of Agriculture and Consumer Services Criminal or Civil Intelligence or Investigative Information

by Commerce and Tourism and Senator Richter

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

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

The public records exemption created by this bill is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2021, unless it is reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect upon becoming law if SB 772 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.
Vote: Senate 40-0; House 116-0

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Committee on Commerce and Tourism

CS/CS/SB 772 — Regulated Service Providers

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

The bill modifies provisions in several areas regulated by the Department of Agriculture and Consumer Services (DACS), including:

- Eliminating the requirement that the Board of Professional Surveyors and Mappers have at least one member who is a photogrammetrist;
- Implementing license fee waivers for veterans, their spouses, and their businesses;
- De-regulating personal trainers from the Department of Agriculture and Consumer Services' oversight;
- Clarifying requirements for owners of devices used for weights or measurements that are subject to a commercial-use permit under ch. 527, F.S., updating the commercial-use permit's license cycle, and simplifying commercial-use permit fees;
- Modernizing the Florida Sellers of Travel Act and deregulating same-day tour guide or sightseeing services;
- Allowing amusement ride operators to provide their own inspection form, and exempting specific rides from inspection requirements;
- Implementing fingerprint retention in ch. 493, F.S. (Private Security, Private Investigators, and Recovery Specialists), licensing processes;
- Implementing a live-fire requirement for concealed weapon or firearm licensure;
- Streamlining renewal of concealed weapon or firearm licenses by allowing a sworn statement, rather than a notarized affidavit, of a licensee's continued eligibility for licensure;
- Allowing personal service or notice by certified mail, or in the case of non-delivery, by U.S. mail or e-mail, to constitute effective service of notice of suspension or revocation of an individual's concealed weapon or firearm license;
- Allowing qualified tax collectors to print and deliver renewal concealed weapon or firearm licenses;
- Reducing application fees for concealed weapon or firearm licenses;
- In actions relating to the enforcement of a lien on a vehicle by a motor vehicle repair shop, allowing parties other than the consumer who authorized repairs to the motor vehicle to assert their right to the vehicle through either a bond process or a hearing in circuit court; and
- Requiring the DACS to establish standards and processes for approval of student tour operators, and mandating that the Department of Education publish a list of the approved student tour operators.

If approved by the Governor, these provisions take effect July 1, 2016, unless otherwise expressly provided in the bill.
Vote: Senate 40-0; House 117-0

Committee on Commerce and Tourism

CS/SB 7040 — Workforce Development

by Fiscal Policy Committee and Commerce and Tourism Committee

The bill modifies Florida's current program for workforce services in order to implement the Federal Workforce Innovation and Opportunity Act of 2014. The bill provides membership guidelines for the board of directors of CareerSource Florida, Inc., and the local workforce development boards. The bill requires the state workforce development plan to be based on a 4-year strategic and operational plan.

The bill requires the Florida Department of Education and CareerSource Florida, Inc., to enter into a memorandum of understanding to ensure the state plan is in compliance with federal law. One-stop delivery partners and local workforce development boards are also required to enter into a memorandum of understanding regarding infrastructure cost-sharing.

The bill also clarifies that active duty employment protections apply to National Guard members of any state.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 37-0; House 115-0

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Committee on Communications, Energy, And Public Utilities

CS/SB 90 — Natural Gas Rebate Program

by Appropriations Committee and Senator Simpson

The bill amends s. 377.810, F.S., to authorize the Department of Agriculture and Consumer Services (department) to receive additional applications between June 1 and June 30 from applicants that have met the program maximum of $250,000 per fiscal year.

Government applicants will have preference and remaining funds may be used by commercial applicants. Eligible applicants may apply for additional funds for vehicles that have not received a rebate, for a maximum rebate of $25,000 per vehicle up to a total of $250,000, awarded on a first-come, first-served basis until all appropriated funds are expended.

Any unencumbered funds remaining in the natural gas fuel fleet vehicle rebate program after June 30 of each fiscal year will revert to the General Revenue Fund.

The department will not require additional resources to implement the provisions in this bill.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 110-5

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Committee on Communications, Energy, And Public Utilities

CS/HJR 193 — Solar or Renewable Energy Source Devices/Exemption from Certain Taxation and Assessment

by Regulatory Affairs Committee; and Reps. Rodrigues, R., Berman, and others (CS/CS/SJR 170 by Appropriations Committee; Finance and Tax Committee; and Senators Brandes and Hutson)

The Florida Constitution (Constitution) provides for local government ad valorem taxes on real property and tangible personal property, assessment of property for tax purposes, and exemptions to these taxes.

Currently, Article VII, section 4(i) of the Constitution provides that the legislature, by general law and subject to conditions specified therein, may prohibit the consideration of the installation of a renewable energy source device in the determination of the assessed value of real property used for residential purposes.

The joint resolution proposes two amendments to the Florida Constitution, which will be submitted to the electors of the state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose (CS/HB 195 (see separate summary) provides that, pursuant to Section 5 of Article XI of the State Constitution, a special election will be held on August 30, 2016, concurrently with other statewide elections held on that date).

The first amendment authorizes the Legislature to exempt the assessed value of solar devices or renewable energy source devices from ad valorem taxation on tangible personal property.

The second amendment authorizes the Legislature to prohibit, by general law, a property appraiser from considering the installation of a solar device or a renewable energy source device in the determination of assessed value of real property for the purpose of ad valorem taxation. This expands the current constitutional provision by including both residential and nonresidential real property.

If approved by the Governor, these provisions take effect January 1, 2018.
Vote: Senate 37-0; House 117-0

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Committee on Communications, Energy, And Public Utilities

CS/HB 195 — Special Election

by Regulatory Affairs Committee; and Reps. Rodrigues, R., Berman, and others
(CS/CS/CS/SB 172 by Appropriations Committee; Finance and Tax Committee; Community Affairs Committee; and Senators Brandes and Hutson)

The bill provides that, pursuant to Section 5 of Article XI of the State Constitution, a special election will be held on August 30, 2016, concurrently with other statewide elections held on that date. At the special election, the electors of this state will vote on amendments to the State Constitution proposed in the Committee Substitute for House Joint Resolution No. 193, 2016 Regular Session. The subject matter of the joint resolution relates to legislative authority to provide personal property tax exemptions for solar and renewable energy source devices and to prohibit the consideration of the installation of such devices in determining the assessed value of residential and nonresidential real property for the purpose of ad valorem taxation.

The bill provides for publication of notice in accordance with Section 5 of Article XI of the State Constitution and that the special election be held as other special elections are held.

If approved by the Governor, these provisions take effect January 1, 2017.
Vote: Senate 33-6; House 108-0

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Committee on Communications, Energy, And Public Utilities

CS/HB 347 — Utility Projects

by Finance and Tax Committee; and Rep. Sprowls and others (CS/CS/SB 324 by Communications, Energy, and Public Utilities Committee; Finance and Tax Committee; and Senators Legg and Simpson)

The bill establishes a new mechanism - utility cost containment bonds - available to a utility authority to finance projects related to water or wastewater service on behalf of a local agency. The bonds are secured by a utility project charge levied on the local agency's utility customers. This separate charge is designed to satisfy rating agency criteria to achieve a higher bond rating and, therefore, a lower interest rate and more favorable terms for bonds issued to fund eligible projects.

More specifically, the bill designates the following entities as those permitted to act as an "authority":

- a legal entity created under s. 163.01(7)(g), F.S.; or
- a legal entity created under s. 163.01, F.S., composed of at least two of the following:
  - A public agency that provides retail water or wastewater services in two or more counties;
  - A municipality; or
  - A county.

The authority or at least one member of the authority must provide retail water or wastewater services to at least 75,000 customers.

The bill authorizes an authority to work with local agencies that request assistance to determine the most cost-effective manner of financing regional water projects, and, if the entities determine that the issuance of utility cost containment bonds will result in lower financing costs for a project, to cooperate with such local agencies and, if requested by them, to issue utility cost containment bonds. For these purposes, the bill designates the following entities as those permitted to seek issuance of utility cost containment bonds as a "local agency": a member of the authority, or an agency or subdivision of that member, which is sponsoring or refinancing a utility project, or any municipality, county, authority, special district, public corporation, regional water authority, or other governmental entity of the state that is sponsoring or refinancing a utility project.

The process of issuance of utility cost containment bonds is initiated by the governing body of the local agency holding a public meeting to determine:

- The project to be financed is a utility project;
- Based on the best information available, the utility rates charged to the local agency's retail customers, including the utility project charge resulting from the utility cost containment bonds, are expected to be lower than the rates that would be charged if the project was financed with bonds payable from revenues of the publicly owned utility.

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After making these determinations, the local agency may apply to the utility authority to issue the utility cost containment bonds. The application must specify the utility project to be financed, the maximum principal amount, the maximum interest rate, and the maximum stated terms of the utility cost containment bonds.

The governing body of an authority that is financing the costs of an eligible utility project must adopt a financing resolution which includes:

- A description of the financial calculation method the authority will use to determine the utility project charge, including a periodic adjustment methodology to be applied at least annually to the utility project charge. The authority must establish the allocation of the utility project charge among classes of customers of the publicly owned utility. The decisions of the authority are final and conclusive.
- A requirement that each customer in the class or classes of customers specified in the financing resolution who receives water or wastewater service through the publicly owned utility pay the utility project charge.
- A requirement that the utility project charge be charged separately from other charges on the bill of each customer.
- A requirement that the authority enter into a servicing agreement with the local agency or its publicly owned utility to collect the utility project charge.

In the financing resolution, the authority must impose a utility project charge sufficient to ensure timely payment of all financing costs with respect to utility cost containment bonds. The charge must be based on estimates of water or wastewater service usage. The utility project charge is a nonbypassable charge on all present and future customers of the publicly owned utility in the class or classes of customers specified in the financing resolution at the time of its adoption. The timely and complete payment of all utility project charges by the customer is a condition of receiving water or wastewater service from the publicly owned utility.

Revenues from a utility project charge are deemed special revenues of the authority, not revenue of the local agency or its publicly owned utility for any purpose. The local agency or its publicly owned utility must act as a servicing agent for collecting the charge pursuant to a servicing agreement to be required by the financing resolution. The money collected must be held in trust for the exclusive benefit of the persons entitled to have the financing costs paid from the utility project charge.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 116-0

Committee on Communications, Energy, And Public Utilities

CS/CS/HB 1025 — Public Records/Utility Security Information

by State Affairs Committee; Energy and Utilities Subcommittee; and Reps. Antone and Cortes, B. (CS/CS/SB 776 by Governmental Oversight and Accountability Committee; Communication, Energy, and Public Utilities Committee; and Senator Bradley)

The bill creates a public record exemption for the following information held by a local government utility:

- Information related to the security of the technology, processes, or practices of a utility owned or operated by a unit of local government that are designed to protect the utility's networks, computers, programs, and data from attack, damage, or unauthorized access, which information, if disclosed, would facilitate the alteration, disclosure, or destruction of such data or information technology resources.
- Information related to the security of existing or proposed information technology systems or industrial control technology systems of a utility owned or operated by a unit of local government which, if disclosed, would facilitate unauthorized access to, and alteration or destruction of, such systems in a manner that would adversely impact the safe and reliable operation of the systems and the utility.

For the purposes of the chapter, the bill provides for retroactive application of the public record exemption. This public records exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and stands repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also provides a statement of public necessity as required by the Florida Constitution.

The bill defines the term "utility" to mean a person or entity that provides electricity, natural gas, telecommunications, water, chilled water, reuse water, or wastewater.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 36-0; House 113-0

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Committee on Community Affairs

CS/SB 124 — Public-private Partnerships

by Governmental Oversight and Accountability Committee and Senator Evers

The bill implements many recommendations of the statutorily created Partnership for Public Facilities and Infrastructure Act Guidelines Task Force to create a uniform process for public entities to engage in public-private partnerships (P3s).

Specifically, the bill:

- Clarifies that the P3 process must be construed as cumulative and supplemental, or alternative, to any other authority or power vested in the governing body of a county, municipality, special district, or municipal hospital or health care system;
- Revises the list of entities authorized to conduct P3s to include special districts and school districts;
- Provides increased flexibility to the responsible public entity by permitting a responsible public entity to deviate from the provided procurement timeframes if approved by majority vote of the entity's governing body;
- Requires that an unsolicited proposal be submitted concurrently with an initial application fee established by the responsible public entity;
- Authorizes a responsible public entity to request additional funds if the initial fee does not cover the costs to evaluate the unsolicited proposal; also requires the responsible public entity to return the initial application fee if the responsible public entity does not review the unsolicited proposal;
- Provides that if an unsolicited proposal involves architecture, engineering, or landscape engineering, the professional hired to evaluate or create the design criteria packaged must be retained until the entire project is completed; and
- Authorizes the Department of Management Services to accept and maintain copies of comprehensive agreements received from responsible public entities.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 116-1

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Committee on Community Affairs

CS/SB 126 — Public Records and Public Meetings/Public-private Partnerships

by Governmental Oversight and Accountability Committee and Senator Evers

The bill creates an exemption from public record and public meeting requirements for unsolicited proposals for public-private partnership projects for public facilities and infrastructure.

An unsolicited proposal is exempt from public record requirements until such time that the responsible public entity provides notice of its intended decision. If the responsible public entity rejects all proposals and concurrently provides notice of its intent to seek additional proposals, the unsolicited proposal remains exempt for a specified period of time; however, it does not remain exempt for more than 90 days after the responsible public entity rejects all proposals received for the project described in the unsolicited proposal. If the responsible public entity does not issue a competitive solicitation, the unsolicited proposal is not exempt for more than 180 days.

A public meeting exemption has been created for any portion of a meeting during which the exempt unsolicited proposal is discussed. A recording must be made of the closed portion of the meeting. The recording, and any records generated during the closed meeting, are exempt from public record requirements until such time as the underlying public record exemption expires.

If approved by the Governor, these provisions take effect on the same date that CS/SB 124 becomes a law.
Vote: Senate 30-4; House 111-6

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Committee on Community Affairs

CS/SB 190 — Conservation Easements

by Community Affairs Committee and Senators Hutson and Margolis

A conservation easement is "a right or interest in real property which is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; retaining the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance; or maintaining existing land uses..."

In November 2008, Florida's voters amended the Florida Constitution to provide an ad valorem tax exemption for perpetual conservation easements. An ad valorem tax or property tax is an annual tax levied by counties, cities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year. To determine the ad valorem tax of a property, a property appraiser determines the just value of a property and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's taxable value.

Florida currently requires annual applications for the ad valorem exemption for property subject to a perpetual conservation easement.

The bill provides that once an original application for an ad valorem tax exemption for property subject to a perpetual conservation easement has been granted, the property owner is not required to file a renewal application until the use of the property no longer complies with the restrictions and requirements of the conservation easement.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 35-0; House 115-1

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Committee on Community Affairs

SB 194 — Redevelopment Trust Fund

by Senator Hukill

The Community Redevelopment Act authorizes a county or municipality to create community redevelopment agencies (CRAs) as a means of redeveloping slums and blighted areas. Community redevelopment agencies are not permitted to levy or collect taxes; however, the local governing body is permitted to establish a community redevelopment trust fund that is funded through tax increment financing (TIF). The TIF mechanism requires taxing authorities within the CRA to annually appropriate an incremental amount of revenue to the redevelopment trust fund by January 1. This revenue is used to finance redevelopment projects in accordance with a redevelopment plan, which may include bonding. Certain taxing authorities are exempt from contributing to the CRA.

The bill adds hospital districts to the list of taxing authorities which are exempt from contributing to the redevelopment trust fund, but only for CRAs created after July 1, 2016. Hospital districts in CRAs created before July 1, 2016, will continue to contribute to the redevelopment trust fund.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 114-0

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Committee on Community Affairs

CS/HJR 275 — Homestead Tax Exemption/Senior, Low-Income, Long-Term Residents

by Finance and Tax Committee and Rep. Avila and others (CS/SJR 492 by Finance and Tax Committee and Senators Flores and Margolis)

The ad valorem tax or property tax is an annual tax levied by counties, cities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year. To determine the ad valorem tax of a property, a property appraiser determines the just value of a property and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's taxable value. The Legislature may only grant property tax exemptions that are authorized in the Florida Constitution, and any modifications to existing property tax exemptions must be consistent with the constitutional provision authorizing the exemption.

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

Since 2013, counties and municipalities have been authorized to also exempt the entire assessed value of a low-income senior's homestead with a just value less than $250,000 if the low-income senior has maintained that homestead for not less than 25 years. Taxpayers who initially receive the exemption are denied the exemption in a later year if the just value of their homestead exceeds $250,000.

The joint resolution proposes an amendment to the Florida Constitution to limit the just value determination, for purposes of the long-term, low-income, senior exemption, to the value as determined in the first tax year that the owner applies for and is eligible for the exemption.

If approved by the voters, the proposed constitutional amendment is effective January 1, 2017, and operates retroactively to January 1, 2013, for any person who received the exemption prior to January 1, 2017.
Vote: Senate 39-0; House 113-0

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Committee on Community Affairs

CS/HB 277 — County and Municipality Homestead Tax Exemption

by Finance and Tax Committee; and Rep. Avila and others (CS/CS/SB 488 by Finance and Tax Committee; Community Affairs Committee; and Senators Flores and Margolis)

The ad valorem tax or property tax is an annual tax levied by counties, cities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year. To determine the ad valorem tax of a property, a property appraiser determines the just value of a property and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's taxable value. The Legislature may only grant property tax exemptions that are authorized in the Florida Constitution, and any modifications to existing property tax exemptions must be consistent with the constitutional provision authorizing the exemption.

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

Since 2013, counties and municipalities have been authorized to also exempt the entire assessed value of a low-income senior's homestead with a just value less than $250,000 if the low-income senior has maintained that homestead for not less than 25 years. Taxpayers who initially receive the exemption are denied the exemption in a later year if the just value of their homestead exceeds $250,000.

The bill provides that for purposes of the long-term, low-income senior exemption for homesteads with a just value under $250,000, the $250,000 limitation is measured at the time the property owner first applies and is eligible for the exemption.

In addition, individuals who were granted the exemption in prior years, but became ineligible for the exemption because the just value of the individual's homestead rose above $250,000, may regain the exemption by reapplying for the exemption. The just value determination for such person shall be the just value as determined in the first tax year that the owner applied for and was eligible for the exemption, regardless of the current just value of his or her homestead property.

Individuals who received the exemption prior to the effective date of the bill may apply to the tax collector for a refund, pursuant to s. 197.182, F.S., for any prior year in which the exemption was denied solely because the just value of the homestead property was greater than $250,000. The refund for a given year is equal to the difference between the previous tax liability for that year without the exemption and their tax liability with the exemption.

This act shall take effect on the same date that CS/HJR 275 takes effect, if such joint resolution is approved by the electors at the general election to be held in November 2016, and shall apply

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retroactively to the 2013 tax roll for any person who received the exemption under s. 196.075(2)(b), F.S., before the effective date of this act.
Vote: Senate 36-0; House 111-0

Committee on Community Affairs

CS/SB 416 — Location of Utilities

by Community Affairs Committee and Senator Flores

Consistent with common law, Chapter 337, F.S., requires a utility to bear the costs of relocating its facilities located "upon, under, over, or along" any public road or publicly owned rail corridor if the facilities "unreasonably interfere in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion" of the public road or publicly owned rail corridor. There are nine exceptions to this general rule enumerated by statute.

The bill would provide an additional exemption to the general rule requiring utilities to bear the cost for relocating their facilities. The bill requires the Department of Transportation or the local government entity to pay for the relocation of utility facilities if the facilities are located within an existing and valid public utility easement granted by recorded plat. This exception would still apply if ownership of the underlying land was acquired by the governmental entity requiring the relocation. Under this exception, the governmental entity would be required to pay the full cost of relocation, after deductions for any increase in value attributable to the new facility and any salvage value of the old facility.

The bill reduces a county's authority to grant licenses for lines to only locations "under, on, over, across, or within the right-of-way limits" of a county highway or public road, as opposed to "under, on, over, across and along" such highways or roads.

Finally, the bill narrows the authority of the Department of Transportation and local governments to prescribe and enforce rules or regulations related to the placing and maintaining of a utility to "across, on, or within the right-of-way limits" of any public road or publicly owned rail corridor, as opposed to "along, across, or on" any public road or publicly owned rail corridor.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 34-4; House 109-4

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Committee on Community Affairs

CS/CS/HB 447 — Local Government Environmental Financing

by Agriculture and Natural Resources Appropriations Subcommittee; Agriculture and Natural Resources Subcommittee; and Rep. Raschein and others (CS/SB 770 by Appropriations Committee and Senators Simpson, Flores, Benacquisto, and Altman)

The Areas of Critical State Concern Program was created by the "Florida Environmental Land and Water Management Act of 1972." The program is intended to protect resources and public facilities of major statewide significance, within designated geographic areas, from uncontrolled development that would cause substantial deterioration of such resources.

The designated Areas of Critical State Concern are the Apalachicola Bay Area, the Green Swamp Area, the Big Cypress Area, the Florida Keys Area, and the City of Key West Area.

The Legislature designated the Florida Keys (Monroe County and its municipalities) and the City of Key West as Areas of Critical State Concern in 1975 due to the area's environmental sensitivity and mounting development pressures. The legislative intent was to establish a land use management system for the Florida Keys that would achieve the following goals:

- Protect the natural environment and improve the nearshore water quality;
- Support a diverse economic base that promotes balanced growth in accordance with the capacity of public facilities;
- Promote public land acquisition and ensure that the population of the Florida Keys can be safely evacuated;
- Provide affordable housing in close proximity to places of employment; and
- Protect property rights and promote coordination among governmental agencies that have permitting jurisdiction.

The bill makes the following changes to law:

- Expands the use of the local government infrastructure surtax to include acquiring any interest in lands for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern.
- Expands the definition of infrastructure under the local government infrastructure surtax to include "any fixed capital expenditure or fixed capital outlay associated with…all other professional and related costs to bring the public facilities." Public facilities is defined to include a wide variety of major capital improvements including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities; healthcare systems and facilities; and water management and control facilities, alternative water systems, and certain spoil disposal sites for maintenance dredging in waters of the state.
- Adds the City of Key West Area of Critical State Concern to the list of eligible areas for which Everglades restoration bonds may be issued and expands the range of uses to include projects that protect, restore, or enhance nearshore water quality and fisheries,

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such as storm water or canal restoration projects, and projects to protect and enhance the water supply to the Florida Keys.

- Allows for lands that are purchased in the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern from Everglades restoration bond proceeds to be surplused under certain circumstances. The applicable general purpose local government must agree to the disposal of lands and must be offered the first right to purchase those lands.
- Revises the DEP's criteria for the recommendation to the board of the purchase of lands in an area of critical state concern to include:
  - Lands that conserve sensitive habitat;
  - Lands that protect, restore, or enhance nearshore water quality and fisheries;
  - Lands used to protect and enhance water supply to the Florida Keys, including alternative water supplies such as reverse osmosis and reclaimed water systems; and
  - Lands used to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern if the acquisition of such lands fulfills a public purpose listed in s. 259.032(2), F.S.
- Requires that of the funds appropriated to the DEP as distributed in the Florida Forever Act for land acquisition and capital projects, a minimum of $5 million annually is allocated within the Florida Keys Area of Critical State Concern beginning in Fiscal Year 2017-2018 through Fiscal Year 2026-2027.
- Appropriates to the Department of Environmental Protection $5 million in nonrecurring funds from the General Revenue Fund for the 2016-2017 fiscal year. These funds shall be distributed in accordance with the existing interlocal agreement among specified local governmental entities in Monroe County for various water purposes and to enhance water supply in the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern; or, alternatively, for the purposes of land acquisition within the Florida Keys Area of Critical State Concern.
- Expands the powers of the Area of Critical State Concern land authority to include the prevention or satisfaction of private property rights' claims resulting from limitations imposed by the designation of an areas of critical state concern and to contribute funds to the DEP for the purchase of lands by the DEP.
- Provides that the Area of Critical State Concern land authority may only make an acquisition or contribution if the acquisition or contribution is not used to improve public transportation facilities or otherwise increase road capacity to reduce hurricane evacuation clearance times.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 113-1

Committee on Community Affairs

CS/HB 479 — Special Districts

by Local Government Affairs Subcommittee and Rep. Metz and others (SB 956 by Senator Stargel)

Special districts are used to provide a variety of local services and generally are funded through the imposition of ad valorem taxes, fees, and charges on the users of those services. There are two types of special districts: independent special districts, which typically are created by special act and operate independently of any local general-purpose government, and dependent special districts, which typically are created by local ordinance and are subject to the control of a local general-purpose government.

The bill requires a special district to publish additional information on its website, including a calendar of public meetings, and ensure other current budgetary information is maintained on its website for longer periods of time. The bill also reorganizes the oversight provisions of ch. 189, F.S., to increase clarity and avoid duplication. The bill clarifies the power of the Legislature to create dependent special districts. The bill revises the process for the Department of Economic Opportunity to declare a special district inactive and clarifies the power of the Legislature to dissolve inactive independent special districts by general law. The bill also makes conforming changes to a number of related statutes.

If approved by the Governor, these provisions take effect October 1, 2016.
Vote: Senate 36-0; House 110-0

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Committee on Community Affairs

CS/CS/HB 499 — Ad Valorem Taxation

by Appropriations Committee; Local and Federal Affairs Committee; and Rep. Avila and others (CS/CS/SB 766 by Appropriations Committee; Finance and Tax Committee; and Senator Flores)

The ad valorem tax or "property tax" is an annual tax levied by counties, cities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year. The property appraiser annually determines the "just value" of property within the taxing authority and then applies applicable exclusions, assessment limitation, and exemptions to determine the property's "taxable value."

Each property appraiser submits the county tax roll to the Department of Revenue (DOR) for review by July 1 of each year for assessments as of the prior January 1. In August, the property appraiser sends a Truth in Millage (TRIM) notice to all taxpayers providing specific tax information about their parcel. Taxpayers who disagree with the property appraiser's assessment or the denial of an exemption or property classification may:

- Request an informal meeting with the property appraiser;
- Appeal the assessment by filing a petition with the county Value Adjustment Board (VAB); or
- Challenge the assessment in circuit court.

Each county has a VAB, comprised of two members of the governing body of the county, one member of the school board and two citizen members appointed by the governing body of the county. The county clerk acts as the clerk of the VAB. A property owner may initiate a review by filing a petition with the clerk of the VAB within 25 days after the mailing of the TRIM notice.

The clerk of the VAB is responsible for receiving completed petitions, acknowledging receipt to the taxpayer, sending a copy of the petition to the property appraiser, and scheduling hearings.

Current law requires VABs to render a written decision within 20 calendar days after the last day the board is in session. The decision of the VAB must contain findings of fact and conclusions of law and must include reasons for upholding or overturning the determination of the property appraiser. If a special magistrate has been appointed, the recommendations of the special magistrate must be considered by the VAB. The clerk of the VAB, upon issuance of a decision, must notify each taxpayer and the property appraiser of the decision of the VAB. If requested by the DOR, the clerk must provide to the DOR a copy of the decision or information relating to the tax impact of the findings and results of the board as described in s. 194.037, F.S., in the manner and form requested.

The bill makes several changes related to the VAB process. Specifically, the bill:

- Requires the VAB to resolve all petitions by June 1 following the assessment year. The June 1 date is extended to December 1 in any year that the number of petitions increases by more than 10 percent over the prior year.

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- Limits the persons who may represent a taxpayer before the VAB to certain licensed professionals, an employee of the taxpayer, a person with power of attorney, or an uncompensated individual with a written authorization.
- Requires that a petition filed by someone other than a licensed professional or employee of the taxpayer be signed by the taxpayer or be accompanied by a power of attorney from the taxpayer or the taxpayer's written authorization for representation. Powers of attorney and written authorizations to petition the VAB are only valid for 1 assessment year.
- Changes the rate of interest for overpayments and underpayments from 12 percent to the bank prime loan rate and requires interest on an overpayment related to a petition to be funded proportionately by each taxing authority that was overpaid.
- Authorizes a petitioner or a property appraiser to reschedule a hearing a single time, for good cause only, and reduces the notice for rehearing from 25 to 15 days when the rehearing is requested by the petitioner.
- Prohibits the imposition of interest or penalty when an owner of nonhomestead residential property or nonresidential property was improperly granted an assessment limitation due to a clerical mistake or omission.
- Clarifies that a property owner may petition the VAB concerning a property appraiser's determination that a change of ownership, change of control, or qualifying improvement has occurred for purposes of resetting the assessment limitation on the property.
- Specifies the property appraiser's treatment of erroneous or incomplete property tax returns, and requires returns to be timely filed in order to be contested before the VAB.

The bill also makes permanent the ability of a school district to levy 75 percent of a school district's most recent prior period funding adjustment millage in the event that the final tax roll is delayed for longer than 1 year.

If approved by the Governor, unless otherwise provided, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 117-0

Committee on Community Affairs

HB 525 — Small Community Sewer Construction Assistance Act

by Rep. Beshears and others (SB 444 by Senator Montford)

The Department of Environmental Protection administers the Small Community Sewer Construction Assistance Act (Act) to assist financially disadvantaged small communities with their needs for adequate sewer facilities. A "financially disadvantaged small community" is defined in statute as a municipality that has a population of 10,000 or fewer, according to the last decennial census and a per capita annual income less than the state per capita annual income as determined by the United States Department of Commerce.

The bill expands grant eligibility to small disadvantaged communities in need of adequate sewer facilities to include counties and special districts that fall under the same population and per capita annual income parameters as currently required under the Act. Specifically, the bill includes only special districts whose public purpose includes water and sewer services, utility systems and services, or wastewater systems and services.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 111-0

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Committee on Community Affairs

CS/CS/CS/HB 535 — Building Codes

by Regulatory Affairs Committee; Government Operations Appropriations Subcommittee; Business and Professions Subcommittee; and Rep. Eagle and others (CS/CS/SB 704 by Fiscal Policy Committee; Community Affairs Committee; and Senator Hutson)

In 1974, Florida adopted a state minimum building code law requiring all local governments to adopt and enforce a building code that would ensure minimum standards for public health and safety. Four separate model codes were available that local governments could consider and adopt. In that system, the state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes as they desired.

In 1996, a study commission was appointed to review the system of local codes and to make recommendations for modernizing the entire system. The 1998 Legislature adopted the study commission recommendations for a single state building code and an enhanced oversight role for the state in local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Code) and that first edition replaced all local codes on March 1, 2002. In 2004, for the second edition of the Code, the state adopted the International Code Council I-Codes. All subsequent Codes have been adopted utilizing the International Code Council I-Codes as the base code. The most recent Code is the fifth edition which is referred to as the 2014 Code. The 2014 Code went into effect June 30, 2015.

The Florida Building Commission (FBC) was statutorily created to implement the Code. The FBC, which is housed within the Department of Business and Professional Regulation, is a 27-member technical body responsible for the development, maintenance, and interpretation of the Code. Most substantive issues before the FBC are vetted through a workgroup process where consensus recommendations are developed and submitted by appointed representative stakeholder groups in an open process with several opportunities for public input. According to the FBC, through this participatory process, the members "strive for agreements which all of the members can accept, support, live with or agree not to oppose;" when the FBC finds that 100 percent acceptance or support is not achievable, "final decisions require at least 75 percent favorable vote of all members present and voting."

The bill makes the following changes to law:

- Makes several adjustments to the training and experience required to take the certification examinations for building code inspector, plans examiner, and building code administrator;
- Exempts employees of apartment communities with 100 or more units from contractor licensing requirements if making minor repairs to existing electric water heaters or existing electric heating, ventilation, and air conditioning (HVAC) systems, if they meet certain training and experience criteria and the repair involves parts costing under $1,000;

- Allows Category I liquefied petroleum gas dealers, liquefied petroleum gas installers, and specialty installers to disconnect and reconnect water lines in the servicing or replacement of existing water heaters;
- Adds Division II contractors to the Florida Homeowners' Construction Recovery Fund section, which would allow homeowners to make a claim and receive restitution from the fund when they have been harmed by a Division II contractor, subject to certain requirements and financial caps;
- Exempts specific low-voltage landscape lighting from having to be installed by a licensed electrical contractor;
- Clarifies that portable pools that are used for swimming lessons that are sponsored or provided by school districts and temporary pools used in conjunction with a sanctioned national or international swimming or diving event are considered private pools and not subject to regulation;
- Provides that a residential pool that is equipped with a pool alarm that, when placed in the pool, will sound if it detects an accidental or unauthorized entrance into the water meets the safety requirements for residential pools;
- Creates the Calder Sloan Swimming Pool Electrical-Safety Task Force to study and report on specific standards, especially with regard to minimizing risks of electrocutions linked to swimming pools;
- Replaces a representative on the Accessibility Advisory Council for a defunct organization with the new organization;
- Revises the panels designated to review interpretations of the Florida Building Code and the Florida Accessibility Code for Building Construction;
- Provides funding for the recommendations made by the Building Code System Uniform Implementation Evaluation Workgroup and provides funding for Florida Fire Prevention Code informal interpretations;
- Allows local boards created to address conflicts between the Florida Building Code and the Florida Fire Prevention Code to combine to create a single local board that must include at least one fire professional;
- Requires the Florida Building Code to mandate having two fire service access elevators in all buildings above a certain height;
- Authorizes local building officials to issue phased permits for construction;
- Subjects certain building officials to discipline if they deny, revoke, or modify a specified permit without providing a reason for the denial, revocation, or modification;
- Requires a contractor and an alarm system monitoring company to provide notice to a property owner regarding the obligation to register their alarm system, if applicable;
- Provides that a contractor or an alarm system monitoring company is not liable for any penalties assessed or imposed by the applicable local government for failure to register the alarm, dispatch to an unregistered user, or excessive false alarms;
- Prohibits local enforcement agencies from requiring payment of any additional fees, charges, or expenses associated with providing proof of licensure as a contractor, recording a contractor license, or providing or recording evidence of workers' compensation insurance covered by a contractor;

- Excludes roof covering replacement and repair work associated with the prevention of degradation of the residence from the requirement to include the provision of opening protections in any activity requiring a building permit with a cost over $50,000;
- Adds Underwriters Laboratories, LLC, and Intertek Testing Services NA, Inc., to the list of entities that are authorized to produce information on which product approvals are based, related to the Florida Building Code;
- Reinstates a wind mitigation exemption for professional engineer certification of HVAC units being installed;
- Exempts Wi-Fi smoke alarms and those that contain multiple sensors, such as those combined with carbon monoxide alarms, from the 10-year, nonremovable, nonreplaceable battery provision;
- Provides that the mandatory blower door testing for residential buildings or dwellings does not take effect until July 1, 2017, and does not apply to construction permitted before July 1, 2017;
- Requires the local enforcement agency to accept duct and air infiltration tests conducted in accordance with the Florida Building Code if performed by certain individuals;
- Adds provisions to the Fire Prevention Code to:
  - Require new high-rise buildings to comply with minimum radio signal strength for fire department communications set by the local authority with jurisdiction. Existing high-rise buildings must comply by 2022 and existing apartment buildings must comply by 2025;
  - Require areas of refuge to be provided when required by the Accessibility volume of the Florida Building Code;
  - Authorize fire officials to use the Fire Safety Evaluation System to identify low-cost alternatives for compliance; and
  - Require technicians that work on fire pump control panels and drivers to be under contract with a licensed fire protection contractor;
- Requires a restaurant, a cafeteria, or a similar dining facility, including an associated commercial kitchen, to have sprinklers only if it has a fire area occupancy load of over 200 patrons;
- Adds provisions to the Florida Building Code regarding fire separation distance and roof overhang projections;
- Creates the Construction Industry Task Force within the University of Florida Rinker School of Construction;
- Provides exceptions to the residential shower lining requirements in the Florida Building Code;
- Allows a specific energy rating index as an option for compliance with the Energy Conservation volume of the Florida Building Code;
- Requires the Florida Building Commission to continue its current adoption process of the 2015 International Energy Conservation Code and determine by October 1, 2016, whether onsite renewable power generation may be used for compliance and whether onsite renewable power generation may be used for a period longer than 3 years but not more than 6 consecutive years; and

- Effective July 1, 2017, requires counties and local enforcement agencies to post each type of building permit application on its website and allow for the submittal of completed applications to the appropriate building department.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 116-0

Committee on Community Affairs

CS/HB 627 — Community Contribution Tax Credits

by Economic Development and Tourism Subcommittee; and Rep. Moraitis and others
(CS/CS/SB 868 by Appropriations Committee; Finance and Tax Committee; and Senator Smith)

In 1980, the Legislature established the Community Contribution Tax Credit Program (CCTCP) to encourage private sector participation in community revitalization and housing projects. The CCTCP offers tax credits to businesses or persons (donors) that make certain contributions to eligible projects undertaken by approved CCTCP sponsors.

Eligible sponsors under the CCTCP include a wide variety of organizations and entities, including community development agencies, housing organizations, historic preservation organizations, units of state and local government, regional workforce boards, and any other agency that the Department of Economic Opportunity (DEO) designates by rule. There are currently 122 approved sponsors in Florida.

Eligible projects include activities undertaken by an eligible sponsor that are designed to accomplish one of the following purposes:

- To construct, improve, or substantially rehabilitate housing that is affordable to low-income or very-low-income households as defined in s. 420.9071(19) and (28), F.S.;
- To provide housing opportunities for persons with special needs as defined in s. 420.0004, F.S.;
- To provide commercial, industrial, or public resources and facilities; or
- To improve entrepreneurial and job-development opportunities for low-income persons.

Contributions to eligible projects may only be in the form of cash or other liquid assets, real property, goods or inventory, or other physical resources as identified by DEO. If the donation is of real property, it must be made directly from the donor to the eligible sponsor via a deed.

Donors wishing to participate in the program must submit an application for a tax credit to DEO. Once DEO approves a taxpayer's application for a community contribution tax credit under the program, the donor must claim the credit from the Department of Revenue. The credit is calculated as 50 percent of the donor's annual contribution, but a taxpayer may not receive more than $200,000 in credits in any one year. The donor may use the credit against corporate income tax, insurance premium tax, or as a refund against sales tax. Unused credits against corporate income taxes and insurance premium taxes may be carried forward for 5 years. Unused credits against sales taxes may be carried forward for 3 years.

The bill provides that a donation of real property under the Community Contribution Tax Credit Program includes the transfer of a 100-percent ownership interest of a real property holding company. The bill defines "real property holding company" to mean a Florida entity, such as a Florida limited liability company, which:

- Is wholly owned by the person making the contribution;
- Is the sole owner of real property located in this state;

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- Is disregarded as an entity separate from its owner for federal income tax purposes; and
- At the time of the contribution to an eligible sponsor, has no material assets other than the real property and any other property that qualifies as a community contribution.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 108-0

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Committee on Community Affairs

CS/HB 773 — Special Assessments on Agricultural Lands

by State Affairs Committee; and Rep. Albritton and others (CS/SB 1664 by Fiscal Policy Committee and Senator Stargel)

Counties and municipalities use special assessments as a home rule revenue source to fund certain services and to construct and maintain capital facilities. As established by case law, two requirements exist for the imposition of a valid special assessment: 1) the property assessed must derive a special benefit from the improvement or service provided; and 2) the assessment must be fairly and reasonably apportioned among the properties that receive the special benefit. Special assessments which have been upheld by courts as providing the requisite special benefit include assessments for garbage disposal, fire protection, fire and rescue services, and stormwater management services.

The bill prohibits a county or municipality from levying or collecting a special assessment for the provision of fire protection services on lands classified as agricultural lands under s. 193.461, F.S., unless the agricultural lands contain a residential dwelling, or a nonresidential farm building with a just value that is over $10,000. For land to be classified as agricultural, it must be used "primarily for bona fide agricultural purposes" which is defined as a good faith commercial agricultural use of the land.

The bill requires special assessments that are levied to be based solely on the special benefit that accrues to the dwelling, including the curtilage, or the nonresidential farm building. The bill excludes "agricultural pole barns" from the imposition of the special assessment and defines agricultural pole barns as nonresidential farm buildings in which 70 percent or more of the perimeter walls are permanently open and allow free ingress and egress.

If approved by the Governor, these provisions take effect November 1, 2017.
Vote: Senate 37-0; House 114-0

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Committee on Community Affairs

CS/HB 971— Community Development Districts

by Local Government Affairs Subcommittee and Rep. Sullivan (CS/SB 1156 by Community Affairs Committee and Senator Hutson)

Community Development Districts (CDDs) are special-purpose units of local government established to help Florida development and growth "pay for itself" by providing infrastructure and services for new and existing communities when such infrastructure and services would not otherwise be available from other local, general-purpose governments like counties and municipalities. Community Development Districts serve as an alternative means of financing, constructing, acquiring, operating, and maintaining public infrastructure improvements to communities throughout Florida such as roads, utilities, hardscaping, landscaping, streetlights, stormwater infrastructure, conservation and mitigation areas, recreation facilities, and various other improvements allowed by statute.

Current law provides two different tracks for the establishment of a CDD. Community Development Districts of 1,000 acres or more are reviewed at a state and local level and are established by administrative rule. Smaller CDDs of less than 1,000 acres are reviewed at a local level and established by ordinance, though local governments may refer a petition for a smaller CDD to the state for processing. The bill revises the 1,000 acre threshold to 2,500 acres so that CDDs of 2,500 acres or more are now reviewed at the state level and are established by administrative rule, and CDDs of less than 2,500 acres are reviewed at a local level and established by ordinance.

The bill makes explicit that a CDD is empowered to contract with a towing operator to remove a vehicle or vessel from a CDD-owned facility or property with the same notice and procedural requirements as provided in s. 715.07, F.S. The bill also provides a new process for the merger of CDDs—permitting up to five CDDs to combine into one surviving CDD, providing the composition for the surviving CDD board of supervisors, and providing other requirements for merger.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 37-0; House 112-3

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Committee on Community Affairs

CS/SB 1004 — Public Records/Security System Plans

by Community Affairs Committee and Senator Hays

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

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

A security system plan for any property owned by or leased to the state or any of its political subdivisions, or any privately owned or leased property held by an agency, is confidential and exempt from disclosure under ch. 119, F.S., and the Florida Constitution. Records designated as confidential and exempt may be released by the records custodian only under the circumstances defined by the Legislature.

The bill provides additional circumstances under which information regarding security system plans which is otherwise confidential and exempt may be disclosed. Such information may now be disclosed to the property owner or leaseholder; in furtherance of the official duties and responsibilities of the agency holding the information; to another local, state, or federal agency in the furtherance of that agency's official duties and responsibilities; or upon a showing of good cause before a court of competent jurisdiction.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 36-0; House 115-1

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Committee on Community Affairs

CS/HJR 1009 — Tax Exemption for Totally and Permanently Disabled First Responders

by Local and Federal Affairs Committee; and Rep. Metz and others (CS/SJR 1194 by Finance and Tax Committee and Senator Negron)

An ad valorem tax or property tax is an annual tax levied by counties, cities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year. To determine the ad valorem tax of a property, a property appraiser determines the just value of a property and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's taxable value. The Legislature may only grant property tax exemptions that are authorized in the Florida Constitution, and any modifications to existing property tax exemptions must be consistent with the constitutional provision authorizing the exemption.

The joint resolution proposes an amendment to the Florida Constitution to allow the Legislature to provide ad valorem tax relief to a first responder who is totally permanently disabled as a result of an injury or injuries sustained in the line of duty. The amount of tax relief may equal the total amount or a portion of the ad valorem tax otherwise owed on homestead property. A causal connection between a disability and service in the line of duty may not be presumed, but must be determined as provided by general law. The term "disability" does not include a chronic condition or chronic disease, unless the injury sustained in the line of duty was the sole cause of the chronic condition or chronic disease.

If approved by voters, the amendment takes effect January 1, 2017.
Vote: Senate 39-0; House 114-0

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Committee on Community Affairs

CS/SB 1174 — Residential Facilities

by Community Affairs Committee; and Senators Diaz de la Portilla and Sobel

A community residential home is a home consisting of 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. A community residential home may not be constructed within a radius of 1,200 feet of another such home or within a radius of 500 feet of an area of single-family zoning. Similarly, a home of six or fewer residents which otherwise meets the definition of a community residential home may not be constructed within a radius of 1,000 feet of another such home.

The law is silent as to which zoning requirement applies when determining the proper distance between a community residential home licensed for 7 to 14 residents and a home licensed for 6 or fewer residents which otherwise meets the definition of a community residential home.

The bill requires a radius of 1,200 feet between a community residential home licensed for 7 to 14 residents and a home licensed for 6 or fewer residents which otherwise meets the definition of a community residential home.

The bill does not impact community residential homes already licensed and in operation prior to July 1, 2016.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 37-0; House 117-0

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Committee on Community Affairs

CS/HB 1297 — Discretionary Sales Surtaxes

by State Affairs Committee and Reps. Cummings, Ray, and others (CS/CS/SB 1652 by Finance and Tax Committee; Community Affairs Committee; and Senators Bradley, Bean, Hutson, and Gibson)

In addition to the 6 percent state sales tax, the Florida Statutes authorize counties to charge discretionary sales surtaxes, which must be specifically designated by statute. Eight different types of local discretionary sales surtaxes (also referred to as local option sales taxes) are currently authorized and represent potential revenue sources for county and municipal governments and school districts. The local discretionary sales surtaxes apply to all transactions subject to the state tax imposed on sales, use, services, rentals, admissions, and other authorized transactions authorized pursuant to ch. 212, F.S., and communications services as defined for the purposes of ch. 202, F.S.

The eight types of local discretionary sales surtaxes are:

- The Charter County and Regional Transportation System Surtax in s. 212.055(1), F.S.;
- The Local Government Infrastructure Surtax in s. 212.055(2), F.S.;
- The Small County Surtax in s. 212.055(3), F.S.;
- The Indigent Care and Trauma Center Surtax in s. 212.055(4), F.S.;
- The County Public Hospital Surtax in s. 212.055(5), F.S.;
- School Capital Outlay Surtax in s. 212.055(6), F.S.;
- The Voter-Approved Indigent Care Surtax in s. 212.055(7), F.S.; and
- The Emergency Fire Rescue Services and Facilities Surtax in s. 212.055(8), F.S.

The bill provides that a county may levy a new local discretionary sales surtax, the pension liability surtax, to fund underfunded defined benefit retirement plans or systems at a rate up to 0.5 percent. The county may not impose a pension liability surtax unless the underfunded defined benefit retirement plan or system is below 80 percent of actuarial funding at the time the ordinance or referendum is passed. The pension liability surtax terminates at the end of the year when the actuarial funding level of the plan or system for which the tax was levied reaches or exceeds 100 percent, or December 31, 2060, whichever occurs earlier.

The county may levy the pension liability surtax only if:

- An employee who enters employment on or after the date that the local government closes an underfunded defined benefit retirement plan or system is prohibited from enrolling in a defined benefit retirement plan or system that will receive the surtax proceeds;
- The local government and the collecting bargaining representative for the members of the underfunded defined benefit retirement plan or system or, if there is no representative, a majority of the members of the plan or system, mutually consent to requiring each member to make an employee retirement contribution of at least 10 percent of each member's salary for each pay period beginning with the first pay period after the plan or system is closed;

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- The pension board of trustees for the retirement plan or system, if such board exists, is prohibited from participating in the collective bargaining process and engaging in the determination of pension benefits; and
- The county currently levies a local government infrastructure surtax which is scheduled to terminate and is not subject to renewal.

The Department of Revenue is authorized to retain an administrative fee from the surtax proceeds. Proceeds of the tax must be distributed to an eligible defined benefit retirement plan or system if the proceeds have been actuarially recognized; if the proceeds have not been actuarially recognized the local government may borrow against the anticipated revenue and use the proceeds to repay these debts, reimburse itself for borrowing costs, and make distributions to an eligible defined benefit retirement plan or system.

The bill limits to 1 percent the combined rate of the Pension Liability Surtax, the Local Government Infrastructure Surtax, the Small County Surtax, the Indigent and Trauma Center Surtax, and the County Public Hospital Surtax.

The surtax must be enacted by ordinance and approved by a majority of electors of the county voting in a referendum.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 35-1; House 86-23

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Committee on Community Affairs

CS/CS/HB 1361 — Growth Management

by Economic Affairs Committee; Local Government Affairs Subcommittee; and Rep. La Rosa (CS/CS/SB 1190 by Rules Committee; Community Affairs Committee; and Senator Diaz de la Portilla)

The bill makes several changes to the state's growth management programs. Specifically, the bill:

- Adds that a county governing board may hold joint public meetings with the governing body or bodies of one or more adjacent municipalities or counties to discuss matters regarding land development or other multi-jurisdictional issues at any appropriate public place within the jurisdiction of any participating municipality or county;
- Provides that an ex officio, nonvoting representative of a military installation is not required to file an annual statement of financial interests (CE Form 1) due solely to service on a local land planning or zoning board;
- Establishes a timeframe for issuing a final order if the state land planning agency fails to take action;
- Amends the minimum acreage for application of a sector plan from 15,000 to 5,000 acres;
- Changes the acreage for annexation of enclaves under certain circumstances from 10 to 110 acres;
- Replaces the Administration Commission with the state land planning agency as the reviewing entity for modifications and proposed changes dealing with plans and regulations for the Apalachicola Bay Area of Critical State Concern;
- Authorizes a developer, the Department of Economic Opportunity, and a local government to amend a development of regional impact (DRI) agreement when a project has been determined to be essentially built out;
- Authorizes a local government to approve the exchange of one approved DRI land use for another so long as there is no increase in impacts to public facilities;
- Specifies that persons do not lose the right to complete DRIs upon certain changes to those developments;
- Clarifies that certain proposed developments which are currently consistent with the local government comprehensive plan are not required to be reviewed pursuant to the State Coordinated Review Process for comprehensive plan amendments;
- Revises conditions under which the DRI aggregation requirements do not apply; and
- Establishes procedures relating to rights, duties, and obligations related to certain development orders or agreements if a development elects to rescind a development order.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 34-2; House 113-0

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Committee on Community Affairs

CS/SB 1534 — Housing Assistance

by Appropriations Committee and Senator Simmons

There are a number of government programs and public-private partnerships that seek to provide affordable housing and reduce homelessness. The State Office on Homelessness (SOH) within the Department of Children and Families (DCF) serves as the central point of contact within state government for homelessness. The SOH coordinates resources and programs across all levels of government and with private providers that serve individuals who are homeless. The DCF is required to establish local coalitions to plan, network, coordinate, and monitor the delivery of services to the homeless.

The Florida Housing Finance Corporation (FHFC) is a public corporation that provides affordable housing through a number of programs, including the State Apartment Incentive Loan (SAIL) and State Housing Initiatives Partnership (SHIP) programs. The SAIL program provides low-interest loans on a competitive basis to affordable housing developers each year. The SHIP program provides funds to local governments to create partnerships that produce and preserve affordable homeownership and multifamily housing for very low, low and moderate-income families.

The bill provides greater flexibility and increases accountability for programs receiving public funds to address housing assistance and homelessness. Specifically, the bill:

- Amends the SAIL Program to:
  - Change how funds are made available to better reflect projected needs and demand for affordable housing for the specified tenant groups and counties based on population; and
  - Require rent controls on rental units financed through the SAIL program based on applicable income limitations established by the Florida Housing Finance Corporation.
- Amends provisions relating to the State Office on Homelessness and the Challenge Grant Program that provides grants to lead agencies of homeless assistance continuums of care, to:
  - Require that expenditures of leveraged funds or resources are permitted only for eligible activities committed on one project which have not been used as leverage or match for another project;
  - Remove the requirement that award levels for Challenge Grants be based upon the total population within the continuum of care catchment area and reflect the differing degrees of homelessness in the catchment planning areas;
  - Require that Challenge Grant funds distributed to the lead agencies be based on overall performance and achievement of specified objectives, including the number of persons or households that are no longer homeless, the rate of recidivism to homelessness, and the number of persons who obtain gainful employment; and

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  - Clarify that the office may distribute appropriated funds to the 28 local homeless assistance continuums of care designated by the Department of Children and Families.
- Expresses legislative intent to encourage homeless continuums of care to adopt the Rapid ReHousing approach to preventing homelessness for individuals and families who do not require the intense level of support provided in the permanent supportive housing model and requires Rapid ReHousing to be added to the components of a continuum of care plan.
- Amends the SHIP Program to:
  - Provide exceptions to the restriction on counties and eligible municipalities related to expenditures of SHIP Program distributions for ongoing rent subsidies;
  - Provide that up to 25 percent of the SHIP Program funds made available in a county or municipality may be reserved for rental housing;
  - Clarify monitoring requirements when SHIP program funds are used for rental housing developments;
  - Revise the composition of local Affordable Housing Advisory Committees;
  - Extend the time period for the FHFC to review local housing assistance plans from 30 to 45 days;
  - Require local governments to use a minimum of 20 percent of SHIP program distributions to serve persons with special needs, with first priority given to serving persons with developmental disabilities; and
  - Authorize local governments to create regional partnerships and pool appropriated funds to address homeless housing needs identified in local housing assistance plans.
- Authorizes the FHFC to:
  - Forgive indebtedness for SAIL loans for small properties serving homeless persons in certain underserved counties or rural areas and make loans exceeding 25 percent of the cost for those projects; and
  - Ban developers for misrepresentations or fraud related to a program application from participating in FHFC programs for any appropriate time period, including a permanent ban, rather than for only up to 2 years.
- Requires the FHFC to reserve a minimum of 5 percent of the annual appropriation from the State Housing Trust Fund for housing projects designed and constructed to serve persons with a disabling condition, with first priority given to projects serving persons with a developmental disability.
- Makes several changes to laws relating to housing authorities, which include:
  - Prohibiting housing authorities, regardless of when they were created, from applying to the federal government to acquire through the exercise of the power of eminent domain any projects, units, or vouchers of another established housing authority;
  - Exempting housing authorities from the provisions of s. 215.425, F.S., which addresses extra compensation, bonuses and severance pay; and
  - Removing the requirement that housing authorities must submit a copy of the biennial financial reports submitted to the federal government to the governing body and the Auditor General.

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If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 114-0

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Committee on Community Affairs

SB 7002 — OGSR/Audit Report and Certain Records/Local Government

by Community Affairs Committee

The Open Government Sunset Review Act requires the Legislature to review each public record and each public meeting exemption 5 years after enactment. If the Legislature does not reenact the exemption, it automatically repeals on October 2 of the 5th year after enactment. Current law provides a public record exemption for audit or investigative reports prepared for or on behalf of a unit of local government. The exemption also applies to audit workpapers and notes and information received, produced, or derived from an investigation. The exemption expires when the audit or investigation is final or the investigation is no longer active.

The bill reenacts the public record exemption, which will repeal on October 2, 2016, if this bill does not become law.

The bill does not appear to have a fiscal impact on state or local governments.

If approved by the Governor, these provisions take effect October 1, 2016.
Vote: Senate 36-0; House 111-3

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Committee on Community Affairs

HB 7023 — Ad Valorem Tax Exemption for Deployed Servicemembers

by Finance and Tax Committee and Rep. Trumbull and others (CS/CS/SB 160 by Fiscal Policy Committee; Community Affairs Committee; and Senator Gaetz)

The Florida Constitution grants an exemption for military servicemembers who have Florida homesteads and are deployed on active duty outside the United States, Alaska, or Hawaii in support of military operations designated by the Legislature. The exemption is equal to the taxable value of the qualifying servicemember's homestead on January 1 of the year in which the exemption is sought multiplied by the number of days that the servicemember was on a qualifying deployment in the preceding calendar year and divided by the number of days in that year.

The bill adds 13 unclassified military operations for which deployed servicemembers may qualify for the exemption. These 13 operations include the following operations:

- Operation Joint Task Force Bravo, which began in 1995;
- Operation Joint Guardian, which began on June 12, 1999;
- Operations in the Balkans, which began in 2004;
- Operation Nomad Shadow, which began in 2007;
- Operation U.S. Airstrikes Al Qaeda in Somalia, which began in January 2007;
- Operation Copper Dune, which began in 2009;
- Operation Georgia Deployment Program, which began in August 2009;
- Operation Spartan Shield, which began June 2011;
- Operation Observant Compass, which began in October 2011;
- Operation Inherent Resolve, which began on August 8, 2014;
- Operation Atlantic Resolve, which began in April 2014; and
- Operation Freedom's Sentinel, which began on January 1, 2015.
- Operation Resolute Support, which began in January, 2015.

The bill also provides that the exemption is available to servicemembers who were deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of a subordinate operation to a main operation listed in s. 196.173 (2), F.S.

The bill changes the application deadline for qualifying deployments during the 2014 and 2015 calendar years to June 1, 2016, for the military operations added by the bill. A servicemember may include in the application for the exemption for the 2016 calendar year the number of days that he or she was on a qualifying deployment during the 2014 and 2015 calendar years. If the number of days that a servicemember was on qualifying deployments in the 2014 and 2015 calendar years exceeds 365 days, the servicemember may receive a refund of taxes paid for the 2015 tax year. The amount of the 2015 tax year refund is equal to the number of days in excess of 365 that the servicemember was on qualifying deployments in the 2014 and 2015 calendar years divided by 365.

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 40-0; House 114-0

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Committee on Community Affairs

HB 7033 — OGSR/Emergency Notification Information

by Government Operations Subcommittee and Rep. Taylor (CS/SB 7004 by Governmental Oversight and Accountability Committee and Community Affairs Committee)

The bill saves from repeal the current public records exemption for any information furnished by a person to an agency for the purpose of being provided with emergency notifications from the agency. Sheriffs' offices, universities, public utilities, and many other governmental entities throughout Florida have emergency notification systems in place. The governmental entities send warnings on a variety of topics, including boil water orders, severe weather, sexual predator notification, missing persons, hazardous materials, flood warning, evacuations, terrorist activities, mass shootings, utility outages, school closures, and road closures. Thus, information provided by a person to these agencies is exempt from public records requirements.

If approved by the Governor, these provisions take effect October 1, 2016.
Vote: Senate 36-0; House 118-0

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Committee on Criminal Justice

CS/CS/HB 75 — Electronic Monitoring Devices

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Torres and others (CS/CS/SB 954 by Fiscal Policy Committee; Criminal Justice Committee; and Senator Simmons)

The bill (Chapter 2016-15, L.O.F.) repeals s. 948.11(7), F.S., and moves its provisions into newly created s. 843.23, F.S. Section 843.23, F.S., makes it a third degree felony for a person to intentionally and without authority remove, destroy, alter, tamper with, damage, or circumvent the operation of an electronic monitoring device that must be worn or used by that person or another person pursuant to a court order or an order by the Florida Commission on Offender Review.

The bill also makes it a third degree felony for a person to request or solicit another person to remove, destroy, alter, tamper with, damage, or circumvent the operation of an electronic monitoring device that is being worn as described above.

The bill clarifies that the Department of Corrections may electronically monitor offenders sentenced to community control only when the court has imposed electronic monitoring as a condition of community control.

These provisions were approved by the Governor and take effect October 1, 2016.
Vote: Senate 40-0; House 111-3

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Committee on Criminal Justice

HB 93 — Law Enforcement Officer Body Cameras

by Reps. S. Jones, Williams, and others (SB 418 by Senators Smith, Thompson, Gibson, and Evers)

The bill creates s. 943.1718, F.S., pertaining to body cameras, to:

- Define relevant terms including the term "body camera," which means "a portable electronic recording device that is worn on a law enforcement officer's person that records audio and video data of the officer's law-enforcement-related encounters and activities";
- Require a law enforcement agency that permits its law enforcement officers to wear body cameras to establish policies and procedures addressing the proper use, maintenance, and storage of body cameras and the data recorded by body cameras;
- Specify what must be included in those policies and procedures, such as general guidelines for the proper use, maintenance, and storage of body cameras and limitations on recording law-enforcement-related encounters and activities; and
- Require these agencies to conduct training on those policies and procedures, retain audio and video data recorded by body cameras, and perform periodic review of body camera practices.

The bill specifies that ch. 934, F.S. (interception of communications), does not apply to body camera recordings made by law enforcement agencies that elect to use body cameras.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 37-0; House 113-0

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Committee on Criminal Justice

CS/CS/SB 130 — Discharging a Firearm

by Community Affairs Committee; Criminal Justice Committee; and Senator Richter

The bill (Chapter 2016-12, L.O.F.) amends s. 790.15, F.S., to prohibit the recreational discharge of a firearm outdoors, including for target shooting, in an area that the person knows or reasonably should know is primarily residential in nature and that has a residential density of one or more dwelling units per acre. A violation of this law is a first degree misdemeanor punishable by up to a year in jail and a $1,000 fine.

The bill provides exemptions for the lawful defense of life or property, the accidental discharge of a firearm, or the performance of official duties that require the discharge of a firearm. Additionally, the penalties do not apply if, under the circumstances, the discharge does not pose a reasonably foreseeable risk to life, safety, or property.

These provisions became law upon approval by the Governor on February 24, 2016.
Vote: Senate 37-0; House 118-0

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Committee on Criminal Justice

CS/CS/HB 131 — Unattended Persons and Animals in Motor Vehicles

by Judiciary Committee; Civil Justice Subcommittee; and Reps. Young, Moskowitz, and others (CS/CS/SB 308 by Judiciary Committee; Criminal Justice Committee; and Senators Benacquisto and Evers)

The bill (Chapter 2016-18, L.O.F.) creates immunity from civil liability for property damage that may occur when an individual attempts to rescue a minor, elderly or disabled adult, or domestic animal from a motor vehicle.

In order to qualify for such immunity, the individual must:

- Determine that the vehicle is locked or there is no other reasonable method for the minor, elderly or disabled person, or animal to get out of the vehicle without help;
- Have a good faith and reasonable belief, based upon the known circumstances, that it is necessary to enter the vehicle because the minor, vulnerable adult, or animal is in imminent danger of suffering harm;
- Contact a law enforcement agency or 911 before entering the vehicle or immediately thereafter;
- Use no more force than necessary to make entry into the vehicle and remove the person or animal; and
- Stay with the person or animal in a safe location, in reasonable proximity to the vehicle, until a law enforcement officer or other first responder arrives.

Good Samaritans who enter a motor vehicle to rescue an endangered person or animal may be subject to criminal penalty for tampering or interfering with a motor vehicle under s. 860.17, F.S., or trespass in a conveyance under s. 810.08, F.S. The immunity provided by the bill does not appear to absolve a Good Samaritan of any potential criminal liability in such cases.

These provisions became law upon approval by the Governor on March 8, 2016.
Vote: Senate 38-0; House 118-0

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

Committee on Criminal Justice

CS/SB 218 — Offenses Involving Electronic Benefits Transfer Cards

by Criminal Justice Committee and Senators Hutson, Gaetz, and Negron

The bill amends s. 414.39, F.S., relating to public assistance fraud. This statute, in part, punishes a person who knowingly traffics (or knowingly attempts to traffic or knowingly aids another person in trafficking) in a food assistance card, an authorization for the expenditure of food assistance benefits, a certificate of eligibility for medical services, or a Medicaid identification card in any manner not authorized by law.

The bill specifies acts included in the term "traffic" such as buying or selling electronic benefits transfer cards for cash or consideration other than eligible food and exchanging firearms or controlled substances for food assistance benefits. The bill also punishes a person who possesses two or more electronic benefits transfer cards issued to other persons and sells or attempts to sell one or more of those cards. The first violation is a first degree misdemeanor; a second or subsequent violation is a third degree felony. Further, in addition to any other penalty, a violator shall be ordered by the court to serve at least 20 hours of community service. Community service hours must be performed at a nonprofit entity that provides the community with food services, if the court determines that community service can be performed at such entity.

If approved by the Governor, these provisions take effect October 1, 2016.
Vote: Senate 39-0; House 86-31

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

Committee on Criminal Justice

CS/SB 228 — Mandatory Minimum Sentences

by Criminal Justice Committee and Senators Bean, Bradley, and Evers

The bill (Chapter 2016-7, L.O.F.) eliminates the minimum mandatory sentences for aggravated assault in the 10-20-Life statute by deleting aggravated assault from the list of crimes to which 10-20-Life applies. As a result, persons who are convicted of only an aggravated assault offense will no longer qualify for the 10-20-Life penalties.

The bill repeals the exception for sentencing in aggravated assault cases enacted in 2014. This exception allows the sentencing court to deviate from the minimum mandatory sentences for crimes of aggravated assault if the court makes certain statutory findings based upon mitigating evidence presented at sentencing. Under the bill, because a person convicted of only aggravated assault will no longer qualify for 10-20-Life sentencing, the repealed language would have no further application in cases of aggravated assault committed after the effective date of the bill.

The 10-20-Life statute is referenced in ss. 27.366, 921.0022(2), 921.0024(1)(b), 947.146(3)(b), and 985.557(2)(d), F.S., therefore those sections are amended or reenacted to incorporate or conform the amendments made to s. 775.087, F.S., by the bill.

These provisions were approved by the Governor and take effect July 1, 2016.
Vote: Senate 38-0; House 119-0

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

Committee on Criminal Justice

CS/SB 230 — Missing Persons with Special Needs

by Appropriations Committee and Senator Dean

The bill addresses personal safety of persons with special needs who elope (wander) by providing personal devices to aid search-and-rescue efforts for such persons. For this purpose, the bill creates pilot projects to provide these devices and also provides for a specific appropriation.

The bill creates a pilot project in Alachua, Columbia, Hamilton, and Suwannee Counties, which is administered by the Center for Autism and Related Disabilities at the University of Florida; a pilot project in Palm Beach County, which is administered by the Center for Autism and Related Disabilities at the Florida Atlantic University; and a pilot project in Hillsborough County, which is administered by the Center for Autism and Related Disabilities at the University of South Florida.

The bill provides that for the 2016-2017 fiscal year, the sum of $100,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Center for Autism and Related Disabilities at the University of Florida, the sum of $100,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Center for Autism and Related Disabilities at Florida Atlantic University, and the sum of $100,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Center for Autism and Related Disabilities at the University of South Florida.

Under each pilot project, the administrating center must select project participants based on criteria the center develops. Criteria must include, at a minimum, the person's risk of elopement. Qualifying participants are selected on a first-come, first-serve basis by the center to the extent of available funding within the center's existing resources. Each project must be voluntary and free of charge to project participants.

The personal devices, which are attachable to clothing or otherwise worn, must be provided by the center to the sheriff's offices of the participating counties. The sheriff's offices, in conjunction with the center, distribute the devices to project participants. Each center funds any costs associated with monitoring the devices.

Each center must submit a preliminary report by December 1, 2016, and a final report by December 15, 2017, to the Governor, the President of the Senate, and the Speaker of the House of Representatives describing the implementation and operation of its pilot project. The bill specifies what must be included, at a minimum, in the report. Each final report must also provide recommendations for modification or continued implementation of the project.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 115-1

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Committee on Criminal Justice

CS/CS/HB 293 — Public Records/Juvenile Criminal History Records

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Pritchett and others
(CS/SB 700 by Fiscal Policy Committee and Senators Soto and Evers)

The bill addresses the inconsistencies that exist between s. 985.04(1), F.S. (making the majority of juvenile records confidential), and s. 943.053, F.S. (allowing a juvenile's criminal history information to be disseminated in the same manner as that of an adult), by:

- Ensuring that the specified juvenile records deemed to be not confidential and exempt under s. 943.053, F.S., are identical to the juvenile records deemed to be not confidential and exempt under s. 985.04, F.S.; and
- Requiring the Florida Department of Law Enforcement (FDLE) to release juvenile criminal history records in a manner that takes into account the records' confidential and exempt status.

Section 985.04, F.S., Confidential Information of Juveniles

The bill amends s. 985.04(1), F.S., clarifying that juvenile records obtained under ch. 985, F.S., are confidential and exempt (rather than just confidential). The changes apply to records obtained before, on, and after the effective date of the bill.

Section 985.04(2), F.S., is amended to specify that the following juvenile records are not confidential and exempt:

- Records of a juvenile taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony;
- Records of a juvenile who is charged with a violation of law which, if committed by an adult, would be a felony;
- Records of a juvenile who has been found to have committed an offense which, if committed by an adult, would be a felony; or
- Records of a juvenile who has been transferred to adult court pursuant to ch. 985, part X, F.S.

The bill removes language specifying that the records of juveniles who have been found to have committed three or more misdemeanor violations are not confidential and exempt. These records are now confidential and exempt.

The bill authorizes a custodian of public records to choose not to post a juvenile's arrest or booking photograph on the custodian's website even though the photograph is not confidential and exempt or otherwise restricted from publication by law. This authorization does not restrict public access to the record.

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Section 943.053, F.S., Dissemination of Criminal History Information

The bill amends s. 943.053, F.S., to make the list of juvenile records deemed to be not confidential and exempt identical to the list of juvenile records deemed to be not confidential and exempt under s. 985.04(2), F.S. Because the language regarding three or more misdemeanors is not included on the list, the FDLE is no longer tasked with determining whether the juvenile had three or more misdemeanors before releasing such records to the private sector and noncriminal justice agencies. Records relating to misdemeanors are now confidential and exempt.

The bill amends s. 943.053(3), F.S., to establish a separate process to disseminate juvenile criminal history information. Under this process, juvenile criminal history information, including the information that is confidential and exempt, is available to:

- A criminal justice agency for criminal justice purposes on a priority basis and free of charge;
- The person to whom the record relates or his or her attorney;
- The parent, guardian, or legal custodian of the person to whom the record relates, provided such person has not reached the age of majority, been emancipated by a court, or been legally married; or
- An agency or entity specified in ss. 943.0585(4) or 943.059(4), F.S., for the stated purposes, and to any person within the agency or entity who has direct responsibility for employment, access authorization, or licensure decisions.

Juvenile criminal history information not confidential and exempt may be released to the private sector and noncriminal justice agencies upon tender of fees and in the same manner that criminal history information relating to adults is released.

Juvenile records deemed confidential and exempt under s. 943.053, F.S., which are released by the sheriff, the Department of Corrections, or the Department of Juvenile Justice to private entities under contract with each entity retain their confidential and exempt status upon release to these private entities.

The bill repeals all new public records exemptions created in the bill on October 2, 2021, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 114-2

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Committee on Criminal Justice

CS/SB 380 — Violation of an Injunction for Protection

by Fiscal Policy Committee and Senators Abruzzo and Diaz de la Portilla

The bill amends ss. 741.31(4), 784.047, and 784.0487(4), F.S., to provide enhanced criminal penalties for a person who commits a third or subsequent violation of an injunction for protection or a foreign protection order against domestic violence, repeat violence, sexual violence, dating violence, stalking, or cyberstalking. Currently, a person who violates an injunction for protection or a foreign protection order commits a misdemeanor of the first degree. The bill increases the penalty to a third degree felony for a person who has two or more prior convictions for violating an injunction for protection or foreign protection order and commits a third or subsequent violation against the same victim. A third degree felony is punishable by probation or up to a maximum of five years in prison and up to a $5,000 fine.

If approved by the Governor, these provisions take effect October 1, 2016.
Vote: Senate 40-0; House 114-0

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Committee on Criminal Justice

CS/SB 386 — Expunction of Records of Minors

by Fiscal Policy Committee and Senators Detert, Soto, Joyner, and Evers

Automatic Expunction of Criminal History Records of Minors

The bill (Chapter 2016-42, L.O.F.) amends s. 943.0515, F.S., to require all records maintained by the Florida Department of Law Enforcement (FDLE) related to minors who are not classified as serious or habitual juvenile offenders or who have not been committed to a juvenile correctional facility or juvenile prison to be automatically expunged when the minor reaches the age of 21 years, instead of 24 years of age.

Automatic expunction will occur so long as one of the following exceptions does not apply:

- A person 18 years of age or older is charged with or convicted of a forcible felony and the person's criminal history record as a minor has not yet been destroyed;
- At any time a minor is adjudicated as an adult for a forcible felony; or
- The record relates to a minor who was adjudicated delinquent for a violation committed on or after July 1, 2007, as provided in s. 943.0435(1)(a)1.d., F.S., involving certain sexual offenses.

Automatic expunction of records related to juveniles who are classified as serious or habitual juvenile offenders or who have been committed to a juvenile correctional facility or juvenile prison will remain at 26 years of age under the bill.

Application for Expunction of Criminal History Records Prior to Age 21

The bill provides that a minor who is eligible for automatic expunction of criminal history records at age 21 may apply for an expunction any time after reaching 18 years but before reaching 21 years of age. The only offenses eligible to be expunged are those that the minor committed before reaching the age of 18 years. In order to qualify for expunction prior to age 21, the minor is required to apply to the FDLE and must:

- Submit a $75 processing fee;
- Submit a full set of fingerprints for identity verification;
- Have the approval of the state attorney for each circuit in which an offense specified in the criminal history record occurred; and
- Submit a sworn, written statement attesting that he or she:
  - Is no longer under court supervision applicable to the disposition of the arrest of alleged criminal activity to which the application to expunge pertains; and
  - Has not been charged with or found to have committed a criminal offense in any jurisdiction of the state or within the United States within five years prior to the application date.

An unsuccessful request for early expunction of criminal history records will not affect the applicant's eligibility for automatic expunction of the records upon reaching age 21.

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The bill provides that knowingly submitting false information on the sworn statement is a first degree misdemeanor.

Juvenile Diversion Expunction

The bill amends s. 943.0582, F.S., to eliminate the requirement that an application for prearrest or postarrest diversion expunction must be submitted within 12 months after the minor completes the diversion program.

Possession of Firearms

The bill amends s. 790.23, F.S., to allow an individual whose criminal record has been expunged, pursuant to the bill, to possess firearms.

These provisions were approved by the Governor and take effect July 1, 2016.
Vote: Senate 37-0; House 113-2

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Committee on Criminal Justice

HB 387 — Offenses Evidencing Prejudice

by Rep. Stevenson and others (SB 356 by Senators Hutson and Evers)

The bill removes prejudice based on mental or physical disability as a factor for reclassifying a criminal offense or having a civil cause of action under s. 775.085, F.S., Florida's hate crimes statute. The bill creates a new section of law, s. 775.0863, F.S., which may be cited as "Carl's Law," to establish a separate hate crime statute that is substantively identical to s. 775.085, F.S., except that it applies exclusively to crimes evidencing prejudice based on mental or physical disability.

If approved by the Governor, these provisions take effect October 1, 2016.
Vote: Senate 38-0; House 116-0

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Committee on Criminal Justice

CS/CS/SB 436 — Crime of Making Threats of Terror or Violence

by Appropriations Committee; Criminal Justice Committee; and Senators Simpson, Dean, Evers, Stargel, Detert, and Bradley

The bill amends ss. 790.163 and 790.164, F.S., which prohibit making false reports concerning planting a bomb, explosive, or weapon of mass destruction, to also prohibit making a false report concerning use of a firearm in a violent manner. Commission of either of these offenses is a second degree felony, punishable by up to 15 years imprisonment and a $10,000 fine.

The bill creates s. 836.12, F.S., making it a first degree misdemeanor to threaten a law enforcement officer, state attorney or assistant state attorney, firefighter, judge, elected official, or any of their family members with death or serious bodily harm. A second or subsequent offense would be a third degree felony.

If approved by the Governor, these provisions take effect October 1, 2016.
Vote: Senate 40-0; House 116-0

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Committee on Criminal Justice

SB 498 — Repeal of a Prohibition on Cohabitation

by Senators Sobel and Joyner

The bill repeals the crime of cohabitation, which makes it a second degree misdemeanor for a man and woman, lewdly and lasciviously to associate and cohabit together, without being married to each other.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 112-5

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Committee on Criminal Justice

CS/CS/HB 545 — Human Trafficking

by Justice Appropriations Subcommittee; Criminal Justice Subcommittee; and Rep. Spano and others (CS/SB 784 by Criminal Justice Committee and Senators Flores, Sachs, and Evers)

The bill (Chapter 2016-24, L.O.F.) reclassifies human trafficking offenses under s. 787.06, F.S., if a person causes great bodily harm, permanent disability, or permanent disfigurement to another person and clarifies that a person can be convicted of branding a victim of human trafficking if the branding is for the purpose of committing or facilitating the offense of human trafficking.

The bill also adds human trafficking as a qualifying felony offense for first degree felony murder.

The penalties for a first-time violation of s. 796.06(2), F.S. (renting a space to be used for lewdness, assignation, or prostitution), are increased from a second degree misdemeanor to a first degree misdemeanor. The penalties for a second or subsequent violation are increased from a first degree misdemeanor to a third degree felony.

The bill addresses prostitution and related acts by:

- Removing minors from being prosecuted for prostitution, lewdness, or assignation under s. 796.07, F.S.;
- Revising the definition of the term "sexual abuse of a child" in s. 39.01, F.S. (a definition relevant to dependency proceedings), to delete reference to a child being arrested or prosecuted for a violation of any offense in ch. 796, F.S. (prostitution);
- Specifying that programs offered by faith-based providers may be included in required educational programs on the negative effects of prostitution and human trafficking;
- Reclassifying a violation of s. 796.07, F.S., to the next degree higher if the place, structure, building, or conveyance that is owned, established, maintained, or operated in violation of the statute is a massage establishment that is or should be licensed under s. 480.043, F.S.; and
- Adding s. 796.07, F.S., to the list of offenses which requires an emergency order suspending a massage therapist or establishment license and denying an application for a new or renewal massage therapist or establishment license.

Finally, the bill adds the offense of racketeering to the list of qualifying offenses for classification as a sexual predator or sexual offender only if the court makes a written finding that the racketeering activity involved at least one registration-qualifying sexual offense or one registration-qualifying offense with sexual intent or motive.

These provisions were approved by the Governor and take effect October 1, 2016.
Vote: Senate 39-0; House 117-0

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Committee on Criminal Justice

HB 549 — Offenses Concerning Racketeering and Illegal Debts

by Rep. Burton (SB 850 by Senators Bradley and Evers)

The bill amends civil enforcement provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act. Major features of the bill include:

- Authorizing an investigative agency, on behalf of the state, to institute a RICO civil proceeding for forfeiture in the circuit court for the judicial circuit in which the real or personal tangible property is located or in a circuit court in the state for intangible property;
- Authorizing an investigative agency to pursue an action to recover fair market value of unavailable property regardless of when the property is conveyed, alienated, disposed of, diminished in value, or otherwise rendered unavailable for forfeiture;
- Authorizing a court to order the forfeiture of any other property of a defendant up to the value of the property subject to forfeiture (as an alternative to the court ordering an amount equal to the fair market value of the unavailable property);
- Authorizing the Department of Legal Affairs to bring an action for a Florida RICO Act violation to obtain injunctive relief, civil penalties, attorney fees, and costs incurred in the investigation and prosecution of any action under the Florida RICO Act;
- Providing that a natural person who violates the Florida RICO Act may be subject to a civil penalty of up to $100,000 and any other person who violates the act may be subject to a civil penalty of up to $1 million, and requiring that moneys recovered for such civil penalties be deposited into the General Revenue Fund;
- Requiring that moneys recovered by the Department of Legal Affairs for attorney fees and costs under the Florida Rico Act be deposited into the Legal Affairs Revolving Trust Fund and authorizing use of those funds to investigate Florida RICO Act violations and enforce the act;
- Authorizing any party to a Florida RICO Act civil action to petition the court for entry of a consent decree or for approval of a settlement agreement;
- Providing that an investigative subpoena issued pursuant to the Florida RICO Act is confidential for 120 days after the date of issuance, unless extended by the court upon a showing of good cause by the investigating agency;
- Providing that the list of claims for which a court directs distribution of forfeiture funds includes claims for restitution by RICO victims; and
- Providing that where the forfeiture action was brought by the Department of Legal Affairs, the restitution is distributed through the Legal Affairs Trust Fund (otherwise, the restitution is distributed by the clerk of the circuit court).

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 111-0

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Committee on Criminal Justice

CS/CS/SB 636 — Evidence Collected in Sexual Offense Investigations

by Appropriations Committee; Criminal Justice Committee; and Senators Benacquisto, Flores, Joyner, Bradley, Gibson, and Evers

The bill creates s. 943.326, F.S., which addresses the collection and processing of evidence in sexual offense investigations that may contain DNA evidence.

The bill requires that a sexual offense evidence kit collected in a sexual offense investigation be submitted to the statewide criminal analysis laboratory system for forensic testing within 30 days after the evidence is received by a law enforcement agency if a report of the sexual offense is made to the agency, or when the victim or his or her representative requests that the evidence be tested.

Testing of the sexual offense evidence kit must be completed no later than 120 days after submission to a member of the statewide criminal analysis laboratory system.

A collected sexual offense evidence kit must be retained in a secure, environmentally safe manner until the prosecuting agency approves the kit's destruction.

The victim, or his or her representative, shall be informed of the purpose of testing and of his or her right to demand testing. The victim shall be informed by either the medical provider conducting the physical forensic examination for purposes of evidence collection for a sexual offense evidence kit or, if no kit is collected, a law enforcement agency that collects *other* DNA evidence associated with the offense.

By January 1, 2017, the Florida Department of Law Enforcement and each lab within the statewide criminal analysis laboratory system, in coordination with the Florida Council Against Sexual Violence, must adopt and disseminate guidelines and procedures for the collection, submission, and testing of DNA evidence obtained in connection with an alleged sexual offense.

The guidelines and procedures must include:

- Standards for packaging evidence for submission to the laboratories for testing;
- What evidence must be submitted for testing, which would include a collected sexual offense evidence kit and possibly other evidence related to the crime scene;
- Timeframes for evidence submission including the 30 day deadline for collected sexual offense evidence kits as set forth in the bill;
- Timeframes for evidence analysis including the bill's requirement that testing of sexual offense evidence kits must be completed no later than 120 days after submission; and
- Timeframes for evidence comparison to DNA databases.

The newly-created s. 943.326, F.S., does not create a cause of action or create rights for a person to challenge the admission of evidence or create an action for damages or relief for a violation of the new section of law.

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 36-0; House 114-0

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CS/CS/HB 769 — Mental Health Treatment

by Judiciary Committee; Children, Families and Seniors Subcommittee; and Rep. Peters and others (CS/CS/SB 862 by Children, Families, and Elder Affairs Committee; Criminal Justice Committee; and Senator Legg)

The bill amends ss. 916.13 and 916.15, F.S., to require a competency hearing to be held within 30 days after the court has been notified that a defendant is competent to proceed, or no longer meets the criteria for continued commitment. The bill also requires that the defendant be transported to the committing court's jurisdiction for these hearings.

The bill amends s. 916.145, F.S., to require that all charges be dismissed if the defendant remains incompetent to proceed for 5 continuous, uninterrupted years after the initial determination. The bill also permits a court to dismiss charges for an individual whom the court has determined to be incompetent to proceed and who remains incompetent for 3 years after the original determination, unless the charge is:

- Arson;
- Sexual battery;
- Robbery;
- Kidnapping;
- Aggravated child abuse;
- Aggravated abuse of an elderly person or disabled adult;
- Aggravated assault with a deadly weapon;
- Murder;
- Manslaughter;
- Aggravated manslaughter of an elderly person or disabled adult;
- Aggravated manslaughter of a child;
- Unlawful throwing, projecting, placing, or discharging of a destructive device or bomb;
- Armed burglary;
- Aggravated battery;
- Aggravated stalking;
- A forcible felony as defined in s. 776.08, F.S., that is not otherwise listed;
- An offense involving the possession, use, or discharge of a firearm;
- An attempt to commit any of these offenses;
- Any offense allegedly committed by a defendant who has had a forcible or violent felony conviction within the five years preceding the date of arrest for the nonviolent felony sought to be dismissed;
- Any offense allegedly committed by a defendant who, after having been found incompetent and under court supervision in a community-based program, is formally charged by a State Attorney with a new felony offense; or
- An offense for which there is an identifiable victim and the victim has not consented to the dismissal.

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The bill requires jail physicians to provide a current psychotropic medication order at the time of an inmate's transfer to a forensic or civil facility. The bill authorizes an admitting physician at a state forensic or civil facility to continue the administration of psychotropic medication previously prescribed in jail, when a forensic client lacks the capacity to make an informed decision and, in the opinion of the physician, the abrupt cessation of medication could risk the health and safety of the client during the time a court order to medicate is pursued. This authority is for non-emergency situations and is limited to the time period required to obtain a court order for the medication.

The bill requires the administrator or designee of the civil or forensic facility to petition the committing court or the circuit court serving the county where the facility is located within 5 days of the inmate's admission, excluding weekends and legal holidays, for an order authorizing continued treatment.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 119-0

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Committee on Criminal Justice

CS/CS/CS/SB 912 — Fraudulent Activities Associated with Payment Systems

by Rules Committee; Fiscal Policy Committee; Criminal Justice Committee; and Senators Flores, Soto, Montford, and Evers

The bill addresses fraudulent activity occurring at fuel stations. The bill amends s. 316.80, F.S. (unlawful conveyance of fuel), and 921.0022, F.S. (the offense severity level ranking chart of the Criminal Punishment Code), to increase the penalty for unlawful conveyance of fuel from a Level 1 third degree felony to a Level 5 second degree felony.

The bill amends s. 316.80, F.S., to require each person who owns or manages a retail petroleum fuel measuring device (fuel pump) with a scanning device to affix or install a security measure on the fuel pump to restrict the unauthorized access of customer payment card information. Specified security measures include placing pressure-sensitive security tape over the panel opening that leads to the scanning device.

The Department of Agriculture and Consumer Services may prohibit the use of a fuel pump until a security measure is installed, replaced, or repaired. The department must provide written notice to the owner or manager of noncompliance and allow the owner or manager 5 days to come into compliance. If a repeat violation is found on the same fuel pump, the department may immediately take the fuel pump out of service.

The bill amends s. 817.611, F.S (counterfeit credit cards), to revise the offense of trafficking in counterfeit credit cards and related documents to include possession and provide that this offense applies to trafficking in or possession of 5 such cards or documents.

Finally, the bill amends ss. 817.611 and 921.0022, F.S., to create tiered penalties for the revised offense of trafficking in or possession of counterfeit cards and related documents based upon the number of items involved. Specifically, the bill provides that trafficking in or possession of:

- 5-14 counterfeit cards or related documents is a Level 5 second degree felony;
- 15-49 counterfeit cards or related documents is a Level 7 second degree felony; and
- 50 or more counterfeit cards or related documents is a Level 8 first degree felony.

If approved by the Governor, these provisions take effect October 1, 2016.
Vote: Senate 39-0; House 111-1

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Committee on Criminal Justice

CS/CS/SB 936 — Persons with Disabilities

by Appropriations Committee; Criminal Justice Committee; and Senators Ring and Evers

The bill provides that a law enforcement officer, correctional officer, or public safety officer shall, upon the request of an individual with autism (or an autism spectrum disorder) or his or her parent or guardian, make a good faith effort to ensure that a psychiatrist, psychologist, mental health counselor, special education instructor, clinical social worker, or related professional is present at all interviews of the individual. The bill describes the qualifications the professional must have to serve in this capacity. In addition, the bill provides that the failure to have a professional present at the time of the interview is not a basis for suppression of the statement or the contents of the interview or for a cause of action against the officer or agency. The bill requires that law enforcement agencies develop appropriate policies to implement the bill's provisions and that officers be trained based on these policies.

If approved by the Governor, these provisions take effect July 1, 2016, except where otherwise provided.
Vote: Senate 32-2; House 115-1

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Committee on Criminal Justice

CS/CS/SB 1044 — Contraband Forfeiture

by Fiscal Policy Committee; Criminal Justice Committee; and Senators Brandes, Negron, Clemens, Bean, and Evers

This bill amends the Florida Contraband Forfeiture Act to specify that a seizure may occur only if the property owner is arrested for a criminal offense that forms the basis for determining that the property is a contraband article under s. 932.701, F.S., or if one or more of the following circumstances apply:

- The owner of the property cannot be identified after a diligent search or the person in possession of the property denies ownership and the owner of the property cannot be identified by available means at the time of seizure;
- The owner of the property is a fugitive from justice or is deceased;
- An individual who does not own the property is arrested for the criminal offense that forms the basis for determining that the property is a contraband article and the owner of the property had actual knowledge of the criminal activity;
- The owner of the property agrees to be a confidential informant as defined in s. 914.28, F.S.; or
- The property is a monetary instrument.

If after a diligent effort by the seizing agency, the owner of the seized property cannot be found after 90 days, the property is deemed a contraband article and forfeited subject to the act.

The bill also:

- Prescribes procedures for judicial review of seizures;
- Specifies when a seizing agency must apply for a probable cause determination and the findings a court must make regarding probable cause;
- Provides that any forfeiture hold or lien on seized property must be released within 5 days if the court finds that the new requirements for seizing property were not met or that no probable cause existed for seizing the property;
- Requires proof beyond a reasonable doubt that the contraband article was being used in violation of the act;
- Provides that the seizing agency is responsible for any damage to the property and any storage fees or maintenance costs, unless the parties expressly agree otherwise in writing;
- Increases from $1,000 to $2,000 the reasonable attorney's fees and costs a claimant can receive if the court makes a finding of no probable cause at the close of the adversarial preliminary hearing;
- Provides that a $1,500 bond is payable to the claimant if the claimant prevails at the close of the forfeiture proceedings and any appeal, unless the parties expressly agree otherwise in writing;
- Requires that specified persons approve all settlement agreements concerning the seized property;

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- Increases the minimum percentage of forfeiture proceeds from 15 percent to 25 percent that law enforcement agencies receiving over $15,000 annually in forfeiture funds must donate to certain enumerated programs;
- Requires that 70 percent of net proceeds from seizures of motor vehicles driven by specified DUI offenders first be applied to payment of court costs, fines, and fees and the remainder deposited in the General Revenue Fund for use by regional workforce boards in providing transportation services for participants of the welfare transition program;
- Provides reporting requirements for law enforcement agencies seizing property under the act; and
- Provides penalties for noncompliance with the reporting requirements, to be enforced by the Department of Financial Services.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 116-0

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Committee on Criminal Justice

CS/HB 1149 — Alternative Sanctioning

by Criminal Justice Subcommittee and Reps. Spano, Edwards, and others (CS/SB 1256 by Criminal Justice Committee and Senators Brandes and Evers)

The bill creates an alternative sanctioning program for technical violations of probation. The bill defines "technical violation" as any alleged violation of supervision that is not a new felony offense, misdemeanor offense, or criminal traffic offense. The bill allows the chief judge of each judicial circuit, in consultation with the state attorney, public defender, and Department of Corrections, to establish an alternative sanctioning program and determine which technical violations will be eligible for alternative sanctioning.

An eligible probationer who commits a technical violation may choose to participate in the program and admit to the violation, comply with a probation officer's recommended sanctions, and waive his or her right to a hearing on the violation. A probation officer's recommended alternative sanction must be reviewed by the court, which may approve the sanction or remove the probationer from the program.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 37-0; House 115-1

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Committee on Criminal Justice

CS/SB 1294 — Victim and Witness Protection

by Fiscal Policy Committee and Senators Flores, Grimsley, Sachs, and Bullard

The bill increases protections for minors and victims of human trafficking. Specifically the bill:

- Increases the eligible age of a child victim or witness who may have his or her testimony videotaped or who may testify by closed circuit television from under 16 years of age to under 18 years of age;
- Increases the age of under 16 to under 18 to extend the protections of court orders intended to protect a victim or witness from severe emotional or mental harm due to the presence of the defendant and in the definition of "sexual offense victim or witness;"
- Allows a person appointed by the court pursuant to s. 914.17, F.S., to make a motion to the court to enter a protective order on behalf of the victim or witness;
- Eliminates a potential defense to human trafficking crimes by specifying that a victim's lack of chastity or the willingness or consent of a victim is not a defense to prosecution if the victim is under 18 years of age at the time of the offense; and
- Amends the Rape Shield Law to include prosecutions for human trafficking and lewd or lascivious offenses in which the admission of certain evidence about the victim is limited.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 114-0

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Committee on Criminal Justice

CS/HB 1333 — Sexual Offenders

by Judiciary Committee and Rep. Baxley (CS/SB 1662 by Appropriations Committee and Senators Bradley and Evers)

The bill amends numerous provisions of the laws pertaining to registration of sexual predators and sexual offenders. Some of these changes are to more closely align Florida's registry laws with requirements of the federal Sex Offender Registration and Notification Act. Major features of the bill include:

- Requiring sexual predator or sexual offender registration by a parent or guardian convicted of kidnapping, falsely imprisoning, or luring or enticing his or her child if the child is a minor and the offense has a sexual component and making conforming changes to references to these offenses in s. 856.022, F.S. (loitering or prowling by certain offenders in close proximity to children);
- Clarifying that s. 943.0435, F.S. (the "Romeo and Juliet" statute), applies only to consensual acts and removing sexual battery as a qualifying offense;
- Clarifying to which court a sexual offender must petition for removal from registration requirements and removing inoperable language regarding calculation of the registration period;
- Including lewd or lascivious battery upon an elderly or disabled person as an offense that requires sexual offenders to register quarterly and for life;
- Amending various definitions relevant to registration of certain information, primarily to address omissions, and providing consistency among relevant statutes regarding registration requirements;
- Expanding the types of information that can be registered or updated through the Florida Department of Law Enforcement's online system;
- Clarifying the appropriate entity to which a sexual predator or sexual offender must report;
- Modifying reporting requirements for international travel;
- Requiring sexual predators and sexual offenders taking online courses at Florida higher education institutions to report such information and for institutions of higher education to be notified of such attendance; and
- Clarifying the obligation to obtain a driver license or identification card.

If approved by the Governor, these provisions take effect October 1, 2016.
Vote: Senate 37-0; House 115-0

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Committee on Criminal Justice

HB 4009 — Slungshot

by Rep. Combee and others (SB 612 by Senators Hays and Evers)

"Slungshot" is defined in s. 790.001(12), F.S., as a small mass of metal, stone, sand, or similar material fixed on a flexible handle, strap, or the like, used as a weapon. The bill repeals references to slungshot in ch. 790, F.S. The slungshot may be manufactured, displayed for sale, sold, and carried in a concealed manner under the provisions of the bill. The bill will also allow a dealer in arms to sell or transfer a slungshot to a minor.

The bill makes conforming changes in s. 790.09, F.S., to reflect that the section applies only to metallic knuckles, the section's application to slungshots having been deleted.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 117-0

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Committee on Criminal Justice

SB 7022 — OGSR/Depictions or Recordings of the Killing of a Law Enforcement Officer

by Criminal Justice Committee

The bill narrows the public records exemption in s. 406.136, F.S., which provides that photographs and video and audio recordings that depict or record the killing of any person when held by an agency are confidential and exempt from s. 119.07(1), F.S., and Art. I, s. 24(a), State Constitution, except they are accessible to certain specified family members of the deceased person and public governmental agencies without a court order. Under the bill, the exemption will only apply to photographs and video and audio recordings held by an agency that depict or record the killing of a law enforcement officer who was acting in accordance with his or her official duties.

If approved by the Governor, these provisions take effect October 1, 2016.
Vote: Senate 36-0; House 117-0

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Committee on Criminal Justice

HB 7101 — Sentencing for Capital Felonies

by Criminal Justice Subcommittee and Reps. Trujillo, Spano, and others (CS/SB 7068 by Appropriations Committee and Criminal Justice Committee)

The bill (Chapter 2016-13, L.O.F.) makes changes to Florida's capital sentencing scheme.

On January 12, 2016, the U.S. Supreme Court held Florida's capital sentencing scheme unconstitutional in an eight to one opinion. (*Hurst v. Florida*, 577 U.S. _____ (2016), 2016 WL 112683, at *3) The Court ruled that "the Sixth Amendment requires a jury, not a judge, to find each fact necessary to impose a sentence of death." (*Id.* at *1) Several provisions contained within the bill are intended to comply with the U.S. Supreme Court ruling.

Specifically, the bill amends Florida's capital sentencing scheme in the following ways:

- The prosecutor is required to provide notice to the defendant and file notice with the court when the state is seeking the death penalty and the notice must contain a list of the aggravating factors the state intends to prove;
- The jury is required to identify each aggravating factor found to exist by a unanimous vote in order for a defendant to be eligible for a sentence of death;
- The jury is required to determine whether the aggravating factors outweigh the mitigating circumstances in reaching its sentencing recommendation;
- If at least ten of the twelve members of the jury determine that the defendant should be sentenced to death, the jury's recommendation is a sentence of death;
- The jury is required to recommend a sentence of life imprisonment without the possibility of parole if fewer than ten jurors determined that the defendant should be sentenced to death;
- The judge is permitted to impose a sentence of life imprisonment without the possibility of parole when the jury unanimously recommends a sentence of death; and
- The judge is no longer permitted to "override" the jury's recommendation of a sentence of life imprisonment by imposing a sentence of death.

These provisions became law upon approval by the Governor on March 7, 2016.
Vote: Senate 35-5; House 93-20

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Committee on Education Pre-K - 12

CS/HB 189 — Teacher Certification

by K-12 Subcommittee; and Rep. Diaz, M., and others (CS/SB 432 by Education Pre-K – 12 Committee and Senator Hutson)

The bill creates an expedited pathway for an individual holding a Florida temporary educator certificate to earn a Florida professional educator certificate for grades 6 through 12.

Specifically, the bill allows an individual to earn a professional certificate if the individual:

- Meets the general certification requirements;
- Holds a master's or higher degree in the area of science, technology, engineering, or mathematics;
- Teaches a high school course in the subject of the advanced degree;
- Is rated highly effective as determined by the teacher's performance evaluation system, based in part on student performance as measured by a statewide, standardized assessment, or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination; and
- Passes the Florida professional education competency examination required by State Board of Education rule.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-1; House 100-11

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Committee on Education Pre-K - 12

CS/HB 229 — Bullying and Harassment Policies in Schools

by K-12 Subcommittee; and Rep. Geller and others (CS/SB 268 by Fiscal Policy; and Senators Ring and Sachs)

The bill requires a school district's policy on prohibiting bullying and harassment to be implemented by each school principal and reviewed at least every 3 years. The bill also requires such policy to include a procedure for receiving reports of alleged acts of bullying or harassment and a list of bullying prevention and intervention programs authorized by the school district.

Furthermore, the bill provides that chapter 2010-217, L.O.F., codified as s. 1006.148, F.S., relating to school district policies on dating violence and abuse, may be cited as "Taylor's Law for Teen Dating Violence Awareness and Prevention."

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 37-0; House 107-3

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Committee on Education Pre-K - 12

CS/CS/CS/HB 287 — Principal Autonomy Pilot Program Initiative

by Education Committee; Education Appropriations Subcommittee; K-12 Subcommittee; and Reps., Diaz, M., Sprowls, and others (CS/CS/SB 434 by Appropriations Committee; Education Pre-K – 12 Committee; and Senators Garcia and Gaetz)

The bill establishes the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education (DOE) to provide a highly effective principal of a participating school with increased autonomy and authority to operate his or her school in a way that produces significant improvements in student achievement and school management. The State Board of Education (SBE) may enter into a performance contract with up to seven district school boards for participation in the pilot program. Participation is voluntary, but limited to the school district boards of Broward, Duval, Jefferson, Madison, Palm Beach, Pinellas and Seminole Counties. Schools selected for participation in PAPPI are exempt from chapters 1000-1013, F.S., of the K-20 Education Code and related SBE rules, with exceptions.

Specifically, the bill:

- Requires school districts seeking to participate in PAPPI to submit to the SBE for approval a principal autonomy proposal that:
  - Identifies three schools that received at least two school grades of "D" or "F" during the previous three school years;
  - Identifies three highly effective rated principals;
  - Describes the areas in which increased autonomy is to be granted; and
  - States measurable goals regarding student achievement and operational efficiency.
- Requires specified personnel from each participating school and district to enroll in and complete a nationally recognized school turnaround program upon acceptance into the pilot program.
- Requires the Legislature to provide an appropriation to the DOE for the costs of the pilot program in the amount of $100,000 per participating school district, and a $10,000 annual salary supplement for each of the three school principals from each of the participating school districts.
- Appropriates the sums of $700,000 in nonrecurring funds and $210,000 in recurring funds from the General Revenue Fund to the DOE for implementation during the 2016-2017 fiscal year.
- Requires the following reporting process:
  - Each participating district school board must submit an annual report to the SBE;
  - SBE must submit an annual report on the implementation of the pilot program; and
  - Upon completion of the pilot program, the Commissioner of Education must submit a report to the President of the Senate and the Speaker of the House of Representatives which provides a full evaluation of the effectiveness of the pilot program.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 36-4; House 97-17

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Committee on Education Pre-K - 12

HB 585 — Instruction for Homebound and Hospitalized Students

by Rep. Burgess and others (SB 806 by Senator Legg)

The bill obligates school districts to provide instruction to homebound or hospitalized students, as part of its program of special instruction, for exceptional students receiving treatment in a children's specialty hospital.

More specifically, the bill requires each school district with a children's specialty hospital located within the district, to:

- Enter into an agreement with the hospital no later than August 15, 2016, to establish a process by which the hospital will notify the district of students who may be eligible for educational instruction, and to establish timelines for determining student eligibility and providing educational instruction.
- Provide educational instruction to eligible students receiving treatment in the hospital, until the district is able to enter into an agreement with the school district where the student resides.
- At least every three years, submit to the Department of Education its proposed procedures for the provision of special instruction and service for exceptional students.

The State Board of Education is required to establish rules regarding criteria and procedures for determining student eligibility, appropriate methods and requirements for providing instruction for eligible students, and a standard agreement for schools districts to use when students receiving services from a children's specialty hospital transition between school districts.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 119-0

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Committee on Education Pre-K - 12

SB 672 — Educational Options

by Senators Gaetz and Hukill

The bill (Chapter 2016-2, L.O.F.) codifies, renames, and expands the Gardiner Scholarship Program (formerly called the Florida Personal Learning Scholarship Accounts Program – PLSA), establishes Florida postsecondary education options, codifies standard student attire policies, and revises Florida Tax Credit Scholarship Program (FTC) accountability provisions.

Gardiner Scholarship Program

The bill clarifies and streamlines implementation, and tightens accountability, of the Gardiner Scholarship Program. Specifically the bill:

- Clarifies program implementation:
  - Renames the "Florida Personal Learning Scholarship Accounts Program" as the "Gardiner Scholarship Program," and expands the definition of disability to include autism spectrum disorder, muscular dystrophy, and specified 3- and 4-year olds.
  - Expands and clarifies authorized uses, length of time to earn, and reversion of funds.
  - Expands the Department of Education's (DOE) investigative authority and clarifies the Commissioner of Education's authority regarding participation and fund recovery.
- Streamlines program implementation:
  - Requires funds to be prorated, allows earlier receipt of funds, and limits wait list time.
  - Requires the Florida Prepaid College Board to implement specified provisions regarding use of program funds for Florida's prepaid plans.
- Tightens program accountability requirements:
  - Clarifies a scholarship funding organization's (SFO) duty to review and prioritize applications. Requires SFOs to notify participants of ability to request a new or revised matrix of services and document each student's eligibility before granting a program scholarship. Revises requirements for SFO payment transfer systems.
  - Authorizes a SFO administrative fee of 3% of the amount of each award, subject to conditions. Prohibits a SFO from charging an application fee. Prohibits administrative expenses and fees from being deducted from a student's scholarship award.
  - Simplifies parent compliance statement and removes duplicate auditing requirements.

Florida Postsecondary Education Options

The bill establishes mechanisms for the statewide coordination of information about programs for students with disabilities, and for the approval of unique postsecondary education programs tailored to the needs of students with intellectual disabilities. Specifically the bill:

- Establishes a Florida Center for Students with Unique Abilities (center) at the University of Central Florida for statewide coordination of information regarding programs and services for students with disabilities and their parents.
- Requires rule adoption by the Board of Governors and the State Board of Education in consultation with the center.

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- Establishes a process through which postsecondary institutions in Florida can voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP or program) for students with intellectual disabilities.
  - Creates a scholarship to provide financial aid to students who meet the student eligibility requirements and are enrolled in a program.
  - Outlines processes and application requirements for program approval and renewal.
  - Requires annual reporting of student and program performance measures and statutory and budget recommendations for improving program implementation.
  - Defines key terms including, but not limited to, FPCTP, eligible institution, eligible student, and the center.

Standard Student Attire Program

The bill awards incentive payments ($10 per student) to school districts and charter schools that implement districtwide or schoolwide, standard student attire policies applicable to students in kindergarten through grade 8. Policies must:

- Prohibit certain types or styles of clothing, while requiring solid-colored clothing and fabrics and short- or long-sleeved shirts with collars; and
- Allow reasonable accommodations based on a student's religion, disability, or medical condition.

Furthermore, the bill requires each district school superintendent or charter school governing board to annually certify to the Commissioner of Education its implementation of a qualifying standard student attire policy, and provides immunity from civil liability to a district school board or a charter school governing board that implements such policy.

Florida Tax Credit Scholarship Program (FTC)

The bill provides for increased accountability and use for scholarship funds by Scholarship Funding Organizations (SFO). Specifically, the bill:

- Clarifies audit requirements for SFOs to be able to receive an administrative fee.
- Prohibits SFOs from charging application fees.
- Requires scholarship contributions that are not allowed to be carried forward to transfer to other SFOs. Requires funds held by a SFO that is closing to be transferred to another eligible SFO to provide scholarships.
- Clarifies ability make a claim against a surety bond, and limits recovery to another SFO for use as student scholarships.

The bill appropriates $95,336,000 as follows: (1) $71.2 million for scholarships, and $2,136,000 for expenses, under the Gardiner Scholarship Program; (2) $14 million for incentive payments under the Standard Student Attire Incentive Program; and (3) $8 million in support of postsecondary education options.

These provisions were approved by the Governor and take effect July 1, 2016.
Vote: Senate 39-0; House 109-1

Committee on Education Pre-K – 12

CS/HB 701 — Art in the Capitol Competition

by K-12 Subcommittee; and Rep. Lee and others (CS/SB 1160 by Education Pre-K – 12 Committee and Senator Detert)

The bill creates the Art in the Capitol Competition, a statewide visual arts competition for all public, private, and home education students in grades 6 through 8.

Specifically, the bill requires each school district to annually hold an Art in the Capitol Competition with the submissions to be judged by a selection committee consisting of art teachers whose students have not submitted artwork. The winning artwork is to be submitted to the office of the legislator of the legislative district in which the student resides no later than 60 days prior to the start of the regular legislative session. The legislator must submit the artwork to the Department of Management Services (DMS) to be displayed in the Capitol Building during the regular legislative session.

The bill directs the DMS and the Department of Education to administer the Art in the Capitol Competition.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 116-2

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Committee on Education Pre-K - 12

CS/CS/HB 719 — Education Personnel

by Education Appropriations Subcommittee; K-12 Subcommittee; and Rep. Spano and others (CS/CS/SB 894 by Appropriations Committee; Education Pre-K -12 Committee; and Senator Detert)

The bill (Chapter 2016-58, L.O.F.) modifies and expands several statutory provisions relating to education personnel.

Specifically, the bill:

- Adds Department of Education (DOE) employees and agents, who investigate or prosecute educator misconduct, to the list of individuals authorized to access records relating to child abuse, abandonment, or neglect.
- Authorizes the DOE to use information from the Central Abuse Hotline for educator certification discipline and review.
- Authorizes the Commissioner of Education to issue a letter of guidance to an educator in lieu of finding probable cause to prosecute misconduct.
- Modifies the membership of the Education Practices Commission.
- Makes permanent the educator liability insurance program.
- Prohibits postsecondary education institutions and school districts from requiring students participating in a clinical field experience to purchase liability insurance.
- Authorizes DOE to sponsor an educator job fair.
- Requires DOE to coordinate a best practices community to assist school districts with teacher recruitment and other human resource functions.
- Removes State Board of Education rulemaking authority regarding school district assignment of newly hired instructional personnel.
- Establishes in law state approval of school leader preparation programs.

These provisions were approved by the Governor and take effect July 1, 2016.
Vote: Senate 37-1; House 91-22

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Committee on Education Pre-K - 12

CS/HB 837 — Education Programs for Individuals with Disabilities

by Education Committee; and Reps. Bileca, Cortes, B., and others (CS/SB 1088 by Education Pre-K – 12 Committee; and Senators Stargel and Garcia)

The bill modifies educational programs for individuals with disabilities and expands options for home education and dual enrollment students, including students with disabilities.

Regarding the John M. McKay Scholarship for Students with Disabilities Program (McKay), the bill exempts foster children from the prior school year attendance requirement for determining student eligibility, authorizes a private school to establish a transition-to-work program for McKay students, and enables McKay students to take virtual courses without reducing the scholarship amount.

The bill expands services provided to home education program students, including students with disabilities:

- Requires the Department of Education (department) to make testing and evaluation diagnostic services available to home education program students at diagnostic and resource centers.
- Authorizes school districts to provide exceptional student education-related services to home education program students with disabilities eligible for the services who enroll in a public school solely for the purpose of receiving such services, and requires the districts to report such students for full-time equivalent funding.

The bill modifies dual enrollment articulation agreement provisions:

- Establishes August 1 as the annual deadline by which dual enrollment articulation agreements with home education program students, private schools, and state universities or eligible private colleges and universities must be submitted to the department.
- Specifies responsibilities for private school students similar to home education program students, and provisions that must be included in the private school dual enrollment articulation agreements.
- Requires eligible postsecondary institutions to include in their dual enrollment articulation agreements, services and resources available to students with disabilities, and provide such information to the Florida Center for Students with Unique Abilities (center); requires the department to provide the center a link to dual enrollment articulation agreements that apply to students with disabilities; and requires the center to disseminate dual enrollment information to students with disabilities and their parents.

Additionally, the bill saves from repeal the Adults with Disabilities Workforce Education Pilot Program, and renames the program as the "Adults with Disabilities Workforce Education Program."

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 114-0

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Committee on Education Pre-K - 12

CS/HB 1147 — Character-development Instruction

by K-12 Subcommittee; and Reps. Latvala, Fitzenhagen, and others (CS/CS/SB 1462 by Appropriations Committee; Education Pre-K – 12 Committee; and Senator Latvala)

The bill expands the requirements for high school character-development programs to include instruction on developing life and career-related skills.

Specifically, the bill requires instruction on:

- Developing leadership skills, interpersonal skills, organization skills, and research skills;
- Creating a resume;
- Developing and practicing the skills necessary for employment interviews;
- Conflict resolution, workplace ethics, and workplace law;
- Managing stress and expectations; and
- Developing skills that enable students to become more resilient and self-motivated.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 111-2

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Committee on Education Pre-K - 12

CS/HB 1305 — Emergency Allergy Treatment in Schools

by Education Committee; and Rep. Eagle and others (CS/SB 1196 by Education Pre-K – 12 Committee; and Senators Bean and Hutson)

The bill modifies the definition of an authorized entity for the purposes of emergency allergy treatment and authorizes public and private schools to enter into arrangements with wholesale distributors or manufacturers to obtain epinephrine auto-injectors. Specifically, the bill:

- Expands the definition of an authorized entity to include private schools and their employees, agents, and the physician who provides the standing protocol for school epinephrine auto-injectors; changes the purposes for which public and private schools and their employees, agents, and physician are considered an authorized entity; and extends immunity from liability to such schools and their employees, agents, and physician.
- Clarifies that public and private schools may obtain a supply of epinephrine auto-injectors from a wholesale distributor or enter into an arrangement with a wholesale distributor or manufacturer for the epinephrine auto-injectors.

The bill eliminates the requirement that the supply of epinephrine auto-injectors obtained by public and private schools must be kept locked on the school premises but continues to maintain current law requiring the schools to maintain the epinephrine auto-injectors in a secure location on the school premises.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 114-0

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Committee on Education Pre-K - 12

CS/CS/HB 1365 — Competency-Based Education Pilot Program

by Education Appropriations Subcommittee; Choice and Innovation Subcommittee; and Reps. Rodriguez, R., Sprowls, and others (CS/CS/SB 1714 by Appropriations Committee; Education Pre-K – 12 Committee; and Senators Brandes and Sachs)

The bill promotes competency-based student learning opportunities by establishing a competency-based innovation pilot program (pilot program) within the Department of Education (department) for a period of five years. The bill specifies a purpose for the pilot program, which is to provide an educational environment that allows students to advance to higher levels of learning after demonstrating a mastery of concepts and skills.

Specifically, the bill:

- Authorizes the P.K. Yonge Developmental Research School and the Lake, Palm Beach, Pinellas, and Seminole County school districts to apply to the department to participate in the pilot program.
- Specifies pilot program-related application requirements such as the timelines for districtwide implementation of the pilot program; a list of participating schools; annual goals and performance outcomes for participating schools including, but not limited to, student performance, promotion and retention rates, graduation rates, and indicators of college and career readiness; a communication plan for parents and other stakeholders; the scope and timelines for professional development for certain school personnel; and a plan for student progression based on the mastery of content.
- Requires students participating in the pilot program at participating schools to be reported for funding in accordance with current law.
- Authorizes the State Board of Education (state board) to permit the commissioner to grant waivers from state board rules relating to student progression and the awarding of credits.
- Requires the state board to adopt rules to administer the pilot program provisions.

The bill requires the department to:

- Compile student and staff schedules of participating schools before and after implementation of the pilot program.
- Provide participating schools with access to the statewide, standardized comprehensive and end-of-course assessments.
- Provide a report annually, by June 1, summarizing the activities and accomplishments of the pilot programs and recommendations for statutory revisions for statewide implementation to the Governor, President of the Senate, and the Speaker of the House of Representatives.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 31-6; House 100-13

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Committee on Education Pre-K - 12

CS/HB 7053 — Child Care and Development Block Grant Program

by Appropriations Committee; Education Committee; and Rep. O'Toole and others (CS/SB 7058 by Appropriations Committee and Education Pre-K – 12 Committee)

The bill revises the Early Steps program within the Department of Health (DOH) and revises provisions of the School Readiness program to align to federal requirements in the 2014 reauthorization of the Child Care and Development Block Grant.

The Early Steps program provides screening and early intervention services to parents with infants and toddlers who have or may have a developmental delay. Specifically, the bill:

- Expands the duties of the DOH clearinghouse for information on early intervention services for parents and providers of early intervention services.
- Provides goals for the Early Steps program, defines terms, and assigns duties to the DOH, as well as the local Early Steps offices.
- Establishes eligibility criteria for the program.
- Requires a statewide plan, performance standards, and an accountability report each year.
- Designates the Florida Interagency Coordinating Council for Infants and Toddlers as the state interagency coordination council as required under federal law.
- Provides procedures for the successful transition of children from the Early Steps program to the local school districts.
- Repeals outdated sections of the Florida Statutes relating to the Early Steps program.

The School Readiness program provides subsidies for child care services and early childhood education for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities. Specifically, the bill revises current statutory provisions relating to the School Readiness program by:

- Increasing health and safety standards;
- Expanding requirements for employment history checks and child care personnel background screenings;
- Expanding availability of child care information, including inspection and monitoring reports;
- Expanding School Readiness provider standards to include preservice and inservice training requirements and appropriate group size and staff-to-child ratios; and
- Aligning child eligibility criteria to the federal requirements.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 114-0

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Committee on Environmental Preservation And Conservation

CS/SB 100 — Pollution Discharge Removal and Prevention

by Appropriations Committee and Senator Simpson

The bill amends the Global Risk Based Corrective Action (RBCA) and brownfield program cleanup statutes to:

- Define "background concentration" to mean the concentration of contaminants naturally occurring or resulting from anthropogenic (human) impacts unrelated to the discharge of pollutants or hazardous substances at a contaminated site undergoing site rehabilitation and deletes the phrase "naturally occurring" in determining the cleanup target level (CTL);
- Define "long-term natural attenuation" to mean natural attenuation approved by the Department of Environmental Protection (DEP) as a site rehabilitation program task for a period of more than 5 years;
- Provide that Global RBCA does not apply to nonprogram petroleum-contaminated sites unless requested by the person responsible for site rehabilitation;
- Require rules concerning rehabilitation program tasks to include protocols for long-term natural attenuation where site conditions warrant;
- Create an exception when applying state water quality standards to CTLs for surface water exposed to contaminated groundwater when it has been demonstrated that the contaminants do not cause or contribute to the exceedance of applicable surface water quality criteria;
- Encourage DEP to utilize long-term attenuation monitoring when additional site rehabilitation is necessary to reach a finding of "No Further Action";
- Require DEP to consider the interactive (as opposed to additive) effects of contaminants when determining what constitutes a rehabilitation program task;
- Allow the use of risk assessment modeling and probabilistic risk assessment to create site-specific alternative CTLs; and
- Allow the use of alternative CTLs without institutional controls if certain specified conditions exist.

Concerning the Abandoned Tank Restoration Program, the bill:

- Removes the June 30, 1996 deadline for applications for the Abandoned Tank Restoration Program;
- Provides that certain sites eligible for the Petroleum Cleanup Participation Program are not eligible for the Abandoned Tank Restoration Program; and
- Removes provisions that exclude sites from eligibility when the sites are owned by a person who had knowledge of the polluting condition when the title was acquired unless the person acquired title to the site after issuance of a notice of site eligibility by DEP.

The bill makes the following changes to the Petroleum Restoration Program, the Low Scored Site Initiative (LSSI), and DEP's findings of "No Further Action" for contamination sites. The bill:

- Authorizes continued state funding for certain sites that have received a site rehabilitation completion order;
- Substantially revises the criteria for a finding of "No Further Action;"
- Removes an expiration date of July 1, 2016 for the obligation of funds from the Inland Protection Trust Fund (IPTF) for payments for program deductibles, copayments and certain reports;
- Allows DEP to pay for institutional controls for costs associated with certain surveys and obtaining a title report and recording fees;
- Allows for payment of costs for limited remediation to include up to 12 months, rather than 6 months, of groundwater monitoring and 12 months of limited remediation activities;
- Increases the amount available for groundwater monitoring and for limited remediation activities from $30,000 to $35,000, for sites where DEP has determined that the assessment and limited remediation, if applicable, will likely result in a determination of "No Further Action;"
- Provides that DEP may approve an additional amount not to exceed $35,000 for limited remediation need to achieve a determination of "No Further Action;"
- Provides that assessment and limited remediation work shall be completed no later than 15 months, rather than 6 months, after DEP authorizes the start of a state-funded, LSSI task;
- Provides that if groundwater monitoring is required after the assessment and limited remediation in order to satisfy certain conditions, DEP may authorize an additional 12 months to complete the monitoring; and
- Increases the amount that may be encumbered from the IPTF for the LSSI from $10 million to $15 million per year.

The bill makes the following revisions to the Petroleum Cleanup Participation Program (PCPP). The bill:

- Specifies that participation in the cost-sharing cleanup program under the PCPP is available for property contaminated by discharges of petroleum or petroleum products from a petroleum storage system;
- Removes the December 31, 1998 deadline for applications for the PCPP; and
- Allows DEP to approve supplemental funding of up to $100,000 for additional remediation and monitoring if such remediation and monitoring is necessary to achieve a determination of "No Further Action."

The bill revises the advanced cleanup program to:

- Substantially revise the criteria for an application for advanced cleanup;
- Increase the amount DEP may enter into contracts for advanced cleanup work each fiscal year from $15 million to $25 million;
- Allow a property owner or responsible party to enter into a voluntary cost-share agreement in which the property owner or responsible party commits to bundle multiple sites and lists the facilities that will be included in those future bundles;

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- Provide that facilities listed are not subject to agency term contractor assignment pursuant to DEP rule; and
- Allow DEP to terminate or amend the voluntary cost-share agreement for any identified site under the voluntary cost-share agreement if the property owner or responsible party fails to submit an application to bundle any site, not already covered by an advance cleanup contract, under such voluntary cost-share agreement within a subsequent open application period during which it is eligible to participate.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 115-0

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Committee on Environmental Preservation And Conservation

SB 288 — State Designations

by Senator Smith

The bill redesignates the John U. Lloyd Beach State Park in Broward County as the "Von D. Mizell-Eula Johnson State Park" and designates or redesignates, as appropriate, certain structures as follows:

- Boat ramp as the Alphonso Giles Boat Ramp.
- Marina pavilion as the Dr. Calvin Shirley Marina Pavilion.
- Osprey pavilion as the George and Agnes Burrows Osprey Pavilion.
- Leatherback pavilion as the W. George Allen Leatherback Pavilion.

The bill directs the Department of Environmental Protection to erect suitable markers designating such park and structures.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 36-0; House 115-1

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Committee on Environmental Preservation And Conservation

CS/CS/CS/HB 491 — Water and Wastewater

by Regulatory Affairs Committee; Finance and Tax Committee; Energy and Utilities Subcommittee; and Rep. Smith and others (CS/CS/CS/SB 534 by Appropriations Committee; Communications, Energy, and Public Utilities Committee; Environmental Preservation and Conservation Committee; and Senator Hays)

CS/CS/CS/HB 491:

- Directs the Division of Bond Finance to review the allocation of private activity bonds to determine the availability of additional allocation and reallocation of bonds for water and wastewater infrastructure projects;
- Creates an exemption from Public Service Commission (PSC) regulation and from the provisions of ch. 367, F.S., for persons who resell water service to individually metered residents at a price that does not exceed the purchase price of water service plus the actual cost of meter reading and billing, not to exceed nine percent of the actual cost of the water service;
- Allows the PSC to authorize a utility to create a utility reserve fund for infrastructure repair and replacement with disbursement subject to PSC approval and directs the PSC to adopt rules governing the implementation, management, and use of the fund;
- Expands the types of specified expenses eligible for pass-through treatment to include:
  - Fees charged for wastewater biosolids disposal;
  - Costs incurred for any tank inspection required by the Department of Environmental Protection (DEP) or a local governmental authority;
  - Treatment plant operator and water distribution system operator license fees required by DEP or a local governmental authority;
  - Water or wastewater operating permit fees charged by DEP or a local governmental authority; and
  - Consumptive or water use permit fees charged by a water management district.
- Allows the PSC to establish by rule certain additional specific expense items eligible for pass-through treatment and requires the PSC to review the rule at least once every five years;
- Provides for the recovery expenses over a period of longer than four years, so long as a longer period can be justified and is in the interest of the public;
- Provides that a utility may not earn a return on the unamortized balance of a rate case expense and that any unamortized balance of rate case expense shall be excluded in calculating the utility's rate base;
- Rate case expenses for attorney fees or fees of other outside consultants:
  - May not be awarded if a utility receives staff assistance in changing rates and charges, unless the Office of Public Council or interested parties have intervened;
  - May be awarded if such fees are incurred for the purpose of providing consulting or legal services to the utility after the initial staff report is made available to customers and the utility; and
  - May be awarded costs incurred after a protest or appeal;

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- The PSC must propose rules to administer the recovery of attorney fees or fees for outside consultants by December 31, 2016;
- Repeals, recreates, and amends s. 367.0816, F.S., relating to recovery of rate case expenses;
- Allows the PSC to:
  - Review water quality as it pertains to secondary drinking water standards established by DEP;
  - Review wastewater service as it pertains to odor, noise, aerosol drift, or lighting;
- Clarifies that the provisions of s. 367.165, F.S., concerning the abandonment of a water or wastewater utility, apply to all counties; and
- Allows DEP to make, or request a corporation to make loans, grants, and deposits to for-profit, privately owned, or investor-owned water systems to assist in the planning, design, and construction of public water systems.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 103-12

Committee on Environmental Preservation And Conservation

CS/CS/SB 552 — Environmental Resources

by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Dean

The bill (Chapter 2016-1, L.O.F.) addresses numerous topics related to Florida's environmental resources.

The bill creates the Florida Springs and Aquifer Protection Act to:

- Provide for the protection and restoration of Outstanding Florida Springs (OFSs);
- Provide timelines and deadlines for the restoration of OFSs through the Basin Management Action Plan (BMAP) process;
- Require the development of Onsite Sewage Treatment and Disposal System (OSTDS) remediation plans when OSTDSs contribute significantly to pollution of an OFS;
- Prohibit certain activities within a priority focus area for an OFS;
- Require the Department of Environmental Protection (DEP) to develop rules relating to groundwater withdrawals including the creation of a uniform definition for "harmful to the water resources" for OFSs (water management districts may adopt a more restrictive definition).

The bill updates and restructures the Northern Everglades and Estuaries Protection Program to reflect and build upon DEP's implementation of BMAPs for Lake Okeechobee, the Caloosahatchee River and Estuary, and the St. Lucie River and Estuary. The BMAPs will include the construction of water projects, water monitoring programs, and the implementation, verification, and enforcement of best management practices (BMPs) within these watersheds. The BMAPs will include 5, 10, and 15-year measureable milestones towards achieving the total maximum daily loads for those water basins within 20 years.

The bill revises provisions relating to Consumptive Use Permits (CUPs) to:

- Require monitoring and reporting for certain sized wells and authorizes water management districts (WMDs) to have more stringent monitoring requirements;
- Clarify that permitted allocations may not be decreased because of:
  - Additional conservation measures implemented by the permit holder;
  - Changes in certain agricultural conditions or practices that result in actual water use being less than permitted water use;
- Require the WMDs to adopt rules to incentivize water conservation;
- Create a preference for new CUP applicants that are nearest to a water source when two or more applications otherwise qualify equally.

The bill sets deadlines for the WMDs to adopt minimum flows and levels (MFLs) for waterways within their jurisdiction. The bill requires the WMDs to concurrently adopt recovery or prevention strategies for any waterway that is not meeting an MFL or that will fall below an MFL within 20 years.

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The bill clarifies that BMAPs are enforceable pursuant to ss. 403.067, 403.121, 403.141, and 403.161, F.S. The bill requires DEP and the Department of Agriculture and Consumer Services (DACS) to adopt rules to verify implementation of BMPs or other measures. The rules must include enforcement procedures.

The bill requires the following to help track and monitor progress toward conservation and restoration goals:

- The Office of Economic and Demographic Research must conduct an annual assessment of water resources and conservation lands;
- DEP must publish an online, publicly accessible database of conservation lands where public access is compatible with conservation and recreational purposes;
- DEP will conduct a feasibility study for creating and maintaining a web-based, interactive map of the state's waterbodies that provides information on the status of each waterbody with respect to minimum flows and levels and nutrient impairment;
- DEP, in coordination with other entities, must establish statewide standards for the collection and analysis of water quantity, water quality, and related data;
- DEP, DACS, and the WMDs are subject to a number of new planning and reporting requirements relating to water quantity and quality.

The bill also:

- Requires the DEP to adopt by rule a specific surface water classification for surface waters used for treated potable water supply;
- Revises membership requirements for the Harris Chain of Lakes Restoration Council;
- Creates a pilot program for alternative water supply development in restricted allocation areas and a pilot program for innovative nutrient and sediment reduction and conservation;
- Codifies the Central Florida Water Initiative (CFWI) and ensures that the appropriate governmental entities continue to develop and implement uniform water supply planning, consumptive use permitting, and resource protection programs in the area encompassed by the CFWI;
- Encourages public-private partnerships with agricultural land owners who provide certain environmental benefits;
- Encourages DEP and WMDs to provide technical assistance to water self-suppliers.

These provisions were approved by the Governor and take effect July 1, 2016.
Vote: Senate 37-0; House 110-2

Committee on Environmental Preservation And Conservation

CS/CS/HB 561— Organizational Structure of the Department of Environmental Protection

by Agriculture and Natural Resources Appropriations Subcommittee; Agriculture and Natural Resources Subcommittee; and Rep. Combee (CS/CS/SB 400 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Hays)

The bill removes the statutory enactment of each office within the Department of Environmental Protection (DEP). The bill establishes the Office of Secretary within the DEP and authorizes the secretary to establish offices within the divisions or within the Office of Secretary to promote the efficient and effective operation of the DEP. The bill requires the secretary to appoint a general counsel who is directly responsible to and serves at the pleasure of the secretary and who is responsible for all legal matters of the DEP. The bill establishes the Division of Water Restoration Assistance within the DEP.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 116-2

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Committee on Environmental Preservation And Conservation

CS/CS/CS/HB 589 — Environmental Control

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; Agriculture and Natural Resources Subcommittee; and Rep. Pigman and others (CS/CS/SB 1052 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Hays)

CS/CS/CS/HB 589:

- Repeals s. 373.245, F.S., which authorizes damages to be paid to consumptive use permitholders that occur as a result of permit violations by abutting consumptive use permitholders;
- Revises the number of letters required to provide proof of the length of time an applicant wishing to take the water well contractor licensure examination has been engaged in the business of construction, repair, or abandonment of water wells from two letters to one;
- Exempts constructed clay settling areas at phosphate mines from rate of reclamation and financial assurance requirements where their beneficial use has been extended until the beneficial use of the area is completed;
- Allows land set-asides and land use modifications not otherwise required by state law or permit to be used to generate credits for water quality credit trading;
- Modifies a prohibition against granting variances that would result in the provisions or requirements being less stringent than federal law. The bill authorizes moderating provisions or requirements under state law, subject to any necessary approval by the U.S. Environmental Protection Agency;
- Modifies provisions related to the use of funds from the solid waste landfill closure account for contracting with a third party for the closing and long-term care of solid waste management facilities by allowing the use of funds when a facility was not required to obtain a permit to operate the facility and expanding the types of financial assurances permittees may provide for closure of solid waste management facilities; and
- Provides authority to the Department of Environmental Protection to use funds from the Solid Waste Management Trust Fund to pay for or reimburse additional expenses needed for performing or completing a facility closure or long-term care when the amount available under an insurance policy or other financial assurance mechanism is not sufficient; and
- Allows construction of a stormwater management system to proceed without any further agency action by the DEP or water management district (WMD) if, before construction begins, rather than within 30 days after construction begins, an electronic self-certification is submitted to the DEP or the WMD which certifies that the proposed system was designed by a Florida registered professional and that the registered professional has certified that the proposed system meets all statutory requirements.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 118-0

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Committee on Environmental Preservation And Conservation

CS/HB 703 — Vessels

by Highway and Waterway Safety Subcommittee; and Rep. Workman and others (CS/CS/SB 1454 by Fiscal Policy Committee; Environmental Preservation and Conservation Committee; and Senator Hutson)

The bill revises what constitutes careless operation of a vessel to only apply if a person is operating a vessel in an unreasonable or imprudent manner that endangers the life, limb, or property of another person outside of the vessel or endangers the life, limb, or property of another person due to vessel overloading or excessive speed.

The bill requires the issuance of safety inspection decals by law enforcement officers to operators of vessels that have been found in compliance with the safety equipment carriage and use requirements. The bill prohibits law enforcement officers from stopping a vessel solely for the purpose of inspecting the safety equipment carriage and use requirements, if the vessel has a properly displayed valid safety inspection decal, unless there is reasonable suspicion that a violation of the safety equipment carriage and use requirements is occurring or has occurred.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 104-13

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Committee on Environmental Preservation And Conservation

CS/SB 846 — Divers-down Warning Devices

by Environmental Preservation and Conservation Committee; and Senator Abruzzo

The bill revises the requirements relating to divers-down flags and buoys. The bill defines the term "divers-down warning device" and revises the specification requirements to expand the types of devices that divers are required to use to alert vessels that submerged divers are in the area.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 37-0; House 116-0

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Committee on Environmental Preservation And Conservation

CS/SB 922 — Solid Waste Management

by Appropriations Committee and Senator Montford

The bill revises provisions related to the Solid Waste Management Trust Fund and the solid waste management grant program. The bill:

- Establishes a waste tire abatement program and provides for funding of the program;
- Removes the waste tire grant program and authorizes the consolidated grant program for small counties to provide grants for waste tire abatement;
- Amends the population requirement for eligibility for the consolidated grant program for small counties, increasing it from counties with populations of fewer than 100,000 to those with populations of fewer than 110,000;
- Modifies provisions related to the use of funds from the solid waste landfill closure account for contracting with a third parties for the closing and long-term care of solid waste management facilities by allowing the use of funds when a facility was not required to obtain a permit to operate the facility and expanding the types of financial assurances permittees may provide for closure of solid waste management facilities; and
- Provides authority to the Department of Environmental Protection to use funds from the Solid Waste Management Trust Fund to pay for or reimburse additional expenses needed for performing or completing a facility closure or long-term care when the amount available under an insurance policy or other financial assurance mechanism is not sufficient.

If approved by the Governor, these provisions take effect July 1, 2016, except as otherwise provided.
Vote: Senate 38-0; House 117-0

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Committee on Environmental Preservation And Conservation

HB 989 — Implementation of Water and Land Conservation Constitutional Amendment

by Reps. Harrell, Caldwell, and others (CS/CS/SB 1168 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senators Negron, Benacquisto, Soto, Flores, Simpson, Altman, and Latvala)

The bill requires the following minimum distributions from the Land Acquisition Trust Fund to be appropriated annually:

- The minimum of the lesser of 25 percent of the funds remaining after the payment of debt service or $200 million for Everglades projects;
- The minimum of the lesser of 7.6 percent of the funds remaining after the payment of debt service or $50 million for spring restoration, protection, and management projects; and
- Five million dollars through the 2025-2026 fiscal year for projects dedicated to the restoration of Lake Apopka.

The bill provides language that requires the distributions to be reduced by an amount equal to any debt service paid on bonds issues for such purposes.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 113-1

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Committee on Environmental Preservation And Conservation

CS/CS/HB 1051 — Anchoring Limitation Areas

by State Affairs Committee; Agriculture and Natural Resources Subcommittee; and Rep. Caldwell and others (CS/SB 1260 by Environmental Preservation and Conservation Committee; and Senator Simpson)

The bill designates the following densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant recreational boating traffic as anchoring limitation areas:

- The section of Middle River lying between Northeast 21st Court and Intracoastal Waterway in Broward County.
- Sunset Lake in Miami-Dade County.
- The sections of Biscayne Bay in Miami-Dade County lying between:
  - Riva Alto Island and Di Lido Island.
  - San Marino Island and San Marco Island.
  - San Marco Island and Biscayne Island.

The bill prohibits a person from anchoring a vessel at any time during the period between one-half hour after sunset and one-half hour before sunrise in an anchoring limitation. The bill authorizes vessels under certain circumstances to anchor overnight in anchoring limitation areas.

The bill exempts the following vessels:

- Vessels owned or operated by a governmental entity for law enforcement, firefighting, military, or rescue purposes;
- Construction or dredging vessels on an active job site;
- Vessels actively engaged in commercial fishing; and
- Vessels engaged in recreational fishing, if the persons onboard are actively tending hook and line fishing gear or nets.

The bill authorizes a law enforcement officer or agency to remove a vessel from an anchoring limitation area and impound the vessel for up to 48 hours, or cause such removal and impoundment, if the vessel operator, after being issued a citation for a violation:

- Anchors the vessel unlawfully in an anchoring limitation area within 12 hours after being issued the citation; or
- Refuses to leave the anchoring limitation area after being directed to do so by a law enforcement officer or agency.

The bill provides an expiration of the anchoring limitation area designations upon the Legislature's adoption of the Fish and Wildlife Conservation Commission's recommendations for the local regulation of mooring vessels outside of public mooring fields under the anchoring and mooring pilot program.

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The penalty for unlawfully anchoring in an anchoring limitation area is a noncriminal infraction punishable:

- For a first offense, up to a maximum of $50.
- For a second offense, up to a maximum of $100.
- For a third or subsequent offense, up to a maximum of $250.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 36-2; House 105-12

Committee on Environmental Preservation And Conservation

CS/CS/HB 1075 — State Areas

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; and Rep. Caldwell and others (CS/SB 1290 by Appropriations Committee; and Senator Simpson)

CS/CS/HB 1075:

- Consolidates the acquisition procedures currently in chapters 253 and 259, F.S., into chapter 253, F.S.
- Revises the management requirements for conservation lands from managed for the purposes for which the lands were acquired to managed for conservation, recreation, or both, consistent with the land management plan.
- Requires the Board of Trustees of the Internal Improvement Trust Fund (board) to encourage the use of sovereignty submerged lands for minimal secondary non-water dependent uses related to water-dependent uses.
- Provides the Department of Environmental Protection (DEP) with additional options to consider lands for which the managing or leasing entities are not meeting their short-term goals as established in a land management plan for conservation lands or a land use plan for nonconservation lands.
- Creates a process whereby a person who owns land contiguous to land titled to the board may submit a request to the Division of State Lands (division) to exchange all or a portion of state-owned land, with the state retaining a permanent conservation easement over all or a portion of the contiguous privately owned land.
- Removes the requirement that the board, before they are authorized to sell any land to which they hold title, provide notice and afford an opportunity to a county in which the land is situated to receive such lands before the board is authorized to sell such land.
- Requires the DEP to add federally owned conservation lands, lands on which the federal government holds a conservation easement, and all lands on which the state holds a conservation easement to the Florida State-Owned Lands and Records Information System by July 1, 2018.
- Requires each local government to submit a list to the DEP of all conservation lands it owns or holds a permanent conservation easement on by July 1, 2018. Financially disadvantaged small communities have an additional year to submit such information.
- Directs the DEP to complete a study regarding the technical and economic feasibility of including privately owned conservation lands in a public lands inventory by July 1, 2018.
- Revises the noticing requirements that a water management district must adhere to when selling or exchanging lands and provides and expedited process for selling surplus lands that are valued at $25,000 or less.
- Requires increased priority to be given to proposed Florida Forever projects that:
  - Can be acquired in less than fee ownership;
  - Contributes to improving the quality and quantity of surface water or groundwater; or
  - Contributes to improving the water quality and flow of springs.
- Authorizes the Fish and Wildlife Conservation Commission to establish spring protection zones.

- Consolidates the surplus procedures for lands titled to the board into s. 253.0341, F.S.
- Requires the Department of Agriculture and Consumer Services to follow certain acquisition procedures when acquiring conservation easements through the Rural and Family Lands Protection Programs.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 106-10

Committee on Environmental Preservation And Conservation

CS/SB 1176 — Dredge and Fill Activities

by Environmental Preservation and Conservation Committee; and Senator Diaz de la Portilla

The bill authorizes the Department of Environmental Protection, subject to agreement with the United States Army Corps of Engineers, to implement a voluntary state programmatic general permit for all dredge and fill activities impacting ten acres or less of wetlands or other surface waters, if the general permit is at least as protective of the environment and natural resources as existing state law under part IV of ch. 373, F.S., and federal law under the Clean Water Act and the Rivers and Harbors Act of 1899.

The bill clarifies that by seeking to use a statewide programmatic general permit, an applicant consents to applicable federal wetland jurisdictional criteria as required by the United States Army Corp of Engineers.

The bill authorizes the Department of Environmental Protection to pursue delegation or assumption of federal permitting programs regulating the discharge of dredged or fill material, rather than only complete assumption which encompasses all dredge and fill activities in, on, or over jurisdictional wetlands or waters, including navigable waters, within the state.

If approved by the Governor, these provisions take effect upon becoming a law.
Vote: Senate 34-0; House 112-2

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Committee on Environmental Preservation And Conservation

CS/SB 1470 — Crustaceans

by Environmental Preservation and Conservation Committee; and Senator Latvala

The bill revises administrative penalties for violations of provisions related to spiny lobster trap and trap tags by:

- Providing that a second violation of certain provisions may result in the suspension of the violator's spiny lobster endorsement for 12 months, rather than the remainder of the current license year;
- Providing that a third, rather than a third or subsequent, violation of certain provisions may result in the suspension of a spiny lobster endorsement for 24 months, rather than up to 24 months, and removing a provision directing the Florida Fish and Wildlife Conservation Commission (FWC) to revoke the violator's spiny lobster endorsement and to proceed against the violator's saltwater products license; and
- Providing that a forth violation that occurs within 48 months after any three previous violations results in permanent revocation of the violator's saltwater fishing privileges.

The bill provides the following penalties for possession of undersized spiny lobsters:

- It is a major violation for a recreational or commercial harvester to possess an undersized spiny lobster, unless authorized to do so by a FWC rule; and
- For violations involving fewer than 100 undersized spiny lobsters, each undersized spiny lobster may be charged as a separate misdemeanor offense; however, the total misdemeanor penalties for any one scheme or course of conduct may not exceed 4 years imprisonment and a civil fine of $4,000.

The bill also provides the following additional penalties for possession of undersized spiny lobsters:

- A first violation is a second degree misdemeanor;
- A second or subsequent violation is a first degree misdemeanor; and
- A violation involving 100 or more undersized spiny lobsters is punished as a third degree felony, the violator is subject to a civil fine of at least $500, the FWC must assess an administrative penalty of up to $2,000, and the FWC may suspend the violator's license privileges under ch. 379, F.S., for up to 12 months.

The bill makes changes to Level 5 of the Offense Severity Ranking Chart relating to stone crabs and spiny lobsters.

If approved by the Governor, these provisions take effect October 1, 2016.
Vote: Senate 38-0; House 114-2

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Committee on Environmental Preservation And Conservation

HB 7013 — Fish and Wildlife Conservation Commission

by Agriculture and Natural Resources Subcommittee; and Rep. Combee and others (CS/SB 1282 by Appropriations Committee; and Senator Dean)

The bill revises statutes within ch. 379, F.S., to consolidate the penalties for violations relating to recreational hunting, freshwater fishing, and saltwater fishing within the four-tier penalty structure.

The bill offers violators of recreational hunting, freshwater fishing, and saltwater fishing the option to purchase the respective license or permit in addition to a civil penalty rather than pay the cost of such license or permit and penalty without actually receiving the license or permit.

The bill increases the fine for illegally killing, taking, possessing, or selling game or fur-bearing animals while committing burglary or trespass from a $250 fine to a $500 fine and expands the scope to include illegally killing, taking, possessing, or selling all fish and wildlife.

The bill makes it a third degree felony to knowingly possess marine turtles or the eggs or nests of marine turtles and clarifies that the prohibition on knowingly taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing of marine turtles includes the hatchlings or parts thereof.

The bill authorizes, rather than requires, the Fish and Wildlife Conservation Commission to retain an administration fee on donations provided by application to the Southeastern Guide Dogs, Inc.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 37-0; House 118-0

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Committee on Environmental Preservation And Conservation

HB 7025 — At-risk Vessels

by Highway and Waterway Safety Subcommittee; and Rep. Raschein, and others (SB 1300 by Senator Dean)

The bill prohibits vessels that are in danger of becoming derelict from anchoring on, mooring on, or occupying the waters of Florida.

The bill provides that an officer may determine that a vessel is at risk of becoming derelict when any of the following conditions exist:

- The vessel is taking on, or has taken on, water without an effective means to dewater;
- Spaces on the vessel which are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time;
- The vessel has broken loose or is in danger of breaking loose from its anchor;
- The vessel is left or stored aground unattended in such a state that would prevent the vessel from getting underway, is listing due to water intrusion, or is sunken or partially sunken.

The bill provides that a person who anchors or moors a vessel at risk of becoming derelict or allows such a vessel to occupy such waters commits a noncriminal infraction. This penalty is in addition to other penalties provided by law. The provisions of the bill do not apply to a vessel that is moored to a private dock or wet slip with the consent of the owner for the purpose of receiving repairs.

The bill provides the following penalties:

- First offense: $50;
- Second offense within 30 days or more after a first offense: $100; and
- Third or subsequent offense occurring 30 days or more after a previous offense: $250.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 116-1

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Committee on Ethics and Elections

SB 112 — Absentee Voting

by Senator Thompson

The bill (Chapter 2016-37, L.O.F.) changes the phrase "absentee" to "vote-by-mail" where it appears in the Florida Statutes, most frequently in the context of the phrase "absentee ballot(s)." The bill addresses possible confusion on the part of voters who mistakenly believe that they must be away from home, or "absent," in order to request and cast a ballot remotely — notwithstanding that Florida did away with that requirement years ago.

These provisions were approved by the Governor and take effect on July 1, 2016.
Vote: Senate 34-0; House 117-0

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Committee on Ethics and Elections

CS/CS/SB 514 — Supervisor of Elections Salaries

by Community Affairs Committee; Ethics and Elections Committee; and Senator Richter

The bill addresses the base salaries and group rates used to calculate the salary of Florida's supervisors of elections. A supervisor's salary is determined by the size of the population served. This bill makes the base salaries and group rates used to calculate a supervisor's salary the same as the current base salaries and group rates used to calculate the salaries of the clerks of circuit court, property appraisers, and tax collectors.

If approved by the Governor, these provisions take effect on October 1, 2016.
Vote: Senate 36-4; House 58-54

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Committee on Ethics and Elections

HB 541 — Addresses of Legal Residence

by Reps. Spano, Murphy, and others (CS/CS/SB 744 by Community Affairs Committee; Ethics and Elections Committee; and Senator Bean)

The bill (Chapter 2016-23, L.O.F.) defines "address of legal residence" to include distinguishing apartment numbers, suite numbers, lot numbers, room numbers, and dorm room numbers or other identifiers. The bill requires voter registration applications to contain the applicant's address of legal residence, including an apartment, suite, lot, room, dormitory room number, or other appropriate identifier. The bill states that failure to provide a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier on a voter registration application does not impact a voter's eligibility to register to vote or to cast a ballot. The bill also provides that failure to provide a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier on a voter registration application may not serve as the basis for a challenge to a voter's eligibility or reason to not count a ballot.

Additionally, supervisors of elections are required to include within their list of valid residential street addresses all information necessary to distinguish residences including a distinguishing apartment, suite, lot, room, or dormitory room number, or other identifier. The bill also requires supervisors of elections to make all reasonable efforts to obtain differentiating information if a voter registration application does not include such information.

These provisions were approved by the Governor and take effect July 1, 2016.
Vote: Senate 34-0; House 119-0

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Committee on Ethics and Elections

SB 666 — Voter Identification

by Senator Legg

The bill allows three new forms of identification to be used for the purposes of voter registration and identification at the polls. Specifically, it allows a voter to use his or her Florida concealed weapon or firearm license, a Veteran Health Identification Card issued by the U.S. Department of Veterans Affairs, or an employee identification card issued by any part of the federal, state, county, or municipal government.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 36-0; House 110-0

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Committee on Ethics and Elections

SB 7076 — Legislature

by Ethics and Elections Committee

The bill provides that the 2018 Regular Session of the Legislature will convene on January 9, 2018.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 27-11; House 89-28

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

Committee on Governmental Oversight And Accountability

CS/CS/SB 86 — Scrutinized Companies

by Appropriations Committee; Governmental Oversight and Accountability Committee; and Senators Negron, Gaetz, Braynon, Margolis, Soto, Abruzzo, Sobel, Flores, Sachs, Benacquisto, Hays, Gardiner, Altman, Bean, Bradley, Brandes, Bullard, Clemens, Dean, Detert, Diaz de la Portilla, Evers, Galvano, Garcia, Gibson, Grimsley, Hutson, Joyner, Latvala, Lee, Montford, Richter, Simmons, Simpson, Smith, Stargel, Thompson, and Hukill

The bill (Chapter 2016-36, L.O.F.) requires the State Board of Administration (SBA) to identify and assemble a list of all companies that boycott Israel. The bill requires the SBA to update and make publicly available on a quarterly basis a Scrutinized Companies that Boycott Israel List (List). The List must be distributed to the trustees of the SBA, the President of the Florida Senate and the Speaker of the Florida House of Representatives.

The SBA must provide written notice to the companies that may be placed on the List and give those companies an opportunity to respond prior to the company becoming subject to investment prohibition and placement on the List.

In terms of its investment responsibilities relating to the Florida Retirement System (FRS) pension plan, the SBA is not permitted to acquire securities, as direct holdings, of companies that appear on the List. The bill provides an exception for securities that are not subject to this prohibition. The bill requires the investment policy statement for the FRS pension plan to be updated to include the limitations set forth in this bill.

The bill limits governmental entities from contracting with scrutinized companies on the List. Specifically, the bill prohibits a state agency or local governmental entity from contracting for goods and services of $1 million or more with a company that has been placed on the List. In addition, the bill requires certain governmental contracts to contain provisions allowing the awarding body to terminate the contract if a company is placed on the List. Additionally, the bill requires certification by a company that the company is not participating in a boycott of Israel upon submission of bid or renewal of existing contract. A case-by-case exception is provided to state agencies and local governmental entities for contracting with companies on the List under specified circumstances. These provisions take effect October 1, 2016.

The provisions were approved by the Governor and took effect on March 10, 2016, except as otherwise provided.
Vote: Senate 38-0; House 112-2

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Committee on Governmental Oversight And Accountability

CS/HB 273 — Public Records

by Government Operations Subcommittee; and Reps. Beshears, Kerner, and others (CS/SB 390 by Judiciary Committee and Senator Simpson)

Currently, private contractors who act on behalf of a public agency are required to comply with public records laws in the same manner as a public agency. The bill makes changes to the law regarding provisions in a contract for services; possession of public records at the end of a contract for services; and liability in public records lawsuits.

The bill (Chapter 2016-20, L.O.F.) repeals the requirement that each contract for services require the contractor to transfer its public records to the public agency upon termination of the contract. Instead, the contract must address whether the contractor will retain the public records or transfer the public records to the public agency upon completion of the contract. This bill requires contracts for services between a public agency and a contractor that are amended or entered into on or after July 1, 2016, to include the following provisions:

- A statement informing the contractor of the contact information of the public agency's custodian of public records and instructing the contractor to contact the public agency's records custodian concerning any questions the contractor may have regarding the contractor's duties to provide public records relating to the contract;
- Terms requiring a contractor to comply with a public agency's request for a copy of a public record or to permit inspection of a public record;
- Terms requiring a contractor to prevent disclosure of confidential or exempt information while the contractor has custody of a public record; and,
- Terms requiring a contractor to comply with all applicable public records requirements if the contractor retains public records after the contract for services is completed.

The bill requires a request for public records relating to a contract for services to be made directly to the agency. If the public agency determines that it does not possess the records, it must immediately notify the contractor, and the contractor must provide the records or allow access to the records within a reasonable time. A contractor who fails to provide the records to the agency within a reasonable time may be subject to certain penalties.

The bill provides that if a civil action is filed against a contractor to compel production of public records, the court must assess and award against the contractor the reasonable costs of enforcement, including attorney fees, if:

- The court determines that a contractor unlawfully refused to comply with the public records request within a reasonable time; and,
- The plaintiff provided written notice of the public records request to the public agency and the contractor at least eight business days before filing the civil action.

The bill specifies that a contractor who complies with the public records request within eight business days after the notice is sent is not liable for the reasonable costs of enforcement.

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

These provisions were approved by the Governor and took effect on March 8, 2016.
Vote: Senate 34-1; House 110-7

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Committee on Governmental Oversight And Accountability

CS/SB 310 — National Statuary Hall

by Fiscal Policy Committee and Senators Legg and Margolis

A statue of Confederate General Edmund Kirby Smith (Kirby Smith) currently represents the State of Florida in the National Statuary Hall Collection at the U.S. Capitol. This bill establishes the process by which Gen. Kirby Smith's statue may be replaced. At its first meeting after the effective date of this bill, the ad hoc committee of the Department of State's Great Floridians Program will select three prominent Florida citizens to be commemorated in the National Statutory Hall instead of Gen. Kirby Smith. The ad hoc committee must submit its recommendations to the Legislature by January 1, 2017.

The bill (Chapter 2016-41, L.O.F.) directs the Florida Council on Arts and Culture (Council) to select a sculptor. The Council and the Department of State must provide estimates for the costs associated with replacing the statue of Gen. Kirby Smith. The Council is permitted to raise funds from private sources to cover the costs associated with the replacement of the statue. Any funds raised by the Council must be deposited into the Department of State's Grants and Donations Trust Fund.

The Department of State must prepare a report which will include the name of the selected sculptor, how the sculptor was chosen, and estimates for costs associated with replacing the statue of Gen. Kirby Smith. The Department of State will submit the report to the Governor and the presiding officers of each chamber of the Legislature by January 1, 2017.

The Legislature will pass a memorial requesting Congress approve the replacement of the statue of Gen. Kirby Smith. If the Governor approves the replacement of the statue, the memorial will be submitted to the United States Joint Committee on the Library of Congress for consideration.

These provisions were approved by the Governor and took effect on March 10, 2016.
Vote: Senate 33-7; House 83-32

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Committee on Governmental Oversight And Accountability

CS/SB 350 — Procurement Procedures for Educational Institutions

by Appropriations Committee; and Senators Montford, Hutson, Gaetz, and Soto

The bill requires each district school board and Florida College System institution board of trustees to:

- Review the purchasing agreements and state term contracts available through the Department of Management Services pursuant to s. 287.056, F.S., before purchasing nonacademic commodities and services; and
- Include in each bid specification for nonacademic commodities and services a statement that the purchasing agreements and state term contracts have been reviewed.

These requirements do not apply to services that are eligible for reimbursement under the federal E-rate program administered by the Universal Service Administration Company.

The bill also authorizes each district school board to use the cooperative state purchasing programs managed through the regional consortium service organizations.

The bill authorizes district school boards, Florida College System institution boards of trustees and university boards of trustees to make purchases through an online procurement system, electronic auction service, or other efficient procurement tool.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 113-0

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

Committee on Governmental Oversight And Accountability

CS/SB 624 — Public Records/State Agency Information Technology Security Programs

by Governmental Oversight and Accountability Committee and Senator Hays

This bill makes confidential and exempt from public disclosure requirements information relating to how an agency detects, investigates or responds to information technology (IT) security incidents if the disclosure of such IT security information would facilitate the unauthorized access, modification, disclosure or destruction of data or IT resources. The bill provides that IT resources include an agency's networks, computers, software, as well as information related to an agency's IT systems.

The bill also makes confidential and exempt from public disclosure requirements portions of risk assessments, external audits, evaluations or other reports of a state agency's IT security program. Such information is confidential and exempt if the information would facilitate unauthorized modification, disclosure or destruction of data or IT resources.

Both exemptions require agencies to release confidential and exempt information to the Auditor General, AST, FDLE, and the Chief Inspector General. Agencies have the discretion to release confidential and exempt information to local governments, state agencies or federal agencies.

These exemptions have retroactive application and will be repealed on October 2, 2021, unless saved from repeal by the Legislature, pursuant to the Open Government Sunset Review Act. Finally, the bill includes legislative findings which provide the public necessity for each exemption.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 37-0; House 112-0

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Committee on Governmental Oversight And Accountability

CS/CS/SB 708 — Arthur G. Dozier School for Boys

by Appropriations Committee; Governmental Oversight and Accountability Committee; and Senators Joyner and Smith

This bill authorizes the Department of State (DOS) to reimburse the next of kin or pay the provider or funeral home up to $7,500 for funeral, reinterment, and grave marker expenses for each child's remains recovered from the Arthur G. Dozier (Dozier) School for Boys by the University of South Florida (USF). The historical resources and artifacts recovered from Dozier are to remain in the custody of the USF pending release to the DOS, and any recovered human remains are to be held by the USF pending release to the next of kin or reinterment.

The bill requires the DOS to contract with the USF for identification and location of next of kin. The DOS will notify the next of kin and make arrangements for the payment or reimbursement of eligible expenses.

The bill establishes a nine-member task force to make recommendations to the DOS about creating and maintaining a memorial and the location of a site for the reinterment of unidentified or unclaimed remains. The task force recommendations must be submitted to the Governor and Cabinet, the President of the Senate, the Speaker of the House or Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives by October 1, 2016. The bill also provides for the repeal of the task force on December 31, 2016.

The bill also requires the DOS to submit a report by February 1, 2018, to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives on payments and expenditures required by the bill.

For Fiscal Year 2016-2017, the bill appropriates $500,000 in nonrecurring funds from the General Revenue Fund to the DOS to implement the provisions of the bill. Any unused funds will revert to the General Revenue Fund and are appropriated for Fiscal Year 2017-2018 for the same purpose.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 40-0; House 114-3

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Committee on Governmental Oversight And Accountability

SB 716 — Florida Holocaust Memorial

by Senators Sobel, Sachs, Simpson, and Margolis

This bill establishes the Florida Holocaust Memorial to recognize and commemorate the millions of people, including six million Jews, murdered by the Nazis and their collaborators before and during World War II in Europe and to honor the survivors of the Holocaust.

The bill requires the Department of Management Services (DMS) to administer the memorial and to designate an appropriate public area for the memorial on the premises of the Capitol Complex. DMS shall construct the memorial after considering the recommendations of the Florida Historical Commission and coordinating with the Division of Historical Resources of the Department of State regarding the memorial's design and placement.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 116-1

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Committee on Governmental Oversight And Accountability

CS/CS/SB 752 — Public Records/Agency Inspector General Personnel

by Rules Committee; Governmental Oversight and Accountability Committee; and Senator Abruzzo

This bill exempts from public disclosure requirements certain information relating to the personnel of an agency's office of inspector general or internal audit department. The exemption applies to personnel whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation or other activities that could lead to criminal or administrative penalties. The bill exempts certain personal identifying and location information of the employee, the employee's spouse and the employee's child. The exemption is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2021, unless reenacted by the Legislature. Finally, the bill includes a public necessity statement justifying the exemption.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 36-1; House 111-2

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Committee on Governmental Oversight And Accountability

HB 981 — Administrative Procedures

by Rep. Richardson and others (SB 1226 by Senator Ring)

The bill requires a statement of estimated regulatory costs (SERC) to include the adverse impacts and regulatory costs estimated to occur five years after the effective date of a rule. If a portion of the rule is not fully implemented on the effective date of the rule, the SERC must include the adverse impacts and regulatory costs expected to occur within the first five years after implementation of the unimplemented portion of the rule.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 37-0; House 116-0

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Committee on Governmental Oversight And Accountability

CS/CS/CS/HB 1033 — Information Technology Security

by State Affairs Committee; Government Operations Appropriations Subcommittee; Government Operations Subcommittee; Rep. Artiles and others (CS/SB 7050 by Appropriations Committee; and Governmental Oversight and Accountability Committee)

This bill revises the duties of the Agency for State Technology (AST). Specifically, the bill directs the AST to develop guidelines, policies and processes for state agencies to:

- Mitigate security risks;
- Allow state agencies to contract with a private sector vendor to complete risk assessments;
- Establish computer security incident response teams;
- Establish information technology security incident reporting processes to respond timely to suspected technology security incidents; and
- Incorporate information obtained through detection and response activities into a state agency's response plan.

The bill directs state agencies to:

- Establish computer security incident response teams and comply with the applicable guidelines and processes established by the AST;
- Incorporate information learned from incident response activities into future plans;
- Implement risk assessment remediation plans recommended by the AST;
- Provide cybersecurity training to employees within 30 days of employment; and
- Provide incident and breach information to the AST and the Cybercrime Office of the FDLE within certain timeframes.

The bill revises the seven member AST Technology Advisory Council to require at least one member appointed by the Governor to be a cybersecurity expert.

The bill directs the AST, in collaboration with the Department of Management Services (DMS), to:

- Establish an information technology policy for all information technology-related state contracts, including state term contracts for information technology commodities, consultant services, and staff augmentation services;
- Evaluate vendor responses for state term contract solicitations and invitations to negotiate;
- Answer vendor questions on state term contract solicitations; and
- Ensure that the information technology policy developed herein is included in all solicitations and contracts which are administratively executed by the DMS.

The bill provides specified requirements for the information technology policy.

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If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 111-0

Committee on Governmental Oversight And Accountability

HB 5005 — State-administered Retirement Systems

by Appropriations Committee and Rep. Corcoran (SB 7042 by Governmental Oversight and Accountability Committee)

This bill establishes the contribution rates paid by employers participating in the Florida Retirement System (FRS) beginning July 1, 2016. These rates are intended to fund the full normal cost and the amortization of the unfunded actuarial liability of the FRS. With these modifications to employer contribution rates, the FRS Trust Fund will receive roughly $62.6 million more in revenue on an annual basis beginning July 1, 2016. The public employers that will incur these additional costs are state agencies, state universities and colleges, school districts, counties, and certain municipalities and other governmental entities.

The bill also increases the assessment paid by employers to pay the costs of administering the FRS investment plan and providing educational services to all members of the FRS. With the increased contribution rates, the State Board of Administration's Administrative Trust Fund will receive roughly $5.7 million more on an annual basis beginning July 1, 2016. The public employers that will incur these additional costs are state agencies, state universities and colleges, school districts, counties, and certain municipalities and other governmental entities.

The bill also corrects the name of the trust fund which receives the employer-paid assessments for administrative and educational costs associated with the FRS. The correct name is the Administrative Trust Fund rather than the FRS Investment Plan Trust Fund.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 120-0

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Committee on Governmental Oversight And Accountability

CS/HB 7003 — Individuals with Disabilities

by Government Operations Appropriations Subcommittee; State Affairs Committee; and Rep. Caldwell and others (CS/SB 7010 by Fiscal Policy Committee; Governmental Oversight and Accountability Committee; and Senators Gardiner, Abruzzo, Altman, Bean, Benacquisto, Bradley, Brandes, Braynon, Bullard, Clemens, Dean, Detert, Evers, Flores, Gaetz, Galvano, Garcia, Gibson, Hays, Hukill, Hutson, Joyner, Lee, Montford, Negron, Richter, Ring, Sachs, Simmons, Simpson, Smith, Sobel, Soto, Stargel, and Thompson)

This bill (Chapter 2016-3, L.O.F.) addresses the employment and economic independence of individuals with disabilities. Specifically, this bill:

- Creates the Financial Literacy Program for Individuals with Developmental Disabilities within the Department of Financial Services (DFS) to provide information and outreach to individuals and employers;
- Modifies the state's equal employment policy to provide enhanced executive branch agency employment opportunities for individuals who have a disability;
- Creates the Employment First Act requiring an interagency cooperative agreement among specified state agencies and organizations to ensure a long-term commitment to improve employment for individuals who have a disability; and
- Creates the Florida Unique Abilities Partner Program to recognize businesses that employ or support the independence of individuals who have a disability.

The bill makes several appropriations to implement the programs and activities required under the bill. Specifically, the bill:

- Appropriates $69,570 in recurring funds from the Insurance Regulatory Trust Fund to the DFS to implement the Financial Literacy Program for Individuals with Developmental Disabilities;
- Appropriates $138,692 in recurring funds and $26,264 in nonrecurring funds from the State Personnel System Trust Fund to the Department of Management Services (DMS), and authorizes two FTE positions for the DMS to implement the provisions relating to enhancing executive branch agency employment opportunities;
- Appropriates the recurring sums of $74,234 from the General Revenue Fund and $64,458 from trust funds and the nonrecurring sums of $14,051 from the General Revenue Fund and $12,213 from trust funds to Administered Funds for distribution among agencies for the increase in the human resource assessment; and
- Appropriates $100,000 in recurring and $100,000 in nonrecurring funds from the Special Employment Security Administration Trust Fund to the Department of Economic Opportunity to implement the Florida Unique Abilities Partner program.

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

These provisions were approved by the Governor and take effect July 1, 2016.
Vote: Senate 35-0; House 110-0

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Committee on Governmental Oversight And Accountability

SB 7012 — Death Benefits Under the Florida Retirement System

by Governmental Oversight and Accountability Committee and Senators Gardiner, Abruzzo, Altman, Bean, Benacquisto, Bradley, Brandes, Braynon, Bullard, Clemens, Dean, Detert, Diaz de la Portilla, Evers, Flores, Gaetz, Galvano, Garcia, Gibson, Grimsley, Hays, Hukill, Hutson, Joyner, Latvala, Lee, Legg, Margolis, Montford, Negron, Richter, Ring, Sachs, Simmons, Simpson, Smith, Sobel, Soto, Stargel, and Thompson

This bill primarily makes two changes to the Florida Retirement System (FRS). First, the bill increases the monthly survivor benefits available to the spouses and children of FRS pension plan members in the Special Risk Class when killed in the line of duty from 50 percent of the member's monthly salary at the time of death to 100 percent of the member's monthly salary at the time of death. These new benefits are funded through additional employer-paid contributions relating to the FRS pension plan.

Second, the bill permits the surviving spouse or children of an investment plan member in the Special Risk Class when killed in the line of duty to opt into the FRS investment plan survivor benefits program in lieu of receiving normal retirement benefits under the FRS investment plan. By participating in the survivor benefits program, the surviving spouse and children are eligible to receive annuitized benefits much like the survivor benefits (described above) afforded to Special Risk Class members of the FRS pension plan. The investment plan survivor benefits program is funded by additional employer-paid contributions to the survivor benefits account of the FRS Trust Fund.

The new survivor benefits established by this bill are available to members in the Special Risk Class when killed in the line of duty on or after July 1, 2013.

The contributions paid into the FRS by employers participating in the FRS are increased by $25 million annually. The bill appropriates the recurring amounts of $5,445,337 from the General Revenue Fund and $1,062,991 from trust funds to Administered Funds, to fund the increased employer contribution rates to be paid under the bill by state agencies, state universities, state colleges, and school districts.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 116-1

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Committee on Governmental Oversight And Accountability

SB 7028 — State Board of Administration

by Governmental Oversight and Accountability Committee and Senator Sobel

This bill encourages the State Board of Administration (SBA) to take actions in support of the MacBride Principles in Northern Ireland. The MacBride Principles means the objectives for companies operating in Northern Ireland to provide fair employment opportunities to individuals from underrepresented religious groups in the workforce.

Specifically, the bill encourages the SBA to determine which publicly traded companies in which the Florida Retirement System Trust Fund is invested operate in Northern Ireland. For those companies identified, the SBA is encouraged to:

- Notify the company that the SBA supports the MacBride Principles;
- Inquire regarding actions taken by the company in support of the MacBride Principles;
- Encourage the company that has not adopted the MacBride Principles to make all lawful efforts to implement similar fair employment practices; and
- Support the adoption of the MacBride Principles in exercising its proxy voting authority.

The bill provides that the SBA is not liable for, and a cause of action does not arise from, any action or inaction by the SBA in the administration of these provisions.

Also, the bill deletes one of the conditions that trigger the expiration of the SBA's duty to scrutinize companies and to assemble the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. The SBA will no longer be required to consider statements from the United States Congress or the President expressed in legislation, executive order, or written certification from the President to Congress, that mandatory divestment of companies with scrutinized business operations in Iran interfere with the conduct of U.S. foreign policy. The State Board of Administration must monitor certain events and report occurrence of these events to its trustees.

The bill clarifies the duties of the SBA relating to:

- The creation and maintenance of the various lists of scrutinized companies;
- The divestment of certain investments relating to those scrutinized companies; and
- The reporting of the various lists of scrutinized companies and specified criteria of the Florida Retirement System.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 33-0; House 113-1

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Committee on Governmental Oversight And Accountability

SB 7030 — OGSR/Competitive Solicitation or Negotiation Strategies

by Governmental Oversight and Accountability Committee

This bill (Chapter 2016-49, L.O.F.) continues the public records and public meetings exemptions used by governmental entities during competitive solicitations by removing the October 2, 2016, repeal date in each law. This bill is the result of an Open Government Sunset Review (OGSR) by the Governmental Oversight and Accountability Committee of a public records exemption in s. 119.071(1)(b), F.S., and a public meetings and records exemption in s. 286.0113(2), F.S.

Section 119.071(1)(b), F.S., exempts from public disclosure sealed responses to a competitive solicitation. Vendors' sealed responses are exempt until a governmental entity notices its intended decision or 30 days after the governmental entity unseals the responses. Sealed responses to a competitive solicitation may be exempt under certain circumstances if a competitive solicitation is withdrawn and reissued; however, such records remain exempt for no longer than 12 months after the governmental entity rejects the responses to the initial competitive solicitation.

A governmental entity's negotiation team's strategy meetings and its team meetings with vendors may be closed to the public, pursuant to s. 286.0113(2), F.S. Transcripts of these meetings and any records presented during such meetings are exempt from public disclosure. All meeting records become public when the governmental entity notices its intended decision or 30 days after the governmental entity unseals the vendors' responses. If a competitive solicitation is withdrawn and reissued, the meeting records remain exempt under certain circumstances; however, the exemption expires 12 months after the governmental entity rejects the vendors' responses to the initial competitive solicitation.

These provisions were approved by the Governor and take effect on October 1, 2016.
Vote: Senate 37-0; House 113-2

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Committee on Governmental Oversight And Accountability

HB 7071 — Public Corruption

by Rules, Calendar and Ethics Committee and Rep. Workman and others (CS/SB 582 by Governmental Oversight and Accountability Committee and Senators Gaetz and Altman)

This bill amends the laws relating to public corruption. Specifically, the bill:

- Defines "governmental entity" as an agency or entity of the state, a county, municipality, or special district or any other public entity created or authorized by law;
- Defines "public contractor" as any person who has entered into a contract with a governmental entity or any officer or employee of a person who has entered into a contract with a governmental entity;
- Changes the mens rea element for certain public corruption crimes from "corruptly" to "knowingly and intentionally;"
- Expands the application of the official misconduct law in s. 838.022, F.S., to public contractors; and
- Expands the application of the bid tampering law in s. 838.22, F.S., to public contractors who contract to assist a governmental entity in a competitive procurement.

If approved by the Governor, these provisions take effect October 1, 2016.
Vote: Senate 39-0; House 118-0

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Committee on Health Policy

CS/HB 127 — Continuing Care Facilities

by Health Innovation Subcommittee and Rep. Cummings (CS/SB 542 by Health Policy Committee and Senator Stargel)

The bill (Chapter 2016-17, L.O.F.) provides a nursing home additional options for demonstrating that it meets the financial soundness and stability requirements required of an applicant for the Nursing Home Gold Seal Program.

A nursing home that is part of a continuing care retirement community, that is not accredited, may demonstrate that its corporate entity, as a whole, meets the financial soundness and stability requirements for the program, rather than submitting financial statements for each nursing home on its own.

A nursing home that is part of a corporate entity that operates a combination of nursing homes, assisted living facilities, or independent living facilities, or any combination thereof, may submit a consolidated corporate financial statement that demonstrates the corporate entity, in its entirety, meets the financial standards adopted in rule by the Agency for Health Care Administration.

These provisions were approved by the Governor and took effect March 9, 2016.
Vote: Senate 40-0; House 118-0

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Committee on Health Policy

CS/CS/HB 139 — Dental Care

by Appropriations Committee; Health Quality Subcommittee; and Rep. Cummings and others (CS/SB 234 by Appropriations Committee; and Senators Gaetz, Hays, Abruzzo, Ring, Clemens, and Soto)

The bill creates a joint state and local dental care access accounts initiative to promote local economic development and to encourage Florida-licensed dentists to practice in dental health professional shortage areas or medically underserved areas, or to serve a medically underserved population, subject to the availability of funds.

The bill directs the Department of Health (DOH) to create individual benefit accounts through an electronic benefits transfer system for each dentist who satisfies the requirements for participation. A qualifying dentist must be actively employed by a public health program (county health department, Children's Medical Services program, federally qualified community health center, federally funded migrant health center, or other publicly funded or nonprofit health care program designated by the DOH) in a targeted area or demonstrate a commitment to opening a dental practice that serves at least 1,200 patients and obtaining local financial support from the community where the dentist will practice in that targeted area. No more than 10 new dental care access accounts may be established per fiscal year.

Funds from the account may be used to repay dental school loans; purchase property, facilities, or equipment for a dental office; or pay for transitional expenses relating to relocating or opening a dental practice. Subject to availability, a practitioner may receive funds for up to five years. An account may be terminated under certain conditions and any unspent funds are returned to the donor or redistributed to other available applicants.

The sum of $1 million in General Revenue recurring funds is appropriated to the DOH for allocation to the dental access accounts.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 117-0

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Committee on Health Policy

CS/HB 173 — Medical Faculty Certification

by Health Quality Subcommittee; and Rep. Magar and others (SB 878 by Senator Sachs)

The bill (Chapter 2016-54) expands the current medical faculty certificate eligibility criteria by allowing a medical faculty certificate to be issued to an individual who has been offered and has accepted a full-time faculty appointment to teach in a program of medicine at the Florida Atlantic University. The bill also limits the number of extended medical faculty certificate holders allowed at the Florida Atlantic University to 30 persons, which is consistent with limitations for all but one of the other institutions eligible for such certificates.

A medical faculty certificate allows medical school faculty physicians to practice medicine in Florida without sitting for and successfully passing a licensure examination. A physician who receives a medical faculty certificate has all rights and responsibilities as other licensed physicians, except the certificate holder may only practice in conjunction with a full-time faculty position at an accredited medical school and its affiliated clinical facilities or teaching hospitals.

The bill also changes the name of the Mayo Medical School at the Mayo Clinic in Jacksonville, Florida, in s. 458.3145, F.S., to the Mayo Clinic College of Medicine in Jacksonville, Florida, to expand the eligibility of physicians who teach at the college to receive medical faculty certificates.

These provisions were approved by the Governor and take effect July 1, 2016.
Vote: Senate 38-0; House 116-0

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Committee on Health Policy

CS/CS/CS/HB 221 — Health Care Services

by Health and Human Services Committee; Appropriations Committee; Insurance and Banking Subcommittee; Rep. Trujillo and others (CS/CS/CS/SB 1442 by Appropriations Committee; Banking and Insurance Committee; Health Policy Committee; and Senator Garcia)

The bill prohibits an out-of-network provider from balance billing members of a preferred provider organization (PPO) or an exclusive provider organization (EPO) for covered emergency services or covered nonemergency services. The bill establishes a payment process for insurers to provide reimbursement for such out-of-network services.

The bill amends the claims resolution process to add several mandatory components and voluntarily steps to resolve billing issues between providers and insurers. The parties may make offers and the other party has 15 days to accept once received. If the party does not accept the offer and the final order amount is greater than 90 percent or less than 110 percent of the offer amount, the party receiving the offer must pay the final order amount to the offering party and is deemed the non-prevailing party.

The bill requires insurers to provide coverage for emergency services without a prior authorization determination and regardless of whether the provider is a participating provider. Applicable cost sharing must be the same for participating or nonparticipating providers for the same services. An insurer is solely liable for the payment of fees to a non-participating provider for covered nonemergency services other than any applicable copays, deductibles and coinsurance when such services are provided in a facility that has a contract with the insurer for the nonemergency services and would have otherwise been obligated to provide services under the contract, and the insured does not have the opportunity to choose a participating provider at the facility. Insurers or health care providers may not balance bill the insured.

The bill also provides that willful noncompliance by a provider (health care practitioners subject to regulation under ch. 456, 458, or 459, F.S.) with the balance billing provisions for covered emergency services and nonemergency services, are grounds for discipline by the Department of Health (DOH) if such noncompliance occurs with such frequency as to constitute a general business practice. Other specified providers (hospitals, ambulatory surgical centers, specialty hospitals, and urgent care centers) are required to comply with the balance billing provisions as a condition of licensure.

Additionally, the bill provides that willfully failing to comply with the balance billing provisions with such frequency as to constitute a general business practice is defined as an unfair method of competition and an unfair or deceptive act or practice.

In order to put the public on notice, hospitals are required under the bill to maintain information on their websites with contact information for practitioners and practice groups contracting with the hospital. The website must also provide notice that services may be provided in the hospital by practitioners who bill separately from the hospital and that such practitioners might or might not participate with the same health insurance carriers as the hospital. The bill adds compliance

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with these new provisions as a condition of licensure for hospitals, surgical centers, and urgent care centers.

Insurers must also provide on its website, by specialty, a current listing of all participating providers, their address, phone numbers, languages spoken, hospital affiliations, and board certifications. Such lists must be updated monthly with additions and terminations.

Effective January 1, 2017, certain insurance policies must include a specific disclosure warning insureds that limited benefits will be paid when nonparticipating providers are used.

The bill requires a health insurance plan or health maintenance contract to provide coverage for the treatment of Down syndrome through speech therapy, occupational therapy, physical therapy, and applied behavior analysis services.

The bill also provides more detailed provisions relating to the use of a uniform prior authorization form that was also enacted in HB 423 during this Session. The bill expressly provides that the provisions in this act control regardless of the order in which the bills are enacted. In this bill, the prior authorization form, if applicable, must be used beginning January 1, 2017, or six months after rules adopting the prior authorization form take effect, and specific elements to be included in the two-page form are provided.

If approved by the Governor, these provisions take effect July 1, 2016, except where otherwise provided.
Vote: Senate 39-0; House 118-1

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Committee on Health Policy

SB 238 — Medical Assistant Certification

by Senator Grimsley

The bill repeals s. 458.3485(3), F.S., to remove a voluntary provision which recognizes two certification organizations for medical assistants.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 115-0

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Committee on Health Policy

CS/CS/SB 242 — Infectious Disease Elimination Pilot Program

by Fiscal Policy Committee; Health Policy Committee; and Senators Braynon and Flores

The bill creates the Miami-Dade Infectious Disease Elimination Act (IDEA). The IDEA authorizes the University of Miami and its affiliates to establish a needle and syringe exchange pilot program in Miami-Dade County. The pilot program is to offer free, clean, and unused hypodermic needles and syringes in exchange for used needles and syringes to prevent the transmission of blood-borne diseases such as HIV, AIDS, or viral hepatitis among intravenous drug users, their sexual partners, and offspring.

The bill requires security of the exchange sites and accountability of used and unused needles and syringes. The pilot program must also make available educational materials and refer participants for drug abuse prevention, treatment, and HIV and viral hepatitis screening.

The bill provides that the possession, distribution, or exchange of needles or syringes as part of the pilot program does not violate the Florida Comprehensive Drug Abuse Prevention and Control Act, or any other law. The bill requires the University of Miami to collect data for reporting purposes, with the final report due August 1, 2021, but prohibits the collection of any personal identifying information.

The bill prohibits state, county, or municipal funds from being used to operate the pilot program. Instead, the pilot program must be funded through grants and donations from private resources.

The pilot program expires on July 1, 2021.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 37-2; House 95-20

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Committee on Health Policy

CS/CS/CS/HB 307 — Medical Use of Cannabis

by Health and Human Services Committee; Health Care Appropriations Subcommittee; Criminal Justice Subcommittee; Reps. Gaetz, Brodeur, Edwards, and others (CS/SB 460 by Rules Committee; Senators Bradley, Soto, Sobel, Hutson, and Sachs)

The bill amends s. 381.986, F.S., the compassionate use statute on low-THC cannabis to include medical cannabis prescribed by a qualified physician for eligible patients. "Medical cannabis" is defined in the bill as all parts of any plant in the genus Cannabis that is dispensed only from a dispensing organization for medical use by an eligible patient. A "cannabis delivery device" is also defined in the bill to include any object used to prepare, store, ingest, inhale, or otherwise introduce cannabis into the human body. For purposes of the medical use of medical cannabis, an eligible patient is a person who has a terminal condition, which, without the administration of life-sustaining procedures, will result in death within one year if the condition runs its normal course; and who meets the other conditions in s. 499.0295, F.S., relating to experimental treatments for terminal conditions.

The bill limits where a qualified patient may use low-THC cannabis or medical cannabis and violating any of these restrictions is a misdemeanor of the first degree. A qualified patient is a resident of the state who has been added to the compassionate use registry by a Florida-licensed allopathic or osteopathic physician to receive low-THC cannabis or medical cannabis from a dispensing organization.

Prior to ordering low-THC cannabis or medical cannabis, the bill requires the physician to have treated the patient for at least three months immediately preceding the patient's registration in the compassionate use registry. The amount ordered for the qualified patient may not exceed a 45-day supply. If a physician is ordering medical cannabis for an eligible patient, the physician must also follow the written informed consent requirements in s. 499.0295, F.S.

The bill provides criminal penalties for a physician who orders medical cannabis for a patient without a reasonable belief that the patient has a terminal condition and authorizes disciplinary action under the applicable practice act if a physician orders low-THC cannabis, medical cannabis, or a cannabis delivery device and receives compensation from a dispensing organization.

The regulatory oversight of the compassionate use of low-THC cannabis and medical cannabis is strengthened in the bill, as follows:

- The compassionate use registry also includes the registration of the patient's legal representative and the Department of Health (DOH) may issue registration cards for patients and their legal representatives.
- The DOH may conduct announced or unannounced inspections, is required to conduct at least a biennial inspection of each dispensing organization, and is authorized to enter into interagency agreements with other state agencies for these inspections or related responsibilities assigned to the DOH.

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- Additional criteria is added for the operation and activities of a dispensing organization, including:
  - The growing of low-THC cannabis or medical cannabis, including the use of pesticides, segregation from other plants, and inspection and control of pests;
  - The processing of low-THC cannabis or medical cannabis, including segregation from other plants or products, testing prior to dispensing in addition to validation and auditing by an independent testing laboratory; and compliance with specified packaging and labeling provisions;
  - The dispensing of low-THC cannabis, medical cannabis, or a cannabis delivery device; and
  - Security for all premises, product, and transportation of low-THC cannabis or medical cannabis.
- The DOH is authorized to impose administrative fines for specified violations, in addition to suspending, revoking, or refusing to renew a dispensing organization's approval for those violations.
- The DOH is authorized to adopt rules necessary to implement this section of law.

The bill:

- Reduces the performance bond from $5 million to $2 million when a dispensing organization serves at least 1,000 qualified patients.
- Requires the DOH to approve three additional dispensing organizations when 250,000 active qualified patients are registered in the compassionate use registry.
  - At least one of the three applicants must be a recognized class member of specified litigation and a member of the Black Farmers and Agriculturalists Association.
  - Applicants are not required to have a certificate of registration for the cultivation of more than 400,000 plants, be operated by a nurseryman, or have been a nursery for at least 30 years.
- Allows wholesale distributions of low-THC cannabis or medical cannabis between dispensing organizations.

The bill preempts to the state all matters regarding the regulation of the cultivation and processing of low-THC cannabis or medical cannabis. A municipality may determine, by ordinance, the criteria for the number and location of dispensing facilities within its municipal boundaries. Similarly, a county may determine, by ordinance, the criteria for the number and location of dispensing facilities within the unincorporated areas of that county.

The bill exempts qualified patients and their legal representatives from criminal penalties under ch. 893, F.S., as well as from any other section of law, but subject to the requirements in the bill, for the purchase and possession of low-THC cannabis, medical cannabis, and a cannabis delivery device ordered for the patient's medical use.

Independent testing laboratories are also exempted from criminal penalties under ch. 893, F.S., as well as from any other section of law, but subject to the requirements in the bill, for

possessing, testing, transporting, and lawfully disposing of low-THC cannabis or medical cannabis as provided by the DOH rules.

The bill exempts approved dispensing organizations, as well as their owners, managers, and employees from criminal penalties under ch. 893, F.S.; from licensure and regulation under the Florida Pharmacy Act or the Florida Drug and Cosmetic Act; and from any other section of law, but subject to the requirements in the bill, for manufacturing, possessing, selling, delivering, distributing, dispensing, and lawfully disposing of low-THC cannabis, medical cannabis, or a cannabis delivery device.

The bill preserves the status, and authorizes each of the five initially-approved dispensing organizations to operate as a dispensing organization if it has posted the $5 million performance bond, meets the requirements of and requests cultivation authorization, and has expended at least $100,000 to fulfill its obligation as a dispensing organization. In addition, any applicant that received the highest aggregate score in the evaluation process, notwithstanding any prior determination by the DOH, is approved to operate as a dispensing organization upon posting the performance bond and complying with applicable rules.

Any other organization that receives a final determination from the Division of Administrative Hearings, the DOH, or a court of competent jurisdiction that it was entitled to be a dispensing organization is authorized to operate as a dispensing organization along with one of the five initially-approved dispensing organizations in the same region.

The bill provides that these approvals do not apply to the three new dispensing organizations authorized for approval when the compassionate use registry attains 250,000 active qualified patient registrations.

A college or university that has a college of agriculture is authorized to conduct cannabis research consistent with state and federal law.

The bill recognizes medical cannabis that is manufactured and sold by a dispensing organization as an investigational drug under the Right to Try Act, s. 499.0295, F.S., which authorizes experimental treatments for terminal conditions.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 28-11; House 99-16

Committee on Health Policy

CS/HB 373 — Mental Health Counseling Interns

by Health Quality Subcommittee; Rep. Burgess and others (SB 858 by Senator Legg)

The bill requires that a clinical social work, marriage and family, or mental health counseling intern practice under the supervision of a licensed clinical social worker, marriage and family therapist, or mental health counselor, as applicable, at all times. It clarifies that an intern may only practice if the supervising or another licensed mental health professional is onsite.

The bill limits the duration of a registered internship to five years, with a grandfathering provision for licenses issued before April 1, 2017. These intern registrations expire March 31, 2022, and may not be renewed or reissued. The internship may only be renewed if the registration is issued after April 1, 2017, and the intern has passed the theory and practice examination required for full licensure. The bill prohibits a person who has held a provisional license from applying for an intern registration in the same profession.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 37-0; House 118-0

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Committee on Health Policy

CS/HB 375 — Physician Assistants

by Health Care Appropriations Subcommittee; Rep. Steube and others (CS/CS/SB 748 by Appropriations Committee; Health Policy Committee; and Senator Flores

The bill authorizes a physician assistant (PA) to perform services delegated by a supervising physician related to the PA's practice in accordance with his or her education and training unless expressly prohibited under ch. 458, ch. 459, F.S., or by rules adopted under the allopathic and osteopathic medical practice acts.

The bill also clarifies that a PA, with delegated prescribing authority, may use prescriptions in both paper and electronic form. The bill deletes obsolete provisions relating to PA examinations by the Department of Health in favor of national proficiency examinations. The bill streamlines the PA licensure and application process by eliminating the requirement for letters of recommendation and substituting acknowledgments for sworn statements that required notarization.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 118-0

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Committee on Health Policy

HB 423 — Access to Health Care Services

by Reps. Pigman, Campbell, and others (CS/CS/CS/SB 676 by Appropriations Committee; Banking and Insurance Committee; Health Policy Committee; and Senators Grimsley, Flores, Margolis, Altman, Detert, Bullard, Bean, Gibson, Clemens, Braynon, Diaz de la Portilla, and Soto)

The bill authorizes physician assistants (PAs) and advanced registered nurse practitioners (ARNPs) to prescribe controlled substances under current supervisory standards for PAs and protocols for ARNPs beginning January 1, 2017, and creates additional statutory parameters for their controlled substance prescribing. The bill provides that s. 464.012, F.S., relating to certification of ARNPs, shall be known as "The Barbara Lumpkin Prescribing Act."

Under the bill, an ARNP's and PA's prescribing privileges for controlled substances listed in Schedule II are limited to a seven-day supply and do not include the prescribing of psychotropic medications for children under 18 years of age, unless prescribed by an ARNP who is a psychiatric nurse. Prescribing privileges may also be limited by the controlled substance formularies that impose additional limitations on PA or ARNP prescribing privileges for specific medications. An ARNP or PA may not prescribe controlled substances in a pain management clinic.

The bill requires PAs and ARNPs to complete three hours of continuing education biennially on the safe and effective prescribing of controlled substances.

Beginning January 1, 2017, health insurers, health maintenance organizations, Medicaid managed care plans, and pharmacy benefits managers, which do not use an online prior authorization form, must use a standardized prior authorization form that the Financial Services Commission adopts by rule to obtain a prior authorization for a medical procedure, course of treatment, or prescription drug benefit. The bill specifies that electronic prior-authorization approvals do not preclude benefit verification or medical review by the insurer under either the medical or pharmacy benefits.

The bill authorizes a free clinic to receive a legislative appropriation or grants to support the delivery of contracted services by volunteer health care providers, including the employment of health care providers to supplement, coordinate, or support the delivery of such services, while retaining sovereign immunity protections under existing law. The bill further specifies that such appropriation or grant does not constitute compensation from the governmental contractor for services provided under the contract.

If approved by the Governor, these provisions take effect upon becoming law, except where otherwise provided.
Vote: Senate 37-0; House 117-1

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Committee on Health Policy

SB 450 — Physical Therapy

by Senators Grimsley, Clemens, and Joyner

The bill authorizes a physical therapist to implement a plan of treatment provided for a patient by a physician licensed in a state other than Florida. The bill increases the time frame for which a physical therapist can provide physical therapy treatment to a patient for a condition not previously assessed by a practitioner of record or a physician licensed in another state. The time frame is increased from 21 days to 30 days.

The bill authorizes any person who holds a physical therapy license, and obtains a degree of Doctor of Physical Therapy, to use the letters "D.P.T." and "P.T." However, a physical therapist may not use the title "doctor" without also clearly informing the public of his or her profession as a physical therapist.

The bill revises terms prohibited from use by a person who is not licensed as a physical therapist or a physical therapist assistant and makes it a first degree misdemeanor to falsely represent licensure or to obtain a license by false representation.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 37-0; House 117-0

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Committee on Health Policy

CS/SB 580 — Reimbursement to Health Access Settings for Dental Hygiene Services for Children

by Health Policy Committee and Senator Grimsley

The bill authorizes the Agency for Health Care Administration to reimburse a health access setting under the Medicaid program for remediable dental services (remediable tasks) delivered by a dental hygienist when provided to a Medicaid recipient younger than 21 years of age. Remediable tasks are defined as intra-oral tasks that do not create unalterable changes in the mouth or contiguous structures, are reversible, and do not expose the patient to increased risks.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 115-0

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Committee on Health Policy

SB 586 — Responsibilities of Health Care Providers

by Senator Stargel

The bill requires a hospital to notify obstetrical physicians at least 120 days before closing its obstetrical department or ceasing to provide obstetrical services.

The bill also repeals s. 383.336, F.S., which designates certain hospitals as "provider hospitals" and requires physicians in those hospitals to follow additional practice parameters when providing cesarean sections paid for by the state.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 106-1

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Committee on Health Policy

HB 633 — Public Food Service Establishments

by Rep. Raulerson and others (SB 764 by Senator Hays)

The bill amends s. 509.013, F.S., to exclude from the definition of "public food service establishment":

- Any temporary eating place used for food contests or cook offs and maintained by a school, college, university, church, religious organization, nonprofit fraternal organization, or nonprofit civic organization; and
- Any eating place maintained and operated by an individual or entity at a food contest, cook-off, or temporary event lasting up to three days hosted by a church, religious organization, nonprofit fraternal organization, or nonprofit civic organization.

The bill requires that, upon request by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, the organization claiming the exclusion must provide proof of its status as a church, religious organization, nonprofit fraternal organization, or nonprofit civic organization.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 116-0

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Committee on Health Policy

HB 819 — Sunset Review of Medicaid Dental Services

by Rep. J. Diaz and others (SB 994 by Senators Negron, Sobel, and Flores)

The bill removes dental services as a required benefit from the Medicaid Managed Assistance program component of the Statewide Medicaid Managed Care program effective March 1, 2019. The bill requires the Office of Program Policy Analysis and Government Accountability to provide the Governor, President of the Senate, and Speaker of the House of Representatives by December 1, 2016, a comprehensive report that examines the effectiveness of Medicaid managed care plans in improving access, satisfaction, delivery, and value of dental services. The report must also examine, by plan and in the aggregate, the historical trends of costs, access, utilization, and improvement of dental care statewide and in the experience of other states.

The Legislature may use this report to determine the scope of dental benefits in the Medicaid managed care programs for future procurements, and whether to provide the benefit separate from medical benefits. If the Legislature takes no action before July 1, 2017, the Agency for Health Care Administration is directed to implement a statewide competitive procurement for a separate dental program for children and adults with a choice of at least two vendors. The contract must be for 5 years, be non-renewable, and include a medical loss ratio provision consistent with the requirement for health plans in the SMMC program.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 35-2; House 100-15

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Committee on Health Policy

CS/CS/SB 938 — Retail Sale of Dextromethorphan

by Commerce and Tourism Committee; Health Policy Committee; and Senator Benacquisto

The bill regulates the sale of dextromethorphan (DXM), a synthetically produced drug, commonly used in over-the-counter cough suppressants in the United States. The bill prohibits any manufacturer, distributor, or retailer, and their employees and representatives, from knowingly or willfully selling a finished drug product that contains DXM to an individual under the age of 18 without a valid prescription. The bill requires individuals presumed to be less than 25 years of age to provide proof of age prior to purchasing a finished drug product that contains any quantity of DXM.

The bill also sets forth procedures for local law enforcement officers to enforce the law. An individual who possesses or receives a finished product containing any quantity of DXM in violation of the bill, with the intent to distribute, is subject to a civil citation and a fine of up to $100 for each violation. An employee or representative who sells a finished drug product containing DXM in violation of the act is subject to a written warning. A manufacturer, distributor, or retailer found to be in violation of the act may be subject to a civil citation and a fine of up to $100 per violation. However, a citation issued to a manufacturer, distributor, or retailer may be avoided upon the showing of a "good faith effort" to comply with the bill's requirements.

The bill provides a process for disputing a citation.

The bill preempts local regulation of DXM.

If approved by the Governor, these provisions take effect January 1, 2017.
Vote: Senate 39-1; House 115-2

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Committee on Health Policy

CS/CS/HB 941 — Department of Health

by Health and Human Services Committee; Health Quality Subcommittee; Rep. Gonzalez and others (CS/CS/SB 918 by Appropriations Committee; Health Policy Committee; and Senator Richter)

The bill authorizes the Department of Health (DOH) to waive fees and issue health care licenses to active duty U.S. military personnel who are within six months of an honorable discharge; and to waive fees and issue licenses, except for dental licenses, to active duty military spouses if the person is a practitioner in a profession for which licensure in another state or jurisdiction is not required, under certain circumstances. The bill authorizes the DOH to issue certificates to military trained emergency medical technicians (EMTs) and paramedics under certain circumstances; and authorizes the issuance of temporary certificates to active duty military licensed in another state and practicing in Florida pursuant to a military platform.

The bill exempts a chiropractic physician from regulation in Florida when he or she holds an active license in another jurisdiction and is performing chiropractic procedures or demonstrating equipment or supplies for educational purposes at a board-approved continuing education program.

The bill also updates various provisions regulating health care professions to reflect current operations and to improve operational efficiencies, including:

- Conforming Florida Statutes to reflect implementation of the integrated electronic continuing education (CE) tracking system regarding the licensure and renewal process;
- Authorizing the DOH to contract with a third party to serve as the custodian of medical records in the event of a practitioner's death, incapacitation, or abandonment of records;
- Extending the period of time in which an EMT of paramedic certificate may be renewed;
- Deleting the requirement for pre-licensure courses relating to HIV/AIDS and medical errors for certain professions;
- Eliminating a loophole pertaining to the licensure and license renewal of certain felons, persons convicted of Medicaid fraud, or other excluded individuals;
- Eliminating the requirement for annual inspections of dispensing practitioners' facilities;
- Repealing the Council on Certified Nursing Assistants and the Advisory Council of Medical Physicists; and
- Providing for a one-year temporary license for medical physicists.

Additionally, the bill mandates more stringent reporting requirements for the James and Esther King Biomedical Research Program, the William G. "Bill" Bankhead, Jr., David Coley Cancer Research Program, the Ed and Ethel Moore Alzheimer's Disease Research Program within the DOH, and entities that receive a specific appropriation for biomedical research and related functions.

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Unspent, but obligated, general revenue funds that are appropriated to the Ed and Ethel Moore Alzheimer's Disease Research Program are authorized to be carried forward on June 30 of each fiscal year for up to five years after the effective date of the original appropriation.

The bill also:

- Provides parameters for certain health care practitioners to provide expedited partner therapy related to sexually transmissible disease under specified circumstances and requirements.
- Established the Office of Minority Health and Health Equity within the DOH to administer the Closing the Gap grant program.
- Exempts a Florida-permitted manufacturer from regulation under the Florida Pharmacy Act for the delivery of dialysate, drugs, or devices to a patient with chronic kidney failure or to a health care practitioner for the self-administration or administration of dialysis therapy, as applicable.
- Authorizes a pharmacist to dispense a one-time emergency refill of one vial of insulin to treat diabetes mellitus.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 37-0; House 112-3

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Committee on Health Policy

CS/CS/SB 964 — Prescription Drug Monitoring Program

by Fiscal Policy Committee; Health Policy Committee; and Senator Grimsley

The bill exempts a rehabilitative hospital, assisted living facility, or nursing home that dispenses a dosage of a controlled substance to a patient from reporting that act of dispensing to the prescription drug monitoring program (PDMP).

The designee of a pharmacy, prescriber, or dispenser is allowed access to information in the PDMP database that relates to a patient of the pharmacy, prescriber, or dispenser, for the purpose of reviewing the patient's controlled substance prescription history.

The bill also authorizes impaired practitioner consultants to request access to the PDMP information relating to impaired practitioner program participants, or a person who is referred to the program. The impaired practitioner program participant, or a person referred to the program, must have agreed to be evaluated or monitored through the program, and separately agreed in writing to the consultant accessing the information in the PDMP.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 117-0

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Committee on Health Policy

HB 1061 — Nurse Licensure Compact

by Rep. Pigman and others (CS/SB 1316 by Appropriations Committee and Senator Grimsley)

The bill authorizes Florida to enter the revised Nurse Licensure Compact (NLC), a multi-state agreement that establishes a mutual recognition system for the licensure of registered nurses and licensed practical or vocational nurses. The bill enacts the NLC into law, which is a prerequisite for joining the compact.

A nurse who is issued a multi-state license from a state that is a party to the NLC is permitted to practice in any state that is also a party to the compact. However, the nurse must comply with the practice laws of the state in which he or she is practicing or where the patient is located. A party state may continue to issue a single-state license, authorizing practice only in that state.

If approved by the Governor, these provisions take effect December 31, 2018, or upon enactment of the Nurse Licensure Compact into law by 26 states, whichever occurs first.
Vote: Senate 39-0; House 111-1

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Committee on Health Policy

HB 1063 — Public Records and Meetings/Nurse Licensure Compact

by Rep. Pigman and others (CS/SB 1306 by Health Policy Committee and Senator Grimsley)

The bill creates an exemption from the public record requirements for a nurse's personal identifying information, other than the nurse's name, licensure status, or licensure number, obtained from the coordinated licensure information system under the Nurse Licensure Compact, as defined in s. 464.0095, F.S., and held by the Department of Health or the Board of Nursing.

The bill also creates an exemption from the public meeting requirements for a meeting, or a portion of the meeting, of the Interstate Commission of Nurse Licensure Compact Administrators established under the compact. The exemption applies when matters are discussed that are specifically exempted from disclosure by state or federal law. The recordings, minutes, and records generated from those meetings, or portions thereof, are also exempt from s. 119.071(1), F.S., and s. 24(a), Art. I of the Florida Constitution.

The bill provides for the repeal of the exemption on October 2, 2021, 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 Florida Constitution.

If approved by the Governor, these provisions take effect on the same date that HB 1061 or similar legislation takes effect, if such legislation is adopted in this legislative session and becomes law.
Vote: Senate 38-0; House 112-2

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Committee on Health Policy

CS/CS/HB 1175 — Transparency in Health Care

by Health and Human Services Committee; Health Care Appropriations Subcommittee; Rep. Sprowls and others (CS/SB 1496 by Appropriations Committee; and Senators Bradley and Gaetz)

The bill increases the transparency and availability of health care pricing and quality of service information to enable consumers to make informed choices regarding health care treatment. The Agency for Health Care Administration (AHCA) is required to contract with a vendor to provide a consumer-friendly, Internet-based platform that allows a consumer to research the cost of health care services and procedures. The AHCA is to select the vendor through a competitive procurement process.

Services and procedures will be grouped by a descriptive service bundle to facilitate price comparisons provided in hospitals and ambulatory surgery centers (ASC). Quality indicators for services at the facilities will also be made available to the consumer to assist with health care decision making.

Hospitals and ASCs are required to provide access to the searchable service bundles on their website. Consumers will be presented with the estimated average payment received, excluding Medicaid and Medicare, and estimated payment ranges for each service bundle, by facility, facilities within geographic boundaries, and nationally. The facility must disclose that this information is an estimate of costs and that actual costs will be based on services actually provided to the patient. Additionally, the facility must disclose the facility's financial assistance policies and collection procedures.

The hospital and ASC must notify prospective patients that other health care providers may provide services in the facility and bill separately from the facility. Furthermore, the prospective patient must be informed that these healthcare providers may or may not participate with the same health insurers or health maintenance organizations (HMOs) as the facility. Accordingly, the patient should contact the applicable practitioners to determine the health insurers and HMOs with which the practitioner participates as a network or preferred provider. The facility must provide contact information for the practitioners.

Insurers and HMOs are required to provide on their websites a method for policy holders to estimate their cost-sharing responsibilities by service bundle based on the insured's policy and known plan usage. These estimates shall include both in-network and out-of-network providers. Insurers and HMOs are also required to provide hyperlinks on their website to the AHCA's performance outcome and financial data.

Consumers may request personalized good faith estimates of charges for nonemergency medical services from hospitals, ASCs, and health care practitioners relating to medical services provided in the hospital or ASC. These good faith estimates must be provided to the consumer within 7 days after the consumer's request. The bill provides for a daily fine for non-compliance by

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facilities and health care practitioners. The personalized estimate must also inform the patient about the health care provider's financial assistance policies and collection procedures.

A patient may also request an itemized bill or statement from the hospital and ASC after discharge. The requested itemized bill or statement must be provided within 7 days and be specific, written in plain language, and identify all services provided by the facility and any facility fees, as well as rates charged, amounts due, and the payment status. The itemized bill or statement must inform the patient to contact his or her insurer regarding the patient's share of costs. The facility must provide records to verify the bill or statement within 10 days after a request and respond to questions concerning the statement or bill.

The bill requires health insurers and HMOs that participate in the state group health insurance plan or Medicaid managed care to submit all claims data from Florida policy holders, with certain supplemental plan exceptions, to the vendor selected by the AHCA.

Each diagnostic-imaging center operated by a hospital but not located on the hospital grounds is required to post in the reception area prices charged to uninsured persons for the 50 most frequently provided services. The bill prohibits the AHCA from establishing an all-payor claims database or a comparable database without express legislative authority.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 34-1; House 116-1

Committee on Health Policy

HB 1241 — Ordering of Medication

by Reps. Plasencia, Campbell, and others (CS/SB 152 by Appropriations Committee and Senator Grimsley)

The bill provides express authority for an advanced registered nurse practitioner to order any medication for administration to a patient in a hospital, ambulatory surgical center, nursing home, or mobile surgical facility within the framework of an established protocol. The bill also authorizes, pursuant to a supervising physician's delegation, a physician assistant to order any medication for administration to the supervising physician's patient in a nursing home.

The bill provides express authority in ch. 893, F.S., the Florida Comprehensive Drug Abuse Prevention and Control Act, for a supervisory physician to authorize a physician assistant or an advanced registered nurse practitioner to order controlled substances for administration to a patient in a hospital, ambulatory surgical center, nursing home, or mobile surgical facility.

The bill also authorizes a health care practitioner to prescribe and dispense, or a pharmacist to dispense, an emergency opioid antagonist pursuant to a non-patient specific standing order for an auto injection delivery system or intranasal application delivery system, which must be appropriately labeled with instructions for use.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 116-0

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Committee on Health Policy

CS/HB 1245 — Medicaid Provider Overpayments

by Health and Human Services Committee and Rep. Peters (CS/SB 1370 by Health Policy Committee and Senator Grimsley)

The bill authorizes the Agency for Health Care Administration (agency) to certify that a Medicaid provider is "out of business" and that any overpayments made to that provider cannot be collected. Such an authorization allows Florida to use a federal exemption from repayment of the mandatory Medicaid federal share for provider overpayments.

The bill removes obsolete technology references to expand the types of tools available to the agency to verify visits for the delivery of home health services in order to deter fraudulent or abusive billing for these services.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 36-0; House 118-0

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Committee on Health Policy

CS/HB 1335 — Long-term Care Managed Care Prioritization

by Health and Human Services Committee and Rep. Magar (CS/SB 7056 by Appropriations Committee and Health Policy Committee)

The bill addresses Medicaid's long-term care managed care (LTCMC) program and revises ss. 409.962 and 409.949, F.S., relating to eligibility, enrollment, and prioritization of individuals for the program.

The bill requires the Department of Elderly Affairs (DOEA) to maintain a statewide wait list for enrollment for the home and community-based services portion of LTCMC, and to prioritize individuals for potential enrollment using a frailty-based screening tool that generates a priority score. The DOEA must develop the screening tool by rule and make publicly available on its website the specific methodology used to calculate an individual's priority score. The bill requires individuals to be rescreened at least annually or upon notification of a significant change in the individual's circumstances.

When the Agency for Health Care Administration (AHCA) notifies the DOEA Comprehensive Assessment and Review for Long-Term Care Services (CARES) program of available enrollment capacity, the CARES program conducts a pre-release assessment of individuals based on the priority scoring process. If capacity is limited for individuals with identical priority scores, the individual with the oldest date of placement on the wait list will receive priority for pre-release assessment. Individuals who meet all eligibility criteria may enroll in LTCMC.

An individual may be terminated from the LTCMC wait list for conditions set forth in the bill. Once terminated, an individual is required to initiate a new request for placement on the wait list, and any previous priority considerations are disregarded.

The bill identifies certain populations that are provided priority enrollment for home and community based services through LTCMC, and which do not have to complete the screening or wait-list process as long as all other program eligibility requirements are met. These populations consist of:

- Individuals who are 18, 19, and 20 years of age who have chronic, debilitating diseases or conditions of one or more physiological or organ systems which generally make the individual dependent upon 24-hour-per-day medical, nursing, or health supervision or intervention;
- Nursing facility residents requesting to transition into the community who have resided in a Florida-licensed skilled nursing facility for at least 60 consecutive days; and
- Individuals referred to the Department of Children and Families (DCF) Adult Protective Services program as high risk and placed in an assisted living facility temporarily funded by the DCF.

The bill authorizes the DOEA and the AHCA to adopt rules to implement the bill.

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If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 117-0

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Committee on Health Policy

CS/CS/HB 1411 — Termination of Pregnancies

by Health and Human Services Committee; Health Care Appropriations Subcommittee; and Rep. Burton and others (CS/SB 1722 by Fiscal Policy Committee and Senator Stargel)

The bill amends various statutes relating to the termination of pregnancies:

- Defines the terms "gestation," "first trimester," "second trimester," and "third trimester";
- Prohibits the sale and donation of fetal remains from an abortion and increases penalties for the improper disposal of fetal remains from a second degree misdemeanor to a first degree misdemeanor;
- Restricts state agencies, local governmental entities, and Medicaid managed care plans from contracting with, or expending funds for the benefit of, an organization that owns, operates, or is affiliated with one or more clinics that perform abortions, with some exceptions;
- Requires the Agency for Health Care Administration (AHCA) to collect certain data from medical facilities in which abortions are performed and to submit data to the federal Centers for Disease Control and Prevention (CDC);
- Requires the AHCA to:
  - Perform annual licensure inspections of abortion clinics;
  - Inspect at least 50 percent of abortion clinic records during a license inspection; and
  - Promptly investigate all credible allegations of unlicensed abortions being performed;
- Requires, in clinics that perform first trimester or second trimester abortions, that either:
  - The clinic have a written patient transfer agreement with a hospital within reasonable proximity which includes the transfer of the patient's medical records held by both the clinic and the treating physician; or
  - All physicians who perform abortions in the clinic have admitting privileges at a hospital within reasonable proximity of the clinic;
- Requires the AHCA to submit an annual report to the Legislature beginning February 1, 2017, that summaries regulatory actions taken by the AHCA pursuant to its authority under ch. 390, F.S., in the prior year;
- Requires, effective January 1, 2017, abortion referral and counseling agencies to register with the AHCA and pay a registration fee, with some exceptions; and
- Prohibits a person from advertising or offering to purchase, sell, donate, or transfer, or purchasing, selling, donating, or transferring fetal remains obtained from an abortion.

If approved by the Governor, these provisions take effect July 1, 2016, except where otherwise provided.
Vote: Senate 25-15; House 76-40

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Committee on Health Policy

CS/CS/SB 1604 — Drugs, Devices, and Cosmetics

by Appropriations Committee; Health Policy Committee; and Senator Grimsley

The bill updates the Florida Drug and Cosmetic Act (Act) to bring it into conformity with the federal Food, Drug and Cosmetic Act (federal act). Recent amendments to the federal act preempted Florida's regulatory structure. The bill replaces provisions relating to pedigree papers with federal requirements for a transaction history, transaction information, or transaction statement for the manufacture and distribution of prescription drugs. Certain activities are exempted from the definition of wholesale distribution in order to conform regulatory oversight in Florida to the federal regulatory scheme.

The bill provides for administrative efficiencies and cost savings by:

- Eliminating the distinction between primary and secondary wholesalers and the supplemental information required of a secondary wholesaler for initial and renewal permitting for in-state and out-of-state prescription drug wholesale distributors;
- Allowing certain key personnel to submit an affidavit that information submitted on a previous personal statement remains unchanged;
- Modifying the requirement for a surety bond;
- Authorizing the Department of Business and Professional Regulation (DBPR) to contract with a vendor or enter into interagency agreements for electronic fingerprinting;
- Authorizing a pending application to expire;
- Authorizing certain permits to be issued for up to four-year periods; and
- Exempting licensed hospices from the requirement to obtain a medical oxygen retail establishment permit in order to provide medical oxygen to its patients based upon a prescription or order from an authorized practitioner.

The bill establishes a nonresident prescription drug repackager permit, along with the requirement to obtain such a permit if a repackager located outside the state distributes its repackaged prescription drugs into the state. This repackager is also required to comply with provisions applicable to prescription drug manufacturers. The DBPR must establish a virtual prescription drug manufacturer permit and a virtual out-of-state prescription drug manufacturer permit for manufacturers that do not physically manufacture and possess their prescription drugs.

The bill creates the "Victoria Siegel Controlled Substance Safety Education and Awareness Act." This act requires the Department of Health to develop and disseminate a pamphlet of educational information relating to controlled substances, encourage health care providers to disseminate and display information about controlled substance safety, encourage consumers to discuss the risks of controlled substance use with their health care providers, and create a systematic approach to increasing public awareness regarding controlled substance safety.

The bill also authorizes an academic medical research institution to conduct research on cannabidiol and Low-THC cannabis.

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If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 117-0

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Committee on Health Policy

SB 7020 — OGSR/Florida Health Choices Program/Florida Health Choices, Inc.

by Health Policy Committee

The bill reenacts existing public records exemptions for:

- Personal, identifying information of an enrollee or participant who has applied for or participates in the Florida Health Choices Program;
- Client and customer lists of a buyer's representative held by the Florida Health Choices Corporation; and
- Proprietary confidential business information of a vendor held by the corporation.

The information under the exemption is both confidential and exempt from s. 119.071(1), F.S., and Art. 1, s. 24(a), State Constitution.

The bill also continues the retroactive application of the exemption to protect information that was held by the corporation prior to initial enactment of the exemption.

If approved by the Governor, these provisions take effect October 1, 2016.
Vote: Senate 36-0; House 112-0

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Committee on Health Policy

CS/SB 7024 — OGSR/Information Held by the Florida Center for Brain Tumor Research

by Governmental Oversight and Accountability Committee and Health Policy Committee

The bill (Chapter 2016-48, L.O.F.) eliminates the scheduled repeal of the current public records exemption for personal identifying information held by the Florida Center for Brain Tumor Research. The following information continues to be confidential and exempt from public disclosure:

- Personal identifying information of donors to the central repository for brain tumor biopsies;
- Personal identifying information of registrants on the brain tumor registry; or
- Any information that is received by the Center from an individual from another state or nation, or from the Federal Government, if that information is confidential or exempt pursuant to the laws of the state or nation from which the information is transmitted.

These provisions were approved by the Governor and take effect on July 1, 2016.
Vote: Senate 36-0; House 114-0

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Committee on Health Policy

CS/CS/HB 7087 — Health Care

by Health and Human Services Committee; Health Care Appropriations Subcommittee; Select Committee on Affordable Healthcare Access; and Rep. Sprowls and others (CS/CS/SB 1686 by Appropriations Committee; Health Policy Committee; and Senators Bean and Joyner)

The bill authorizes the Agency for Health Care Administration (AHCA), the Department of Health (DOH) and the Office of Insurance Regulation (OIR) to survey health care facilities, health care practitioners, insurers, and health maintenance organizations, regarding the use of telehealth. The AHCA must submit a report of the survey and research findings to the presiding officers and the Governor by December 31, 2016. The three entities (AHCA, DOH, and OIR) may assess fines for non-compliance with the survey request.

The bill also creates a 15-member Telehealth Advisory Council. The council will be chaired by the Secretary of the AHCA or his or designee. The other members of the task force include the State Surgeon General; health care practitioners; representatives of long-term care services; a hospital representative; telehealth services providers, sellers, and health insurers; and a representative of health care facilities. The council is tasked with reviewing the survey and research findings and making recommendations to increase the use and accessibility of telehealth in this state in a report due to the presiding officers and the Governor by October 31, 2017. The council members will serve without compensation or per diem reimbursement and may meet by teleconference.

The bill modifies the definition of a "discount medical plan" under s. 636.202, F.S., to clarify that medical services provided through a telecommunications medium that does not offer a discount to the plan member is not insurance.

The bill also reinstates and re-enacts s. 409.975(6), F.S., relating to managed care plan accountability and current law relating to provider payments of managed medical assistance program participants.

The section of law creating the council sunsets June 30, 2018.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 118-0

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Committee on Higher Education

SB 576 — Public Educational Facilities

by Senator Flores

The bill (Chapter 2016-32, L.O.F.) authorizes the construction of dormitories for up to 300 beds on a Florida College System institution campus located within a municipality designated as an area of critical state concern and having a comprehensive plan and land development regulations containing a building permit allocation system that limits annual growth.

However, the bill prohibits the use of state funds and tuition and fee revenues for construction, debt service payments, maintenance, or operation of the dormitories. Furthermore, the bill prohibits additional dormitory beds constructed after July 1, 2016, from being financed through the issuance of a bond.

These provisions were approved by the Governor and take effect July 1, 2016.
Vote: Senate 37-0; House 114-0

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Committee on Higher Education

CS/HB 793 — Florida Bright Futures Scholarship Program

by Education Appropriations Subcommittee; and Rep. O'Toole and others (CS/SB 520 by Fiscal Policy Committee; and Senators Lee, Gaetz, Stargel, and Montford)

The bill modifies student eligibility and award provisions of the Florida Bright Futures Scholarship Program.

The bill modifies student eligibility requirements of the program. Specifically, the bill:

- Specifies that "community" service work means "volunteer" service work and prohibits students from receiving remuneration or academic credit for such work. Volunteer service work is expanded to include, but is not limited to, a business or governmental internship, work for a nonprofit community service organization, or activities on behalf of a candidate for public office. The bill further requires documentation of volunteer service work performed.
- Defers the 2-year initial award period and the 5-year renewal period for students who are unable to accept an award due to full-time religious or service obligations lasting at least 18 months until the student completes the obligation.
- Removes the higher SAT and ACT score requirement for home education program students to qualify for the initial Florida Medallion Scholars (FMS) award, making the test score requirement the same for all students.

The bill creates the Florida Gold Seal CAPE Scholars award as an alternative to the current Florida Gold Seal Vocational award. Specifically, the bill:

- Creates the Florida Gold Seal CAPE Scholars award for a student who meets the general eligibility requirements for the Florida Bright Futures Scholarship program, earns a minimum of five postsecondary credits through CAPE industry certifications which articulate for college credit, and meets the volunteer service work requirements.
- Allows a student who is eligible for a Florida Gold Seal CAPE Scholars award to receive the award for a maximum of 100 percent of the number of credit hours or equivalent clock hours required to complete an applied technology diploma program, a technical degree education program, or a career certificate program at a Florida public or nonpublic education institution.
- Allows a Florida Gold Seal CAPE Scholar who completes a technical degree education program to also receive a Florida Gold Seal CAPE Scholars award for a bachelor of science degree program for which there is a statewide articulation agreement, or a bachelor of applied science degree program at a Florida College System institution.

The bill appropriates $66,468 for 2016-2017 Florida Bright Futures Scholarships for additional home education program students who may become eligible for awards.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 116-0

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Committee on Higher Education

HB 799 — Out-of-State Fee Waivers for Active Duty Servicemembers

by Reps. Avila, Sprowls, and others (SB 944 by Senators Richter and Gaetz)

The bill waives the out-of-state fee for active duty members of the United States Armed Forces who reside in or are stationed outside of Florida.

Additionally, similar to the Congressman C.W. "Bill" Young Veteran Tuition Waiver Program requirements, the bill requires:

- Tuition and fees charged to a student who qualifies for the out-of-state fee waiver for the specified active duty members of the United States Armed Forces must not exceed the tuition and fees charged to a resident student.
- Each state university, Florida College System institution, and technical center to report to the Board of Governors (BOG) and the State Board of Education (SBE), as applicable, the number and value of all fee waivers granted to the active duty members of the United States Armed Forces.
- The BOG and the SBE to adopt regulations and rules, respectively, to administer the out-of-state fee waivers for active duty members of the United States Armed Forces.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 35-0; House 114-0

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Committee on Higher Education

CS/HB 1157 — Postsecondary Education for Veterans

by Higher Education and Workforce Subcommittee; and Rep. Raburn and others (CS/SB 1638 by Appropriations Committee and Senator Lee)

The bill expands the mechanism through which eligible members of the United States Armed Forces can earn college credit for military experience. Specifically, the bill:

- Requires the Department of Education (department) to annually, identify and publish minimum scores, maximum credit, and course or courses for which college credit must be awarded for the specified tests:
  - Excelsior College subject examination.
  - Defense Activity for Non-Traditional Education Support (DANTES) subject standardized test.
  - Defense Language Proficiency Test (DLPT).
- Modifies the residency requirements for recipients of a Purple Heart or other combat decoration superior in precedence to qualify for a waiver from tuition for undergraduate college credit programs and career certificate programs if such recipients are currently or were at the time of the military action that resulted in the awarding of the combat decoration, residents of this state.
- Adds new methods for demonstrating mastery of subject area knowledge for educator certification purposes by allowing individuals to demonstrate subject area competency through documentation of:
  - Successful completion of a United States Defense Language Institute Foreign Language Center program, or
  - A passing score on the DLPT.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 114-0

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Committee on Higher Education

CS/HB 7019 — Education Access and Affordability

by Education Committee; Higher Education and Workforce Subcommittee; and Reps. Porter and others (CS/SB 984 by Higher Education Committee and Senator Legg)

The bill modifies requirements related to higher education textbooks and instructional materials affordability and promotes public awareness on higher education costs.

Regarding textbook and instructional materials affordability, the bill expands textbook affordability provisions to include instructional materials and defines "instructional materials" as educational materials, in either printed or digital format, for use within a course.

The bill also specifies duties and responsibilities regarding textbook and instructional materials affordability for the Florida College System (FCS) institutions and state universities, FCS institution and state university boards of trustees, Chancellor of the FCS and the Chancellor of the State University System (SUS), and the State Board of Education (state board) and the Board of Governors for the State University System of Florida (BOG). Specifically, the bill:

- Requires each FCS institution and state university to post prominently in the course registration system and on its website, at least 45 days before the first day of class for each term, a hyperlink to lists of required and recommended textbooks and instructional materials for at least 95 percent of all courses and course sections offered at the institution during the upcoming term.
- Authorizes each board of trustees to adopt policies, in consultation with providers, including bookstores, which allow for the use of innovative pricing techniques and payment options for textbooks and instructional materials. Such techniques and options must include an opt-in provision for students and may be approved only if there is evidence that the options reduce the cost of textbooks and instructional materials for students.
- Requires each board of trustees to:
    - Examine each semester the cost of textbooks and instructional materials by course and course section for all general education course offerings to identify variance in the cost of textbooks and instructional materials among different sections of the same course and the percentage of textbooks and instructional materials that remain in use for more than one term; and specifies a July 1, 2018 deadline for repeal of such provisions.
    - Annually report, by September 30, to the Chancellor of the FCS or the Chancellor of the SUS, as applicable, specified information including, but not limited to, the textbook and instructional materials selection process for general education courses with a wide cost variance and specific institutional initiatives to reduce the cost of textbooks and instructional materials.
- Requires each chancellor to annually submit, by November 1, a summary of information provided by the institutions to the state board and the BOG, as applicable.
- Requires the state board and the BOG to receive input from students, faculty, bookstores, and publishers before adopting textbook and instructional materials affordability policies,

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procedures, and guidelines to minimize the cost of textbooks and instructional materials to students; and modifies existing policies, procedures, and guidelines adopted by the state board and the BOG to include new issues addressing:

- The establishment of deadlines for instructors or departments to notify the college or university bookstore, as applicable, of the required and recommended textbooks and instructional materials so that the bookstore may verify availability, source explore lower cost options, explore alternatives with faculty when academically appropriate, and maximize the availability of used textbooks and instructional materials.
- Consultation with school districts to identify practices that impact the cost of dual enrollment textbooks and instructional materials to the school districts, including, but not limited to, the length of time that such textbooks and instructional materials remain in use.
- Selection of textbooks and instructional materials through cost-benefit analyses that help students obtain the highest quality product at the lowest available price by considering specified options (e.g., purchasing digital textbooks in bulk; providing rental options for textbook and instructional materials; developing mechanisms to assist in buying, renting, selling, and sharing textbooks and instructional materials; evaluation of cost savings to students if the students opt-in to participate in innovative pricing techniques and payment options for textbooks and instructional materials).

Regarding college affordability, the bill establishes provisions to:

- Require the BOG and the state board to:
  - Identify strategies and initiatives to promote college affordability by evaluating the impact of tuition and fees on students; federal, state, and institutional financial aid on the actual cost of attendance for students and their families; and the costs of textbooks and instructional materials.
  - Annually submit, by December 31, a report on their college affordability initiatives to the Governor, the President of the Senate, and the Speaker of the House of Representatives.
- Require each FCS institution and state university to publicly notice and notify all enrolled students of any proposal to increase tuition and fees at least 28 days before its consideration at a board of trustees meeting; and requires that the notice must:
  - Include the date and time of the meeting at which the proposal will be considered.
  - Specifically outline the details of existing tuition and fees, the rationale for the proposed increase, and how the funds from the proposed increase will be used.
  - Be posted on the institution's website and issued in a press release.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 36-0; House 114-0

Committee on Judiciary

HB 43 — Churches or Religious Organizations

by Reps. Plakon, Cortes, B., and others (SB 110 by Senators Bean, Gaetz, and Hutson)

This bill has been referred to as the "Pastor Protection Act." It provides that certain individuals and entities may not be required to solemnize a marriage or provide marriage-related goods, services, or accommodations if doing so would violate their sincerely held religious beliefs. The protected individuals and entities include:

- A church;
- A religious organization;
- A religious corporation or association;
- A religious fraternal benefit society;
- A religious school or educational institution;
- An integrated auxiliary of a church;
- An individual employed by a church or religious organization while acting in the scope of that employment;
- A clergy member; or
- A minister.

A refusal by any listed individual or entity to solemnize a marriage or provide marriage-related services, goods, or accommodations may not serve as the basis for a civil cause of action. Additionally, the refusal may not serve as the basis for the state or its political subdivisions to impose penalties or withhold any benefits or privileges, including tax exemptions or governmental contracts, grants, or licenses.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 23-15; House 82-37

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Committee on Judiciary

CS/CS/CS/HB 91 — Severe Injuries Caused by Dogs

by Judiciary Committee; Local Government Affairs Subcommittee; Civil Justice Subcommittee; and Rep. Steube and others (CS/SB 334 by Judiciary Committee and Senator Montford)

Under current law, an animal control authority is required to investigate any incident involving a dog that may be dangerous. Dogs that cause severe injury to human beings may either be classified as a dangerous dog subject to safety restrictions or immediately confiscated and euthanized. If an animal control authority pursues a classification determination, the owner of the dog may raise affirmative defenses for the dog's behavior. Affirmative defenses may not be raised, however, in a destruction proceeding in which a dog has not been previously classified as dangerous. Based on this current scheme, a number of trial courts have ruled the law unconstitutional.

The bill grants owners the right to appeal a decision by a local animal control authority on any dog that causes severe injury, whether the dog is classified dangerous or not. Although current law authorizes appeals to county court, the appropriate court of appeal of local decisions is generally the circuit court. The bill transfers the court of appeal from a county to a circuit court, and extends the number of days for an owner to file a notice of appeal from 10 to 30 days. A dog may not be euthanized while an appeal is pending.

Current law provides that an owner commits a second degree misdemeanor if the owner had knowledge of but recklessly disregarded a dog's dangerous propensities, and the dog causes a severe injury to or death of a human being. This bill makes the owner exempt from criminal penalties if the person attacked was engaged in or attempting to engage in a criminal act.

These provisions became law upon approval by the Governor on March 8, 2016.
Vote: Senate 40-0; House 118-0

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Committee on Judiciary

HB 111 — Jury Service

by Rep. Combee and others (SB 206 by Senator Clemens)

This bill authorizes a person who is permanently incapable of caring for himself or herself to obtain a permanent exemption from jury service. To obtain the exemption, the person must make a written request that is accompanied by a letter from a physician verifying the permanent incapacity. Qualifying health conditions must relate to "mental illness, intellectual disability, senility, or other physical or mental incapacity." The award of the permanent exemption is subject to the discretion of the clerk of court.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 37-0; House 117-0

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Committee on Judiciary

CS/CS/CS/HB 183 — Administrative Procedures

by State Affairs Committee; Government Operations Appropriations Subcommittee; Rulemaking Oversight and Repeal Subcommittee; and Rep. Adkins (CS/CS/SB 372 by Appropriations Committee; Judiciary Committee; and Senator Lee)

This bill revises the Administrative Procedure Act (APA), which governs agency rulemaking and decision making. The most significant changes to the APA by the bill:

- Generally require that an agency commence and complete rulemaking activities within 180 days after it holds a public hearing on a petition to initiate rulemaking activities on an unadopted rule.
- Require the dissemination of additional notices of agency rulemaking activities on the Florida Administrative Register and through e-mails by an agency to its licensees and other interested persons.
- Authorize a person to challenge agency action by asserting that a rule or unadopted rule used as a basis for the agency's action is invalid.
- Require agencies to review their rules to identify rules the violation of which would constitute a minor violation and for which a notice of noncompliance will be the first enforcement action.

The bill also makes the APA's summary hearing procedures applicable to challenges to proposed regulatory permits related to special events, such as a boat show, on sovereign submerged land.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 104-1

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Committee on Judiciary

SB 396 — Nonresident Plaintiffs in Civil Actions

by Senator Bradley

The bill repeals a current requirement that a nonresident plaintiff in a civil action post a $100 bond to secure the payment of court costs that may be adjudged against the plaintiff. The requirement applied to plaintiffs who were not residents of the state at the time of filing a lawsuit or who became nonresidents after filing a lawsuit. The repealed bond requirement dates back to 1828, when the state was still a territory.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 37-0; House 117-0

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Committee on Judiciary

CS/CS/CS/HB 439 — Mental Health Services in the Criminal Justice System

by Judiciary Committee; Appropriations Committee; Children, Families and Seniors Subcommittee; and Reps. McBurney and others (CS/CS/SB 604 by Appropriations Committee; Judiciary Committee; and Senators Diaz de la Portilla, Hutson, and Gaetz)

This bill expands the authority of courts to use treatment-based mental health and substance abuse court programs for defendants who are involved in the criminal justice process at both the preadjudicatory and postadjudicatory level.

The bill:

- Expands eligibility criteria for defendants to participate in diversionary programs to include children in dependency court and veterans who were released from military service under a general discharge.
- Authorizes counties to fund and establish mental health court programs under which a child under the jurisdiction of dependency court or a defendant having a mental illness shall be processed in a manner that provides appropriate treatment and services.
- Requires the state courts system, contingent upon appropriations by the Legislature, to establish a mental health coordinator for each county mental health court program.
- Creates the Forensic Hospital Diversion Pilot Program to divert defendants found mentally incompetent to proceed to trial or not guilty by reason of insanity into a residential bed and community treatment setting. The Program authorizes the Department of Children and Families (DCF) to replicate the current model of the Miami-Dade Forensic Alternative Center into 2 additional counties. In addition to Miami-Dade, the DCF would implement the program in Broward and Duval Counties.

The specialized mental health treatment authorized by the bill may help defendants avoid returning to the criminal justice and forensic mental health systems.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 117-0

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Committee on Judiciary

CS/SB 458 — Transfers of Structured Settlement Payment Rights

by Banking and Insurance Committee and Senator Richter

This bill makes changes to the laws governing the transfer of the right to receive payments under a structured settlement agreement. The changes made by the bill:

- Specify that the court having jurisdiction over an application to transfer structured settlement payment rights is the court where the payee resides or, if the payee does not reside in this state, the court that approved the structured settlement agreement or the court in which a claim was pending which led to the structured settlement agreement;
- Require an applicant seeking to receive the payments under a structured settlement agreement to provide additional information about the payee in its application to the court;
- Require the payee to appear in court for the hearing on the application unless good cause exists to excuse the payee's attendance;
- Grant immunity to structured settlement obligors and annuity issuers that act in reliance on court orders approving the transfer of a structured settlement agreement;
- Make structured settlement obligors and annuity issuers immune from liability for a transferee's failure to provide required disclosures to the payee or to provide all the required information in its application to the court; and
- Allow the transfer of structured settlement payments notwithstanding the terms of a structured settlement agreement prohibiting those transfers.

The bill may result in more favorable terms for payees who seek to sell the right to payments under their structured settlement agreements. The bill also increases the marketability of structured settlement payment rights.

These provisions became law upon approval by the Governor on March 10, 2016.
Vote: Senate 37-0; House 116-0

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Committee on Judiciary

CS/CS/SB 494 — Digital Assets

by Rules Committee; Judiciary Committee; and Senators Hukill and Joyner

This bill accomplishes two purposes. First, it provides fiduciaries the legal authority to manage digital assets and electronic communications in the same manner that they manage tangible assets and accounts. The bill distinguishes between when a fiduciary may access the content of digital assets and electronic communications and when the fiduciary may only access a catalog of the digital property. Second, the bill provides custodians of digital assets and electronic communications the legal authority they need to interact with the fiduciaries of their users while honoring the user's privacy expectations for his or her personal communications.

A custodian is granted immunity from liability for acts or omissions done in good faith compliance with the provisions of this bill. The bill gives Internet users the ability to plan for the management and disposition of their digital assets if they should die or become unable to manage their assets. This is done by vesting fiduciaries with the authority to access, control, or copy digital assets and accounts.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 36-0; House 116-0

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Committee on Judiciary

CS/CS/CS/SB 540 — Estates

by Rules Committee; Banking and Insurance Committee; Judiciary Committee; and Senator Hukill

This bill revises the statutes governing the use of trust assets to pay the trustee's attorney fees incurred in defending against a breach of trust claim. These changes clarify that the statutes giving broad authority to a trustee to incur attorney fees do not apply when the trustee is defending against a breach of trust claim.

The bill also provides that Florida law determines the validity and effect of the disposition of real property located in this state. Finally, the bill provides that a surviving spouse's claim of an elective share does not reduce what the spouse would receive if the election had not been made and that the spouse is not to be treated as having predeceased the decedent. In other words, the bill clarifies that an elective share is a floor, not a ceiling, on the amount of assets which the surviving spouse may receive from the decedent's estate.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 114-1

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Committee on Judiciary

CS/CS/SB 668 — Family Law

by Appropriations Committee; Judiciary Committee; and Senator Stargel

This bill revises laws on the amount and duration of alimony awards, grounds for alimony, and bases for modification of alimony due to a substantial change in circumstances. The bill also revises the laws governing the establishment of parenting plans and time-sharing schedules.

Regarding initial alimony awards, the bill:

- Establishes presumptive alimony ranges based on formulas that incorporate the difference between the parties' gross incomes and the duration of their marriage.
- Limits the duration of an alimony award to 25 to 75 percent of the duration of the parties' marriage.
- Caps the combination of alimony and child support at 55 percent of the obligor's income.
- Provides an exception to alimony guidelines so that the court may consider the contributions to the marriage of a long-term homemaker.

The bill identifies additional bases for modifications or terminations of alimony, which include:

- An increase in the recipient's income, and if the income has increased by 10 percent, the obligor is entitled to pursue an immediate modification of alimony.
- The involuntary underemployment or unemployment of the obligor.
- The obligor's retirement at a reasonable age.

The bill also clarifies that in instances in which an obligor alleges the existence of a supportive relationship between the obligee and another person, the obligor does not have to actually prove cohabitation.

Current law provides that the public policy of the state is for each minor to have frequent and continuing contact with both parents after the parents separate or divorce. The bill provides instead that the court must begin with the premise that a minor child should spend approximately equal amounts of time with each parent. In formulating a specific parenting plan or time-sharing schedule, the bill directs courts to consider the existing statutory factors, which have been slightly revised. The revisions allow a court to consider the disposition of a parent to perform new roles after the parents separate. Finally, the bill generally requires courts to make detailed, written findings of fact when establishing parenting plans and time-sharing schedules.

If approved by the Governor, these provisions take effect October 1, 2016.
Vote: Senate 24-14; House 74-38

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Committee on Judiciary

CS/HB 821 — Reimbursement of Assessments

by Civil Justice Subcommittee and Rep. Rooney (CS/SB 1692 by Judiciary Committee and Senator Altman)

This bill prohibits an agent or attorney from requesting or obtaining reimbursement of an assessment imposed by the United States Department of Veterans Affairs (VA) from a veteran claimant.

Under federal law, the VA may impose the assessment on an agent or attorney who represents a claimant seeking veteran's benefits. This assessment may not exceed the lesser of $100 or 5 percent of the compensation of the attorney or agent. Under the bill, an agent or attorney who requests or obtains reimbursement of the assessment from the claimant commits a second degree misdemeanor.

If approved by the Governor, these provisions take effect October 1, 2016.
Vote: Senate 40-0; House 116-0

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Committee on Judiciary

HB 967 — Family Law

by Rep. Stevenson and others (SB 972 by Senator Lee)

This bill establishes a collaborative law process to facilitate out-of-court settlements in divorce and paternity cases. The process brings together collaborative attorneys, mental health professionals, and financial specialists to help the parties reach a consensus. The terms of the process are contained in a collaborative law participation agreement.

The collaborative law process may resolve such matters in family law as:

- Alimony and child support;
- Marital property distribution;
- Child custody and visitation;
- Parental relocation with a child;
- Premarital, marital, and postmarital agreements; and
- Paternity.

Parties may enter into a collaborative law participation agreement before filing a petition with the court or while an action is pending. The bill also allows the case to be partially resolved collaboratively, with the remainder to be resolved through the traditional adversarial process.

Communications made during and as part of the collaborative process are generally confidential and privileged from disclosure, not subject to discovery in a subsequent court proceeding, and inadmissible as evidence.

The effect of the bill is contingent upon the adoption of implementing rules by the Florida Supreme Court.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 117-0

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Committee on Judiciary

CS/SB 1042 — Judgments

by Judiciary Committee and Senator Simmons

This bill revises chapter 56, Final Process, which regulates how a creditor may collect a judgment against a debtor. The bill makes organizational changes to the chapter while updating and clarifying several definitions for uniformity.

The bill amends chapter 56, F.S., by:

- Providing a new definitions section at the beginning of the chapter to establish uniform usage throughout the chapter;
- Moving the discovery provisions in current law into a single section and providing that the discovery provisions are in addition to the discovery provisions found in the rules of civil procedure;
- Establishing a procedure for bringing non-parties to the original action into proceedings supplementary by a notice to appear that describes the property at issue, notifies the third-party of the right to a jury trial, and requires the third-party to serve an answer within a time set by the court;
- Providing that a claim under the Uniform Fraudulent Transfer Act which is raised during proceedings supplementary must be initiated by a supplemental complaint and that those claims are governed by the Uniform Fraudulent Transfer Act and the rules of civil procedure; and
- Providing that a person who asserts a claim to defense in proceedings supplementary for the purpose of delay maybe subject to penalties imposed by the court.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 36-0; House 114-0

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Committee on Judiciary

CS/CS/HB 1181 — Bad Faith Assertions of Patent Infringement

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Grant and others (CS/SB 1298 by Judiciary Committee and Senator Brandes)

The Patent Troll Prevention Act, enacted in 2015, was intended to deter the filing of bad-faith patent infringement claims. The act worked by allowing a defendant to pursue a private cause of action for damages, including punitive damages, against a claimant, a patent troll, making a bad-faith claim. The claimant could also be required to post a bond in the amount equal to the lesser of $250,000 or a good faith estimates of the defendant's expenses of litigation, including attorney fees.

The bill eases the act's potential for deterring appropriate patent infringement lawsuits. The specific changes:

- Require that a demand letter be objectively baseless before it may be deemed a bad-faith assertion of patent infringement.
- Remove the act's bond-posting requirement for a plaintiff who may have made a bad-faith assertion of patent infringement.
- Limit the entitlement to and amount of punitive damages awards against a person who makes a bad-faith assertion of patent infringement.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 114-0

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Committee on Judiciary

SB 1412 — Orders of No Contact

by Senator Simmons

This bill clarifies that the duty of a defendant to avoid contact with a victim is contingent upon the issuance of a "no contact" order. An order of no contact generally prohibits a defendant from being near or communicating with a victim.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 116-0.

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Committee on Judiciary

CS/CS/SB 1432 — Service of Process

by Rules Committee; Judiciary Committee; and Senator Stargel

This bill authorizes additional methods of service of process if personal service of process cannot be effected.

Under current law, a process server may personally serve process, such as a subpoena or summons, on a witness or opposing party in a lawsuit. If personal service of process is not possible, existing law authorizes substitute service of process on the intended recipient's spouse or person in charge of the recipient's business or private mailbox.

This bill allows a process server to effect substitute service of process on a person in charge of an intended recipient's virtual office or executive office or mini suite. The bill further provides that these intended recipients may include a registered agent for a corporation, an officer or director of a corporation, or the corporation itself in certain circumstances.

A virtual office is an office that provides communications services such as telephone or fax services, and other services without dedicated office space, provided that all communications are routed through a common receptionist. An executive office or mini suite is similar, except that it includes dedicated office space.

In addition to expanding substitute service of process, this bill revises the state's long-arm statute which defines the limits of the jurisdiction of the courts of this state.

Among other limits, the current statute limits the jurisdiction of the courts of this state to enforce a penalty or fine imposed by an agency of another state. The penalty or fine may not be enforced in this state's courts unless the other state grants the defendant a mandatory right of review of the penalty or fine. This bill further prohibits courts from enforcing agency actions from other states by prohibiting the enforcement of any agency order unless the other state grants a mandatory right of review.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 112-4

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Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/SB 184 — Military and Veterans Affairs

by Appropriations Committee and Senators Bean, Altman, Sachs, and Gaetz

Housing Rental Applications for Military Servicemembers

The bill provides that a landlord is required to process a rental application from a military servicemember within seven days of submission, if the landlord requires an application before residing in a rental unit. Within that seven day period, the landlord must provide to the servicemember a response in writing of the approval or denial of their application and, if denied, the reason for denial. Should the landlord not provide a timely denial of the rental application, the landlord must lease the rental unit to the servicemember if all other terms of the application and lease are met. These provisions also apply in situations in which a servicemember seeks to rent a unit or parcel within the control of a condominium association, cooperative association, or homeowners' association.

Voluntary Check-off to Request Information on Veterans' Benefits and Services

The bill creates a voluntary check-off on the application form for an original, renewal, or replacement driver license or identification card to allow military veterans to request written or electronic information on federal, state, and local benefits and services available to veterans. The veteran may elect to receive the information through the U.S. mail or by e-mail. The Florida Department of Veterans' Affairs (FDVA) will select a non-profit third party provider that has sufficient ability to communicate with veterans throughout the state to distribute the requested information directly to veterans. The Department of Highway Safety and Motor Vehicles and the FDVA will collaborate to administer this voluntary check-off program.

Florida Veterans' Hall of Fame

The bill provides authority for the Florida Veterans' Hall of Fame Council to accept nominations for and consider former members of the Florida National Guard for inclusion in the Florida Veterans' Hall of Fame.

Credit for Military Experience for Professional Licensure through the Department of Business and Professional Regulation

The bill requires the Department of Business and Professional Regulation (DBPR) to extend credit to honorably discharged veterans for relevant military training and education towards the requirements for construction and electrical contracting licensure and certification. For construction contracting licenses, the bill allows up to 3 years of relevant active duty service to meet the four year experience requirement for licensure. An additional year of active duty experience as a foreman in the trade may also be applied toward the experience requirements for licensure. For electrical or alarm system contracting licenses, the bill allows 4 years of experience as a supervisor in electrical or alarm system work with the military to meet the 4 year experience requirement for licensure.

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The DBPR must provide by October 1, 2017 and each year thereafter a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the method used to license and certify honorably discharged veterans in construction and electrical contracting.

Credit for Military Experience for Professional Licensure through the Department of Agriculture and Consumer Services

The bill requires the Department of Agriculture and Consumer Services (DACS) to extend credit for relevant military training and education towards the requirement for private security, private investigative, and recovery services licensure. The DACS must provide by October 1, 2017 and each year thereafter a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the methods used to license honorably discharged military veterans in the aforementioned professions.

Florida National Guard Commercial Driver License Testing Pilot Program

The bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) and the Department of Military Affairs (DMA) to conduct a commercial driver license testing pilot program for members of the Florida National Guard. By June 30, 2017, the DHSMV and the DMA must jointly submit a report on the results of the pilot program to the President of the Senate and the Speaker of the House of Representatives.

Military and Overseas Voting Assistance Task Force

Finally, the bill establishes the Military and Overseas Voting Assistance Task Force (task force) within the Department of State to study issues involving the development and implementation of an online voting system that allows absent members of the uniformed services to electronically submit voted ballots. The task force consists of the following 11 members:

- The Secretary of State or his or her designee;
- The Adjutant General or his or her designee;
- The executive director of the Agency for State Technology or his or her designee;
- One member of the Senate appointed by the President of the Senate;
- One member of the House of Representatives appointed by the Speaker of the House of Representatives;
- Three supervisors of elections appointed by the Florida State Association of Supervisors of Elections; and
- Three individuals appointed by the Secretary of State with relevant expertise in computers, the Internet, or other associated technologies.

The Secretary of State must submit a report by the task force to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2017, that recommends whether or not the state should pursue the development and implementation of an online voting system for absent uniformed services voters. If the task force recommends pursuit of an online

voting system, the report must include steps for developing and implementing such a system. The task force expires upon submission of the report.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 113-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/CS/CS/HB 1133 — Applicability of Revenue Laws to Out-of-state Businesses During Disaster-Response Periods

by Economic Affairs Committee; Finance and Tax Committee; Economic Development and Tourism Subcommittee; and Rep. Young and others (CS/CS/CS/SB 1262 by Appropriations Committee; Finance and Tax Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Simpson)

The bill allows certain out-of-state businesses to conduct specific activities in this state immediately preceding or following an emergency or disaster without establishing a level of presence that would require the business to register, file, and remit state or local taxes or fees. The bill provides that such out-of-state businesses are not subject to any of the following:

- Reemployment assistance taxes;
- State or local professional or occupational licensing requirements or related fees;
- Local business taxes;
- Taxes on the operation of commercial motor vehicles;
- Corporate income tax; and
- Tangible personal property tax on specified equipment brought into the state by the out-of-state business.

The exceptions provided in the bill apply to out-of-state businesses that are physically present in this state in anticipation of or immediately following an emergency or disaster to assist with the restoration of communications, electric, natural gas, and water infrastructure systems. Additionally, out-of-state employees working in this state to provide such assistance are not required to comply with state or local occupational licensing requirements, or pay related fees.

Privileges provided in the bill are only valid:

- 10 days before a state of emergency is declared and ending on the 60th day after the state of emergency expires; or
- If no state of emergency is declared, a period of 7 days beginning on the date an out-of-state business enters this state at the request of a Florida communications, electric, or natural gas entity pursuant to a mutual aid agreement.

An out-of-state business or employee that is present in this state outside of the specified time periods is not entitled to the privileges provided in the bill and is subject to the state's normal standards for establishing presence or residency or for doing business in this state.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 37-0; House 115-0

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Committee on Military and Veterans Affairs, Space, and Domestic Security

SB 1202 — Discounts on Public Park Entrance Fees and Transportation Fares

by Senator Abruzzo

The bill requires county and municipal departments of parks and recreation to provide a full or partial discount on park entrance fees to the following individuals:

- Current military service members;
- Honorably discharged veterans;
- Honorably discharged veterans with a service-connected disability;
- The surviving spouse or parents of a military service member who died in combat; and
- The surviving spouse or parent of a law enforcement officer, firefighter, emergency medical technician, or paramedic who died in the line of duty.

A park entrance fee is defined as a fee charged to access lands managed by a county or municipal park or recreation department. The term does not include expanded amenity fees for amenities such as campgrounds, aquatic facilities, stadiums or arenas, facility rentals, special events, boat launching, golf, zoos, museums, gardens, or programs taking place within public lands.

The bill also requires regional transportation authorities to provide disabled veterans with discounts on fares for the use of fixed-route transportation systems operated by the authority.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 37-0; House 114-0

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Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/HB 1219 — Veterans' Employment

by Veteran and Military Affairs Subcommittee and Rep. Raburn and others (CS/SB 1538 by Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Evers)

The bill requires each state agency and authorizes each political subdivision of the state to develop and implement a written veterans recruitment plan that establishes annual goals for ensuring the full use of veterans in the agency's or political subdivision's workforce. Each veterans' recruitment plan must apply to veterans and their family members who are entitled to veterans' preference in appointment and retention in public employment pursuant to s. 295.07(1), F.S.

The Department of Management Services must annually collect and publish on its website and include in its annual workforce report statistical data for each state agency on the following:

- The number of persons who claim veterans' preference;
- The number of persons who are hired through the veterans' preference; and
- The number of persons who are hired as a result of the veterans' recruitment plan.

If approved by the Governor, these provisions take effect October 1, 2016.
Vote: Senate 35-0; House 118-0

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Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/SB 1288 — Emergency Management

by Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Richter

The bill defines the term "activate" in ch. 252, F.S., to mean the execution and implementation of the necessary plans and activities required to mitigate, respond to, or recover from an emergency or disaster pursuant to the State Emergency Management Act. and the State Comprehensive Emergency Management Plan. The definition is intended to allow the Division of Emergency Management (DEM) to provide additional clarity to the Federal Emergency Management Agency when applying for disaster assistance.

The bill also instructs the DEM to implement a statewide certification system to facilitate the transport and distribution of essentials in commerce throughout the state in the event of a declared emergency. The bill describes essentials to mean goods that are consumed or used as a direct result of a declared emergency, or that are consumed or used to preserve, protect, or sustain life, health, safety, or economic well-being. Certification by the DEM will allow those certified to enter or remain in an area in which a curfew has been imposed as a result of a declared emergency for the limited purpose of facilitating the transport or distribution of essentials. The certification is applicable to both pre and post-emergency declarations and is valid for up to one year with the option to renew.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 115-0

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Committee on Military and Veterans Affairs, Space, and Domestic Security

SB 7016 — Interstate Compact on Educational Opportunity for Military Children

by Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Gaetz

The bill (Chapter 2016-34, L.O.F.) 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 in 2019.

Participation in the compact enables member states to address educational transition issues faced by military families as they transfer from various states and school districts in accordance with official military orders. States are required to enact the compact into law in order to join the compact, which the Legislature did during the 2008 Regular Session. As of January 2015, all 50 states and the District of Columbia are active members of the compact. Since its enactment in 2008, Florida's compact legislation has included a provision requiring automatic repeal of the compact after a period of time, unless reauthorized by the Legislature. The Legislature last reauthorized the compact in 2013, and provided for its repeal on April 10, 2016.

In addition to reauthorizing the compact and providing for future legislative review and repeal of the law, the bill also codifies in Florida Statutes that compact membership dues must be paid within existing resources by the Department of Education.

These provisions became law upon approval by the Governor on April 9, 2016.
Vote: Senate 40-0; House 113-0

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Committee on Regulated Industries

CS/CS/HB 249 — Culinary Education Programs

by Health and Human Services Committee; Health Quality Subcommittee; and Rep. Moskowitz and others (CS/SB 706 by Regulated Industries Committee; and Senators Altman and Sachs)

The bill permits a culinary education program with a public food service establishment license issued by the Division of Hotels and Restaurants within the Department of Business and Professional Regulation (DBPR) to obtain a special alcoholic beverage license that permits the sale of beer, wine, and liquor. The special license allows for the sale of alcoholic beverages on the licensed premise in designated areas only. If the culinary education program is a licensed caterer, the bill allows for the sale and consumption of alcoholic beverages on the premises of the catered event at which the licensee is also providing prepared food. The bill does not permit the sale of alcoholic beverages by the package for off-premises consumption.

The bill defines a culinary education program to mean a program that educates enrolled students in the culinary arts, including preparation, cooking, and presentation of food, or a program that provides education and experience in culinary arts-related businesses. A culinary education program must be inspected by a state agency for compliance with sanitation standards. The culinary education program must be provided by a:

- State university;
- Florida College System institution;
- Career center;
- Charter technical career center;
- Nonprofit independent college or university that is located and chartered in this state, meets certain accreditation requirements, and is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program; or
- Nonpublic postsecondary educational institution.

The requirement that the caterer derive 51 percent of its gross revenue from the sale of food and nonalcoholic beverages to be eligible for a special alcoholic beverage license does not apply to a culinary education program with a public food service establishment license.

Under current law, if a culinary education program is subject to the food safety and sanitation regulations of the Department of Health, it will remain subject to its regulation, regardless of whether there is a charge for the food or whether the program is inspected by another state agency for compliance with sanitation standards.

The bill authorizes the DBPR to adopt rules to administer the bill's provisions.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 37-0; House 114-0

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

Committee on Regulated Industries

HB 303 — Unlicensed Activities Fees

by Reps. Burton and others (SB 394 by Senator Hays)

The bill requires waiver of a five dollar unlicensed activity fee charged to professionals renewing a license issued by the Department of Business and Professional Regulation (department), if certain benchmarks for a profession's operating account and unlicensed activity account are met. The waiver applies to all licensees in a renewal cycle for the duration of that cycle. The waiver does not apply if a profession's operating account has a deficit or is projected to have a deficit within five fiscal years.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 38-0; House 114-1

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Committee on Regulated Industries

CS/HB 381 — Public Records/Florida State Boxing Commission

by Regulatory Affairs Committee and Rep. Raburn (CS/CS/SB 578 by Governmental Oversight and Accountability Committee; Regulated Industries Committee; and Senator Hutson)

The bill amends the current public records exemption in s. 548.062(2), F.S., related to proprietary confidential business information maintained by the Florida State Boxing Commission (commission) within the Department of Business and Professional Regulation. The bill provides that proprietary confidential business information provided by a promoter to the commission or obtained through an audit is confidential and exempt from public inspection and disclosure. The bill expands the public records exemption to include all proprietary confidential business information provided by the promoter to the commission by deleting the provision that the exemption applies only to the promoter's written report required to be filed with the commission after a match.

The bill provides the legislative finding that it is a public necessity to protect proprietary confidential business information from public disclosure to protect the interests of the promoter because a promoter's competitors could gain insights into the promotor's financial status and business plans and put the promoter at a competitive disadvantage. The bill provides that the harm to a promoter in disclosing proprietary confidential business information significantly outweighs any public benefit derived from the disclosure of such information.

These provisions were approved by the Governor and take effect July 1, 2016.
Vote: Senate 35-5; House 107-11

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Committee on Regulated Industries

CS/CS/SB 698 — Alcoholic Beverages and Tobacco

by Fiscal Policy Committee; Regulated Industries Committee; and Senator Bradley

The bill revises alcoholic beverage and tobacco laws administered by the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation.

The bill includes other persons who are required to remit the tobacco taxes required under part I of ch. 210, F.S., within the process for determining the amount of unpaid taxes, including the three-year limitation for such determination and the process for judicial review.

The bill revises the method for calculating the requirement that restaurants with a special alcoholic beverage license must derive at least 51 percent of their gross revenue from the sale of food and nonalcoholic beverages. The bill provides that the 51 percent requirement is calculated on gross food and beverage revenue. It also provides that the 51 percent requirement must be maintained during the first 60-day operating period and during each 12-month operating period thereafter. The bill replaces the term "restaurant" with the term "food service establishment." The bill provides that licensees that fail to meet the required percentage must have their license revoked or a pending license application denied. The bill also provides that licensees whose license have been revoked or application denied for failure to meet the percentage requirement is ineligible to have any interest in a subsequent application for such a license for a period of 120 days after the date of the final denial or revocation. The ineligibility applies to any person who was required to qualify on the special license application of the revoked or denied license.

The bill provides quota license holders a one-time waiver for 12 months from the requirement that the license must be maintained in an active manner. The bill removes the provision in current law that gives the division the discretion to grant such waivers. The bill permits the agency to grant an additional 12 month extension of the waiver on the basis of the provided criteria. The criteria include physical damage to the licensed premises that makes active operation of the business impractical; when construction or remodeling is underway to relocate the license to another location; and a court order or local government action or inaction are preventing the permitting construction; or occupational capacity of the physical location of the licensed premises.

The bill requires distributors to charge vendors a deposit for kegs in an amount that is not less than that charged to the distributor by the manufacturer. It requires that the deposit for kegs of a like brand must be uniform and that deposits collected and credits allowed for empty kegs or containers must be shown separately on all sales tickets or invoices, which must also be given to the vendor at the time of delivery. The bill requires distributors of malt beverage kegs to implement an inventory and reconciliation process with certain vendors in which an accounting of draft kegs is completed and any loss or variance in the number of kegs is paid for by the vendor on a per-keg basis equivalent to the required keg deposit. This inventory and reconciliation process applies to vendors qualifying as an entertainment/resort complex, a theme park, or a marine exhibition park complex.

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The bill permits municipalities, counties, and nonprofit civic and charitable organizations to be issued no more than 12 temporary alcoholic beverages permits per calendar year. It requires counties and municipalities to donate all net profits from the sale of alcoholic beverages to a nonprofit civic or charitable organization within 90 days of the event. As a condition for the permit, the county or municipality must have attempted to solicit a qualified civic or charitable organization to conduct the sales, but has been unable to find such an organization in a reasonable and practical time frame. Current law only permits "civic organizations" to receive no more than three temporary alcoholic beverage permit per year.

Effective upon the bill becoming law, the bill permits alcoholic beverage vendors who are license to sell beer and wine only for consumption off the premises (package stores) to sell growlers. To qualify to sell growlers, the package store's license must have been current and active on June 30, 2015, and must meet the following requirements:

- The vendor must prove that it had draft equipment and tapping accessories installed and had purchased kegs prior to June 30, 2015;
- The employee that fills growlers must be 18 or older;
- The taps or mechanisms used must not be accessible to customers;
- The growlers must meet the labeling or sealing requirements in current law; and
- The vendor cannot permit consumption on premises, including tastings or other sampling activities.

The bill permits the division to issue an alcoholic beverage license to railroad transit stations for the sale of beer, wine, and liquor. It also permits the division to issue a license for the sale of beer, wine, or liquor to the operators or restaurants, shops, or other facilities that are part, or that serve, railroad transit stations. Licenses issued to railroad transit stations would not be subject to the quota license restrictions that limit the number of such licenses that may be issued per county. The bill prohibits municipalities and counties from requiring any additional license or levying any tax for the privilege of selling alcoholic beverages. These licenses may not be transferred to premises beyond the railroad transit station. The bill requires the operator of the railroad and sleeping cars to keep separate the alcoholic beverages intended for sale on passenger trains and the alcoholic beverages intended for sale in the railroad transit station.

The bill revises the process for calculating alcoholic beverage and tobacco taxes that passenger vessels engaged exclusively in foreign commerce (cruise lines) must currently pay. The bill permits the cruise lines to calculate the taxes owed with a methodology based on ship capacity rather than the volume of alcohol or tobacco sold at port or within Florida's territorial waters. This process applies to excise taxes from the sale of alcoholic beverages, cigarettes, and other tobacco products. The bill requires that excise taxes must be calculated based upon the base rate, which is the total taxes paid by all passenger vessel permittees for period between January 1, 2015, and December 31, 2015. The bill also provides that the permit issued to passenger vessels under the Beverage Law in s. 565.02(9), F.S., applies to alcoholic beverages, cigarettes, and other tobacco products.

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The bill permits a licensed distributor, when delivering alcoholic beverages to a licensed vendor, to transport the beverages through another premise owned in whole or in part by the vendor.

If approved by the Governor, these provisions take effect July 1, 2016, except where otherwise provided.
Vote: Senate 38-1; House 115-1

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Committee on Regulated Industries

CS/CS/SB 826 — Mobile Homes

by Fiscal Policy Committee; Community Affairs Committee; and Senator Latvala

The bill requires the Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation (department) to notify the complainant of the status of the investigation within 30 days and within 90 days after receipt of a written complaint. The bill also requires the division to notify the complainant and the party complained against of the results of the investigation and disposition of the complaint.

The bill permits mobile home park owners to pass on to the tenant, at any time during the term of the rental agreement, non-ad valorem assessments or increases of non-ad valorem assessments, if the passing on of this charge was disclosed prior to the tenancy. The bill requires the park owner to give the tenant notice of a rent increase 90 days before the renewal date of the rental agreement. If the 90-day notice is not provided, the rental amount will remain with the same terms until a 90-day notice of increase in lot rental amount is given.

The purchaser of a mobile home is permitted to cancel or rescind a contract if the tenancy has not been approved by the park owner 5 days before the closing of the purchase.

The bill clarifies that in order to exercise the rights of a homeowners' association provided under ch. 723, F.S., mobile home owners must form an association. Additionally, upon incorporation of an association, all consenting mobile home owners in the park may become members or shareholders, and they consent to be bound by the articles of incorporation, bylaws, and policies of the incorporated homeowners' association. All the successors of the consenting homeowner are no longer bound to the articles of incorporation, the bylaws, and restrictions of the homeowners' association.

The bill provides that the joint owner of a mobile home or subdivision lot must be counted as one vote when determining the number of votes required for a majority and that only one vote may be counted per mobile home or subdivision lot. It permits association members to vote by secret ballot, including an absentee ballot.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 34-0; House 116-0

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Committee on Regulated Industries

CS/CS/HB 1347 — Illicit Drugs

by Appropriations Committee; Criminal Justice Subcommittee; and Rep. Ingram and others (CS/CS/SB 1528 by Appropriations Committee; Regulated Industries Committee; and Senator Simpson)

The bill amends the schedule of controlled substances in s. 893.03, F.S., to describe, by core structure, the following synthetic controlled substances: synthetic cannabinoids; substituted cathinones; substituted phenethylamines; N-benzyl Phenethylamine compounds; substituted tryptamines; and substituted phenylcyclohexylamines. Each class description includes examples of compounds that are covered by the class description.

The bill:

- Revises the definition of the term "substantially similar" for the purpose of determining whether a substance is an analog to a controlled substance. The bill defines the term according to the chemical structure of the substance instead of according to its physiological effect. The bill also provides additional factors for determining whether a substance is an analog of a controlled substance to include comparisons to the accepted methods of marketing, distribution, and sales of the substance.
- Revises the chemical terms for existing controlled substances by correcting errors in existing substance listings and deleting double entries.
- Creates a noncriminal penalty for selling, manufacturing, or delivering, or possessing with intent to sell, manufacture, or deliver, certain unlawful controlled substance in, on, or near an assisted living facility. The noncriminal penalty is a $500 fine and 100 hours of community service in addition to any other penalty.
- Creates a third degree felony for a person 18 years of age or older who delivers certain illegal controlled substances to a person under the age of 18, who uses or hires a person under the age of 18 in the sale or delivery of such substance, or who uses a person under the age of 18 to assist in avoiding detection for specified violations.
- Creates a second degree felony for actual or constructive possession of a Schedule V controlled substance unless the controlled substance was lawfully obtained from a medical practitioner or pursuant to a valid prescription or order of a medical practitioner while acting in the course of his or her professional practice.
- Provides that a place or premises that has been used on two or more occasions within a six-month period as a site of a violation of ch. 499, F.S., may be declared a public nuisance and abated.
- Includes misbranded drugs in the listing of paraphernalia that are deemed to be contraband and subject to civil forfeiture.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 36-0; House 116-0

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Committee on Regulated Industries

CS/CS/CS/SB 1602 — Elevators

by Fiscal Policy Committee; Community Affairs Committee; Regulated Industries Committee; and Senator Galvano

The bill creates s. 399.031, F.S., to require that new elevators in private residences must:

- Meet minimum distance requirements between the hoistway face of the hoistway doors and the hoistway edge of the landing sill for swinging and sliding doors;
- Be equipped with doors or gates that can withstand a force of 75 pounds without permanent deformation or displacing the door from its guides or track;
- Meet minimum distance requirements between the hoistway face of the landing door and the hoistway face of the car door or gate for different types of doors and gates; and
- Be equipped with a device that stops the downward motion of the elevator car under certain circumstances.

Current law defines the term "private residence" to mean a separate dwelling or a separate apartment in a multiple unit dwelling which is occupied by members of a single-family.

The provisions must be adopted into the Florida Building Code by October 1, 2016.

The bill provides that s. 339.031, F.S., may be cited as the "Maxwell Erik 'Max' Grablin Act."

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 117-0

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Committee on Rules

HM 417 — Article V Convention for Congressional Term Limits

by Rep. Metz and others (SM 630 by Senators Bean and Negron)

A memorial to the Congress of the United States calling upon it to convene a convention under Article V of the Constitution of the United States with the sole agenda of proposing an amendment to the Constitution of the United States to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a member of the United States Senate.

Vote: Senate Adopted; House Adopted

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Committee on Rules

CS/HM 601 — Promotion of Economic Recovery in Puerto Rico

by Local and Federal Affairs Committee and Rep. B. Cortes and others (SM 798 by Senator Soto)

A memorial to the Congress of the United States, urging Congress to enact legislation to promote economic recovery in the Commonwealth of Puerto Rico.

Vote: Senate Adopted; House Adopted

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Committee on Transportation

SB 88 — Gold Star License Plates

by Senators Simpson, Altman, and Sachs

The bill extends eligibility for a Gold Star license plate, upon payment of the appropriate license tax and fees, to a parent through adoption, foster parent, grandparent, child, stepchild, adopted child, brother, sister, half-brother, or half-sister of a servicemember who was killed while serving in the United States Armed Forces.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 33-0; House 117-0

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Committee on Transportation

CS/SB 158 — Identification Cards and Driver Licenses

by Transportation Committee; and Senators Hutson and Negron

The bill (Chapter 2016-4, L.O.F.) allows the holder of a lifetime fishing, hunting, or sportsman's license, or a lifetime boater safety identification card to have a symbol displaying that lifetime status added to his or her driver license or identification card when it is being issued, renewed, or replaced for a purpose other than solely including the symbol on the card. Adding the symbol requires the payment of a $1 fee, in addition to the applicable issuance, renewal, or replacement fee. A driver license or identification card that has a recreational symbol can be used as proof of possession of the lifetime license or card.

An individual who surrenders and replaces his or her driver license or identification card before its expiration date, with the sole purpose of including the applicant's status as a lifetime fishing, hunting, or sportsman license holder or lifetime boater safety cardholder, is only required to pay a $2 fee for the replacement license or card.

These provisions were approved by the Governor and take effect July 1, 2016. However, the changes made to driver licenses and identification cards will apply upon implementation of new designs for the license and card by the Department of Highway Safety and Motor Vehicles, which is anticipated to be in 2017.
Vote: Senate 34-0; House 118-0

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Committee on Transportation

CS/CS/SB 196 — Public Records/State-Funded Infrastructure Bank

by Governmental Oversight and Accountability Committee; Transportation Committee; and Senator Hutson

The bill (Chapter 2016-38, L.O.F.) creates a new exemption from the public records inspection and access requirements of Art. I, s. 24(a) of the State Constitution and s. 119.07(1), F.S., for financial information held by the Florida Department of Transportation (FDOT). Specifically, the bill exempts the financial information of a private entity submitted to FDOT as part of the application process for a loan or credit enhancement from the State-funded Infrastructure Bank (SIB). The exemption does not apply to records of a private applicant in default of a SIB loan.

The bill provides for repeal of the exemption on October 2, 2021, unless reviewed and reenacted by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

These provisions were approved by the Governor and take effect July 1, 2016.
Vote: Senate 31-7; House 88-19

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Committee on Transportation

SB 222 — Parking for Disabled Veterans

by Senator Detert

The bill prohibits the governing body of each publicly operated airport from charging parking fees to vehicles displaying:

- A Disabled Veteran (DV) license plate issued under s. 320.084, F.S.;
- A Disabled Veteran license plate with the International Accessibility Symbol issued under s. 320.0842, F.S.; or
- A Paralyzed Veterans of America license plate issued under s. 320.0845, F.S.

The bill also prohibits a local government from charging parking fees in a facility or lot that provides timed parking spaces to vehicles displaying the Disabled Veteran plate stamped with the international accessibility symbol and the Paralyzed Veterans of America license plate.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 37-0; House 115-0

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Committee on Transportation

CS/CS/HB 231 — Motor Vehicle Manufacturer Licenses

by Judiciary Committee; Business and Professions Subcommittee; and Rep. Trujillo and others (CS/SB 960 by Transportation Committee and Senator Bradley)

Motor Vehicle Manufacturer Licenses

The bill provides additional grounds to deny, suspend, or revoke a license held by a motor vehicle manufacturer, factory branch, distributor, or importer (collectively known as the licensee), and prohibits the licensees from taking certain actions against motor vehicle dealers. Specifically, the licensee:

- Is limited to a 12-month period, instead of an 18-month period, following the date an incentive payment was paid to perform an audit of such payment, and can only deny service-related or incentive claims if the licensee proves the claim was false or fraudulent, or the dealer failed to comply with procedures for such repairs or incentives;
- May not take adverse action against a motor vehicle dealer due to a delivered motor vehicle being resold or exported by the customer unless the licensee provides written notification to the dealer within 12 months of delivery of the vehicle to a customer;
- Must pay a dealer for temporary replacement vehicles provided to customers during service or repair provided the dealer complies with the licensee's written vehicle eligibility requirements relating to loaner vehicles; and
- May not require or coerce a dealer to purchase goods or services from any specific vendor selected by the licensee without making available the option to obtain the goods or services from a vendor chosen by the dealer, and provides the term "goods and services" is limited to goods and services used to construct or renovate dealership facilities or furniture and fixtures at dealership facilities.

Protection of Motor Vehicle Dealers' Consumer Data

The bill requires licensees and third parties acting on behalf of a licensee to comply with certain use restrictions for consumer data that is provided to them by a motor vehicle dealer. Specifically, the bill:

- Requires licensees to comply with, and not knowingly cause a dealer to violate, all laws governing the reuse or disclosure of consumer data, and to provide a written statement that specifies the licensee's methods used to safeguard consumer data;
- Makes licensees responsible for provision, upon a dealers request, of a written list of consumer data obtained by a licensee from the dealer, and a written list of all persons to whom the consumer data has been provided to during the previous 6 months, with specific exemptions;
- Prohibits licensees from requiring a dealer to grant the licensee, or a third party acting on behalf of the licensee, direct access to the dealer's data management system in order for the licensee to collect consumer data;
- Provides for methods by which a licensee may be granted permission by a dealer to directly access the dealer's consumer data; and

- Requires the licensee to indemnify the dealer for any third-party claims asserted against or damages incurred by the dealer as a result of the licensee's or third party's access, use, or disclosure of the consumer data.

The bill also provides that any person who institutes a cause of action against a licensee for a violation of the prohibitions or requirements established in s. 320.697(2)(a), (2)(b), or (2)(c), F.S., has the burden of proving that the violation was willful or with sufficient frequency to establish a pattern of wrongdoing with respect to such person's consumer data.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 115-0

Committee on Transportation

CS/HB 299 — Expressway Authorities

by Economic Affairs Committee and Rep. Nuñez (CS/CS/SB 574 by Rules Committee; Ethics and Elections Committee; and Senators Flores and Gaetz)

The bill reduces the Miami-Dade County Expressway Authority (MDX) governing body from thirteen to nine members, with five members appointed by the Miami-Dade County Commission, three members appointed by the Governor, and retaining the FDOT District Six Secretary as an ex-officio voting member. A member serving as of July 1, 2016, is authorized to serve the remainder of his or her term. However, when a term expires or upon a vacancy, a member may not be replaced by the appointing entity until the MDX governing body is composed of five voting members appointed by the Miami-Dade County Commission and three members appointed by the Governor. The Governor's three appointees do not include the FDOT District Six Secretary. Assuming no re-appointments before July 1, 2016, no current member would have to be removed or replaced.

The bill makes an exception from the existing requirement that qualifications, terms, obligations and rights of the MDX members be determined by resolution or ordinance of the Miami-Dade County Commission and prohibits a person from being appointed to or serve as a member of the governing body of the MDX if the person currently represents or represented in the previous four years:

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

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

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 36-0; House 116-1

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Committee on Transportation

CS/CS/HB 427 — Recreational Vessel Registration

by Transportation and Economic Development Appropriations Subcommittee; Highway and Waterway Safety Subcommittee; and Rep. Magar and others (CS/SB 746 by Appropriations Committee and Senators Negron, Sachs, and Latvala)

The bill reduces state vessel registration fees for recreational vessels equipped with an Emergency Position-Indicating Radio Beacon, or for recreational vessels where the owner owns a Personal Locator Beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration in order for the owner to qualify for the reduced registration fee. A person who owns a personal locator beacon and who owns more than one recreational vessel qualifies to pay the reduced fee for only one vessel. The reduced vessel registration fees apply to applicable vessels registered between July 1, 2016, and June 30, 2017.

The bill allows the Department of Highway Safety and Motor Vehicles to adopt rules specifying what constitutes as sufficient proof of having a registered beacon in order to qualify for the reduced registration fee and includes information the proof must contain. Additionally, the amount discounted between the full vessel registration fee and the actual amount paid shall be transferred from the General Revenue Fund to the department to be deposited, as specified in statute, in the Marine Resources Conservation Trust Fund.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-0; House 115-0

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Committee on Transportation

CS/SB 1046 — Farm Vehicles

by Transportation Committee and Senator Hutson

The bill expressly authorizes in state law certain federally-authorized exemptions for "covered farm vehicles," defined as a straight truck, or an articulated vehicle, that is:

- Registered in a state with a license plate, or any other designation which allows law enforcement officers to identify it as a farm vehicle;
- Operated by the owner or operator of a farm or ranch or by an employee or a family member of an owner or operator of a farm or ranch;
- Used to transport agricultural commodities, livestock, machinery, or supplies to or from a farm or ranch; and
- Not used in for-hire motor carrier operations; however, for-hire motor carrier operations do not include the operation of a vehicle by a tenant pursuant to a crop-share farm lease agreement to transport the landlord's portion of the crops under that agreement.

A covered farm vehicle and its driver are exempt from federal motor carrier safety regulations relating to controlled substances and alcohol use and testing; commercial driver licenses; physical qualifications and examinations; hours of service of drivers; and vehicle inspection, repair, and maintenance. To claim the exemptions, the vehicle must be registered with a license plate or other designation issued by the state of registration when operating:

- Anywhere in this state if the vehicle has a gross vehicle weight or gross vehicle weight rating, whichever is greater, of 26,001 pounds or less; or
- Anywhere in the state of registration, or across state lines within 150 air miles of the farm or ranch with respect to which the vehicle is being operated, if the CFV has a gross vehicle weight or gross vehicle weight rating, whichever is greater, of more than 26,001 pounds.

The bill does not allow the federal exemptions if the vehicle is transporting hazardous materials in amounts that require placarding.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 37-0; House 116-0

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Committee on Transportation

SB 1110 — Central Florida Expressway Authority

by Senator Simmons

The bill addresses issues relating to the Central Florida Expressway Authority (CFX). The bill clarifies that members of CFX's governing body from Seminole, Lake, and Osceola Counties must be a county commission member or chair, or a county mayor, from the respective counties. The Governor's appointees are made subject to Senate confirmation, and refusal or failure to confirm creates a vacancy. Governor-appointed citizen members, who must be residents of either Orange, Seminole, Lake, or Osceola County, are made subject to Senate confirmation, and refusal or failure to confirm creates a vacancy. The bill provides that the 4-year term of Governor-appointed members ends on December 31 of the last year of service and removes the requirement that the CFX board elect a governing body member as secretary.

The bill also clarifies that CFX is a party to a 1985 lease-purchase agreement between the former Orlando-Orange County Expressway Authority and the Florida Department of Transportation, and repeals superseded language requiring that title to the former Orlando-Orange County Expressway System be transferred to the state under certain conditions.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 117-0

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Committee on Transportation

CS/SB 1508 — Airport Zoning Law of 1945

by Community Affairs Committee and Senator Simpson

The bill substantially revises Chapter 333, F.S., containing airport zoning provisions relating to the management of airspace and land use at or near airports. Currently, in general, that chapter:

- Addresses permitting for structures exceeding federal obstruction standards;
- Requires adoption of certain airport zoning regulations;
- Provides a process for seeking variances from the zoning regulations;
- Sets out a process for appeal of decisions based on the zoning regulations;
- Requires boards of adjustment to hear and decide appeals;
- Provides for judicial review of any board of adjustment decisions; and
- Establishes penalties and remedies for violations.

Generally, the bill:

- Updates statutory definitions and terms in accordance with federal regulations;
- Streamlines the current local airport protection zoning process to a simpler permitting model;
- Provides local governments the flexibility to structure and incorporate the airport protection zoning review process into existing local zoning review processes and repeals duplicative requirements for obtaining a variance; and
- Makes other grammatical, editorial, and conforming changes.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 112-0

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Committee on Transportation

HB 7027 — Department of Transportation

by Transportation and Ports Subcommittee; and Rep. Rooney and others (CS/CS/SB 756 by Appropriations Committee; Transportation Committee; and Senator Brandes)

The bill contains the Florida Department of Transportation's (FDOT) 2016 Legislative Package, as well as additional transportation-related provisions. More specifically, the bill:

- Creates the Florida Department of Transportation (FDOT) Financing Corporation, a nonprofit corporation, for the purpose of financing or refinancing projects in the FDOT's work program through one or more service contracts, under which the corporation is authorized to issue bonds and other forms of indebtedness secured by payments to the corporation by the FDOT.
- Requires the FDOT to consult with and provide information to the Division of Bond Finance (DBF) in connection with a proposal to finance or refinance a transportation facility through the FDOT's authority to enter into public-private partnerships, and authorizes the DBF to make an independent recommendation.
- Increases from $15 million to $25 million the minimum annual funding for the Florida Seaport Transportation and Economic Development Program.
- Subjects any FDOT work program amendment adding a new project, or project phase, to the adopted work program in excess of $3 million to Legislative Budget Commission (LBC) approval; requires any work program amendment submitted under s. 339.135(7)(h), F.S. to include, as supplemental information, a list of projects, or project phases, in the current five-year adopted work program that are eligible for the funds within the appropriation category being utilized for the proposed amendment; and requires the FDOT to provide a narrative with the rationale for not advancing an existing project or project phase in lieu of the proposed amendment.
- Removes authorization for the chair and vice chair of the LBC to approve an amendment to the work program if an LBC meeting cannot be held within 30 days.
- Authorizes the FDOT to assume certain review responsibilities under the National Environmental Policy Act with respect to highway projects.
- Expressly authorizes an existing, federally approved business development program for highway projects within the FDOT, which is intended to assist small businesses, increase competition, and reduce costs.
- Authorizes the transfer of the FDOT's Pinellas Bayway System to become part of the turnpike system and, in such event, also requires the transfer of certain funds to be used to help fund the costs of repair and replacement of the transferred facilities.
- Repeals certain provisions of the Laws of Florida relative to the Pinellas Bayway System.
- Deletes obsolete references to certain toll facilities.
- Defines the term "port-of-entry," allows commercial motor vehicle (CMV) operators to purchase temporary CMV registration permits at certain port-of-entry locations, and provides for a reduced non-registration penalty under certain circumstances.

The bill also makes several statutory changes specific to the operation and regulation of autonomous vehicles, including:

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- Clarifying that the authorization for a person holding a valid driver license to operate an autonomous vehicle applies on the public roads of this state.
- Revising provisions regarding the operation of autonomous vehicles on roads for testing purposes.
- Revising equipment requirements for autonomous vehicles, requiring a system to alert an operator of a technology failure and to take control, or to stop the vehicle under certain conditions.
- Prohibiting operation of a motor vehicle on the highways of this state while the vehicle is in motion if the vehicle is actively displaying moving television broadcast or pre-recorded video entertainment content visible from the driver's seat, unless the vehicle is equipped with autonomous technology and is being operated in autonomous mode.
- Providing that an electronic display used by an operator of a vehicle equipped with autonomous technology or by an operator of a vehicle equipped with driver-assistive truck platooning technology is not prohibited.
- Defining the term "driver-assistive truck platooning technology;" requiring the FDOT to study, in consultation with the Florida Department of Highway Safety and Motor Vehicles (FDHSMV), the use and safe operation of driver assistive truck platooning technology; and authorizing a pilot project to test vehicles equipped with such technology.
- Requiring manufacturers of such technology to provide insurance before the start of the pilot project and requiring the FDOT, in consultation with the FDHSMV, to report the results of the study and any findings or recommendations from the pilot project.
- Requiring metropolitan planning organizations to accommodate advances in vehicle technology when developing long-range transportation plans and requiring the FDOT to accommodate advances in vehicle technology when updating the Strategic Intermodal System Plan.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 40-0; House 118-0

Committee on Transportation

CS/CS/HB 7061 — Transportation

by Economic Affairs Committee; Transportation and Economic Development Appropriations Subcommittee; Transportation and Port Subcommittee; and Reps. Santiago, Cortes, B., and others (CS/CS/SB 1392 by Appropriations Committee; Transportation Committee; and Senator Brandes)

The bill includes a number of transportation-related provisions. Specifically, the bill:

- Authorizes the transfer of the Florida Department of Transportation's (FDOT) Pinellas Bayway System to become part of the turnpike system and, in such event, also requires the transfer of certain funds to be used to help fund the costs of repair and replacement of the transferred facilities.
- Repeals certain provisions of the Laws of Florida relative to the Pinellas Bayway System and deletes obsolete references to certain toll facilities.
- Increases from $15 million to $25 million the minimum annual funding for the Florida Seaport Transportation and Economic Development Program.
- Establishes the Seaport Security Advisory Committee within the Florida Seaport Transportation and Economic Development Council and establishes a Seaport Security Grant Program, subject to specific appropriation.
- Directs the Office of Economic and Demographic Research to determine the economic benefits of the state's investment in the FDOT's adopted work program, as specified; requires the FDOT to provide the office full access to all data necessary to complete the evaluation; and requires the office to submit the evaluation to the Senate President and House Speaker by January 1, 2017.
- Clarifies the FDOT's authority with respect to noncompliant traffic and pedestrian control devices.
- Substantially revises chapter 333, F.S., relating to airport zoning regulations.
- Extends the authorized term of certain airport-related leases.
- Requires the FDOT, by June 30, 2018, to install roadside barriers to shield water bodies contiguous with state roads where a death due to drowning resulted from certain motor vehicle accidents during the period between July 1, 2006, and July 1, 2016.
- Requires the FDOT to review all such motor vehicle accidents, using reconciled crash data received from the Florida Department of Highway Safety & Motor Vehicles (FDHSMV), and to submit a report, providing recommendations regarding any necessary changes to state laws and to the FDOT's rules to enhance traffic safety.
- Requires local governments to consider information provided by the FDOT regarding the effect that approving or denying certain land use changes, regulations, or orders may have on the cost of construction aggregate materials in the local area, region, and state.
- Revises conditions under which the FDOT may waive a required surety bond relating to contracts for construction or maintenance.
- Revises the purpose of the state-funded infrastructure bank within the FDOT to include constructing and improving ancillary facilities that produce or distribute natural gas fuel; authorizes the FDOT to consider applications for loans from the bank for development

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and construction of certain natural gas fuel production or distribution facilities beginning July 1, 2017; and authorizes such loans to be used to refinance outstanding debt.

- Repeals obsolete definition and identification of "statewide transportation corridors."
- Increases the population ceiling in the definition of "small county" for purposes of the Small County Outreach Program.
- Provides an exemption from permitting for certain outdoor advertising signs in place since 1995.
- Requires the FDOT to install directional signs for certain breweries on the rights-of-way of interstate highways and primary and secondary roads, subject to certain requirements and requires a brewery that requests a directional sign to pay certain costs.
- Re-orders alphabetically the definitions for purposes of chapter 316, F.S., relating to uniform traffic control, and makes numerous cross-reference corrections and one re-enactment necessitated by the re-ordering.
- Defines the term "commercial megacycle;" authorizes the governing body of a municipality or a county to allow the operation of a commercial megacycle on roads or streets within the respective jurisdictions if certain conditions are met; authorizes the FDOT to prohibit such operation on or across any road under its jurisdiction if it determines that prohibition is necessary in the interest of safety; excludes megacycle passengers from certain open-container provisions; and authorizes use of an auxiliary motor to move a megacycle from the roadway under emergency circumstances or while no passenger is on board.
- Expands the authority of a chartered municipal parking enforcement specialist to enforce state, county, and municipal parking laws and ordinances under specified circumstances.
- Revises the definition of the term "port vehicles and equipment," to exclude motor vehicles being relocated within a port facility or via designated port district roads from provisions requiring registration, payment of license tax, and display of license plates.
- Revises specifications for bus deceleration lighting systems.
- Extends from 53 to 57 feet the allowable length of certain semitrailers authorized to operate on public roads under certain conditions.
- Authorizes insurance companies to receive a salvage certificate of title or certificate of destruction from the Department of Highway Safety and Motor Vehicles after a specified number of days following payment of a claim as of a specified date, subject to certain requirements.
- Authorizes the international symbol for the deaf and hard of hearing to be exhibited on the driver license or identification card of a person who is deaf or hard of hearing as specified.
- Prohibits law enforcement from issuing a citation for an expired registration until the last day of the month of the year the registration expires, with certain exceptions.
- Requires the FDHSMV to issue or renew an identification card to certain juvenile offenders and requires that the department's mobile issuing units process certain identification cards at no charge.
- Requires the FDHSMV to maintain an integrated link on its website referring certain visitors to a donor registry.

- Repeals obsolete bond language relating to the already-repealed Broward County Expressway Authority.
- Creates the Tampa Bay Area Regional Transportation Authority (TBARTA) Metropolitan Planning Organization (MPO) Chairs Coordinating Committee (CCC) within the TBARTA, adds the MPO serving Citrus County as a CCC member, and requires TBARTA to provide administrative support and direction to the CCC.
- Revises the TBARTA governing board membership, requiring the FDOT Secretary to appoint two advisors to the board subject to certain requirements, rather than appointing one nonvoting, ex officio member.
- Requires the TBARTA master plan to be updated every five years, rather than every two years, and requires coordination and submission of the master plan and updates to the TBARTA MPO CCC.
- Expands the list of project types that the Tampa-Hillsborough County Expressway Authority is approved to finance with certain revenue bonds.
- Prohibits a county that has licensed or issued a permit to a provider of nonemergency medical transportation services from requiring the provider to use a vehicle larger than needed to transport the number of passengers or that is inconsistent with the medical condition of the individuals receiving the service, and provides applicability.
- Authorizes any member of a certified, qualified job training organization that has at least one roadside cleaning service contract with a state agency to participate in a specified self-insurance fund, notwithstanding certain provisions.

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- Revising provisions regarding the operation of autonomous vehicles on roads for testing purposes.
- Revising equipment requirements for autonomous vehicles, requiring a system to alert an operator of a technology failure and to take control, or to stop the vehicle under certain conditions.
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- Defining the term "driver-assistive truck platooning technology;" requiring the FDOT to study, in consultation with the FDHSMV, the use and safe operation of driver assistive truck platooning technology; and authorizing a pilot project to test vehicles equipped with such technology.

- Requiring manufacturers of such technology to provide insurance before the start of the pilot project and requiring the FDOT, in consultation with the FDHSMV, to report the results of the study and any findings or recommendations from the pilot project.
- Requiring metropolitan planning organizations to accommodate advances in vehicle technology when developing long-range transportation plans and requiring the FDOT to accommodate advances in vehicle technology when updating the Strategic Intermodal System Plan.

If approved by the Governor, these provisions take effect July 1, 2016.
Vote: Senate 39-1; House 117-2