Committee on Innovation, Industry, And Technology

CS/CS/HB 327 — Pub. Meetings/Pub. Records/Local Government Utilities

by Oversight, Transparency and Public Management Subcommittee; Energy and Utilities Subcommittee; and Reps. Davis, Yarborough, and others (CS/CS/SB 450 by Governmental Oversight and Accountability Committee; Innovation, Industry, and Technology Committee; and Senators Gibson and Bean)

Current law provides a public record exemption for the following information held by a utility owned or operated by a unit of local government ("local government utility"):

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

The bill creates a public meeting exemption for that portion of a meeting held by a local government utility that would reveal the above information. The bill requires that all portions of a local government utility meeting exempted by the bill be recorded and transcribed. These recordings and transcripts are exempt from disclosure as public records except to the extent that any portion of the recording or transcript is determined by a court of competent jurisdiction, after an in camera review, to reveal nonexempt data.

The bill provides that the public meeting and public record exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.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 July 1, 2019.
Vote: Senate 38-0; House 113-0

Committee on Innovation, Industry, And Technology

CS/CS/HB 441 — E911 Systems

by Commerce Committee; Energy and Utilities Subcommittee; and Reps. DuBose, Toledo, and others (CS/CS/SB 536 by Appropriations Committee; Innovation, Industry, and Technology Committee; and Senators Brandes, Perry, and Book)

The bill contains three requirements relating to 911 services and provides legislative findings that each serves an important state interest in protecting the public safety.

First, the bill requires each county to develop a countywide plan to implement text-to-911 services and to implement the plan by January 1, 2022.

Second, the bill requires the Technology Program within the Department of Management Services to develop a plan by February 1, 2020, to upgrade 911 public safety answering points (PSAP) within the state to allow the transfer of an emergency call from one local, multijurisdictional, or regional E911 system to another local, multijurisdictional, or regional E911 system in the state. The bill specifies that this transfer capability should include voice, text message, image, video, caller identification information, location information, and additional standards-based 911 call information. It also provides duties in developing the plan.

Third, the bill requires the development and implementation of communications systems that allow direct radio communication between each PSAP and first responders.

Each sheriff must facilitate the development and execution of written interlocal agreements between all primary first responder agencies within the county. Each agreement must establish written protocols that outline circumstances and public safety emergencies under which a PSAP will directly provide notice by radio of an emergency to the on-duty personnel of a first responder agency for which the PSAP does not provide primary dispatch functions. Each agreement must require the PSAP to have direct radio contact with primary first responder agencies and their dispatchers, for whom the PSAP can reasonably receive 911 communications, without having to transfer a 911 communication to another PSAP or dispatch center for dispatch. The method of complying is to be established by the first responder agency heads and set forth in the interlocal agreement.

Each PSAP must be capable of immediately broadcasting 911 communications or public safety information over the primary radio dispatch channels of each first responder agency in the county it serves, except in those first responders service areas where the PSAP cannot reasonably receive 911 calls. If a county or jurisdiction has multiple PSAPs, each PSAP must have this capability.

Unless technologically precluded due to radio incompatibility, upon written request from a law enforcement agency head, a law enforcement agency head in the same county or in an adjacent jurisdiction in another county must authorize the requesting agency to install the responding

agency's primary dispatch channel or channels in the requesting agency's PSAP, dispatch center, or mobile or portable radios.

Each primary first responder agency, PSAP, and dispatch center within each county is required to train all applicable personnel regarding the procedures and protocols specified in the interlocal agreements. The training must also include radio functionality and how to readily access the necessary dispatch channels in accordance with the interlocal agreements.

By January 1, 2020, each sheriff must provide to the Department of Law Enforcement: a copy of each interlocal agreement and written certification that all PSAPs in his or her county are in compliance.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 40-0; House 110-0

Committee on Innovation, Industry, And Technology

CS/HB 591 — Pub. Rec./Public Utility Held Customer Information and Data

by Energy and Utilities Subcommittee and Reps. Yarborough, Davis, and others (CS/SB 600 by Innovation, Industry, and Technology Committee and Senators Gibson and Bean)

The bill exempts from public disclosure and inspection requirements customer meter-derived data and billing information in increments of less than one billing cycle held by a utility owned or operated by a unit of local government. The bill provides legislative findings as to the public necessity for the exemption and the balancing of public and private harm as required by the Florida Constitution. The exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 40-0; House 114-0

Committee on Innovation, Industry, And Technology

CS/HB 629 — Lottery Games

by Gaming Control Subcommittee and Rep. Robinson

The bill requires the placement of warnings on advertisements, promotions, and lottery tickets. The warnings must appear in an equal number of advertisements and promotions beginning January 1, 2020, and on all lottery tickets beginning January 1, 2021.

The required warnings are:

- "WARNING: LOTTERY GAMES MAY BE ADDICTIVE;" or
- "PLAY RESPONSIBLY"

A warning must meet all of the following requirements:

- If on television, on the Internet, or in any other electronic medium, the warning must appear in black font on a white background and occupy at least 10 percent of the surface area of the advertisement or promotion.
- If in print, including in a newspaper, in a magazine, or on a billboard, the warning must appear in prominent text and occupy at least 10 percent of the surface area of the advertisement or promotion.
- If on radio, the warning must be audibly announced at the conclusion of the advertisement or promotion.

Beginning January 1, 2020, all vendor contracts relating to lottery tickets must require the vendor to place or print a warning on every lottery ticket which meets these requirements:

- Appear in prominent text on the front side of each lottery ticket.
- Occupy at least 10 percent of the total face of the lottery ticket.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 27-13; House 98-8

Committee on Innovation, Industry, And Technology

HB 763 — Registered Contractor Licensing

by Rep. B. Watson and others (SB 604 by Senator Pizzo)

The bill extends until November 1, 2021, the deadline for eligible electrical contractors, electrical specialty contractors, and alarm system contractors who are registered with the Department of Business and Professional Regulation (DBPR) and who are authorized to work in local jurisdictions, to apply for a certificate of competency from DBPR.

Qualification as a certified contractor is discretionary, and not mandatory. Certified contractors may engage in their trade category throughout the state, with no geographic limitation. The DBPR estimates there are approximately 1,501 registered contractors in the state who may be eligible to apply for certification through the new deadline of November 1, 2021.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 33-0; House 112-0

Committee on Innovation, Industry, And Technology

CS/CS/CS/SB 796 — Public Utility Storm Protection Plans

by Appropriations Committee; Infrastructure and Security Committee; Innovation, Industry, and Technology Committee; and Senators Gruters, Bracy, Montford, and Broxson

The bill requires each public utility to file, pursuant to Florida Public Service Commission (commission) rule, a transmission and distribution storm protection plan that covers the immediate 10-year planning period. Each plan must explain the systematic approach the utility will follow to achieve the objectives of reducing restoration costs and outage times associated with extreme weather events and enhancing reliability. The commission is required to adopt rules to specify the elements that must be included in a utility's filing.

In reviewing a proposed transmission and distribution storm protection plan, the commission must consider the following:

- The extent to which the plan is expected to reduce restoration costs and outage times associated with extreme weather events and enhance reliability, including whether the plan prioritizes areas of lower reliability performance;
- The extent to which storm protection of transmission and distribution infrastructure is feasible, reasonable, or practical in certain areas of the utility's service territory, including, but not limited to, flood zones and rural areas;
- The estimated costs and benefits to the utility and its customers of making the improvements proposed in the plan; and
- The estimated annual rate impact resulting from implementation of the plan during the first 3 years addressed in the plan.

If a utility-filed proposed plan contains all the elements required by commission rule, the commission must determine whether it is in the public interest to approve, approve with modification, or deny the proposed plan no later than 180 days after the utility filing of the plan.

At least every 3 years after approval of a utility's plan, the utility must file for commission review an updated protection plan that addresses each element specified by commission rule. The commission must approve, modify and approve, or deny each updated plan pursuant to the criteria used for the initial plan.

The commission is required to conduct an annual proceeding to determine the utility's prudently incurred plan costs and allow the utility to recover such costs through a charge separate and apart from its base rates, to be referred to as the storm protection plan cost recovery clause. After commission approval of a utility's plan, proceeding with actions to implement the plan is not evidence of imprudence. If the commission determines that costs were prudently incurred, those costs will not be subject to disallowance or further prudence review except for fraud, perjury, or intentional withholding of key information by the public utility.

The annual transmission and distribution storm protection plan costs may not include costs recovered through the public utility's base rates and must be allocated to customer classes pursuant to the rate design most recently approved by the commission.

If a capital expenditure is recoverable as a plan cost, the public utility may recover the annual depreciation on the cost and a return on the undepreciated balance of the costs using the last approved return on equity.

The bill requires that, beginning December 1 of the year after the first full year of implementation of a transmission and distribution storm protection plan and annually thereafter, the commission must submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report on the status of utilities' storm protection activities. The report must include, but is not limited to, identification of all storm protection activities completed or planned for completion, the actual costs and rate impacts associated with completed activities as compared to the estimated costs and rate impacts for those activities, and the estimated costs and rate impacts associated with activities planned for completion.

The bill requires the commission to adopt rules to implement and administer these requirements, and to propose a rule for adoption as soon as practicable after the effective date of the act, but not later than October 31, 2019.

The bill provides that, for the 2019-2020 fiscal year, the sums of $261,270 in recurring funds and $15,020 in nonrecurring funds from the Regulatory Trust Fund are appropriated to the Public Service Commission, and 4 full-time equivalent positions with associated salary rate of 180,583 are authorized for the purpose of implementing this act.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-1; House 110-3

Committee on Innovation, Industry, And Technology

CS/CS/HB 827 — Engineering

by Commerce Committee; Business and Professions Subcommittee; and Rep. Toledo (CS/CS/CS/SB 616 by Rules Committee; Community Affair Committee; Innovation, Industry, and Technology Committee; and Senator Perry)

The bill amends s. 337.14, F.S., to prohibit an entity from performing both design services and construction engineering and inspection services for a project wholly or partially funded by the Department of Transportation and administered by a local governmental entity.

The bill amends s. 455.271, F.S., to provide a board or the Department of Business and Professional Regulation (DBPR) must adopt a rule to establish a reinstatement process for void licenses.

The Florida Board of Professional Engineers (board) in the DBPR Division of Professions regulates the practice of engineering. The board is responsible for reviewing applications, administering exams, licensing qualified applicants, and regulating and enforcing the proper practice of engineering in the state. By contract with the DBPR, the Florida Engineers Management Corporation (FEMC) provides administrative, investigative, and prosecutorial services to the board.

The bill amends various provisions in ch. 471, F.S., relating to the practice of engineering and licensure, to:

- Remove the requirement for engineering firms to pay a $125 fee for a certificate of authorization to practice engineering in the state; instead, a Florida-licensed engineer must qualify the firm to practice engineering in the state under specified conditions;
- Add an additional method for graduates with approved engineering science or engineering technology degrees to take the licensure examination before obtaining active engineering experience and removes an obsolete provision;
- Increase the required years of experience for graduates with engineering technology degrees, from four years to six years;
- Require applicants for licensure to submit proof of being at least 18 years old;
- Allow the board to extend the 90-day time limit for it to act on an application for licensure, when a personal appearance by the applicant before the board is required;
- Amend the procedure for engineering and firms from outside of Florida to obtain a temporary registration to practice engineering in the state for up to one year, on one specified project, and to appoint the Florida Department of State as an agent for service of process for specified proceedings; and
- Require successor engineers to assume full responsibility when assuming the work of another engineer; and releases an original engineer from liability for prior work assumed by the successor engineer.

The bill amends s. 553.79, F.S., to specify the stages of construction during which a special inspector must perform structural inspections on a threshold building. A threshold building is one higher than three stories or 50 feet in height, or which has an assembly occupancy classification exceeding 5,000 square feet in area and an occupancy of greater than 500 persons.

The bill also amends s. 553.791, F.S., relating to alternate construction inspection services and plans review, to establish shortened deadlines for local building official notices and responses, for projects on which a private provider has been retained to perform inspections and plans reviews on behalf of the project owner. The bill provides a local building official may not prohibit a private provider from performing inspections outside the official's normal operating hours, including after hours, weekends, or holidays.

The bill also shortens deadlines for issuance of building permits and notices of plan deficiencies by local building officials.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 37-0; House 111-0

Committee on Innovation, Industry, And Technology

CS/HB 977 — Public Accountancy

by Business and Professions Subcommittee and Rep. Stevenson and others (CS/SB 1252 by Banking and Insurance Committee and Senator Gruters)

The bill adds an attestation engagement to the services that require a certified public accountant license (CPA) for a person to perform or offer to perform. An attestation engagement is an arrangement with a client where an independent third party CPA investigates and reports on subject matter created by a client. Examples of attestation engagements include reporting on financial information formulated by a client, and reporting on how well the client's internal controls process functions. An attestation engagement gives users a higher level of confidence regarding the subject of the engagement.

The bill decreases the percentage of the required total hours of CPA continuing education that must relate to accounting-related and auditing-related subjects from 25 percent to 10 percent.

The bill also eliminates the process and the separate continuing education requirements for reactivation of a license that was inactive or delinquent on June 30, 2014. Under the bill, all inactive licensees must satisfy the same minimum continuing education requirements.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 117-0

Committee on Innovation, Industry, And Technology

CS/CS/CS/SB 1000 — Communications Services

by Appropriations Committee; Community Affairs Committee; Innovation, Industry, and Technology Committee; and Senator Hutson

The bill makes extensive changes to the statute governing the use of public rights-of-way by providers of communications services, including the Advanced Wireless Infrastructure Deployment Act relating to small and micro wireless facilities enacted two years ago. These changes include:

- Prohibiting a municipality or county from imposing permit fees for the use of public rights-of-way by communications services providers if it had not levied permit fees as of January 1, 2019, while allowing a municipality or county that was imposing permit fees as of that date to continue to do so or to elect to no longer impose permit fees;
- Creating a civil cause of action for any person aggrieved by a violation of the right-of-way statute;
- Prohibiting a local government from instituting, "either expressly or de facto, a moratorium or other mechanism that would prohibit or delay" permits for collocation of small wireless facilities or related poles;
- Deleting the authority for a local government to require performance bonds and security funds and allowing it to instead require a construction bond limited to no more than 18 months after the construction is completed;
- Requiring a local government to accept a letter of credit or similar instrument issued by any financial institution authorized to do business within the U.S.;
- Allowing a provider of communications services to add a local government to any existing bond, insurance policy, or other financial instrument, and requiring the local government to accept such coverage;
- Providing that a wireless provider shall comply with objective and reasonable requirements if the local government has required all public utility lines in the right-of-way to be placed underground, with certain exceptions;
- Prohibiting a local government from requiring a permit applicant to provide inventories, maps, or locations of communication facilities in the rights-of-way, unless it is necessary to avoid interference with existing facilities;
- Allowing a local government to require, annually, a notarized statement from a pass-through provider identifying information on the provider's pass-through facilities; and
- Providing additional requirements pertaining to a local government's permit registration and application process for communications services providers' use of public rights-of-way.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 34-3; House 96-16

Committee on Innovation, Industry, And Technology

CS/CS/SB 1020 — State Hemp Program

by Appropriations Committee; Agriculture Committee; and Senators Bradley, Albritton, Hutson, and Bracy

The bill authorizes the Department of Agriculture and Consumer Services (department) to create a state industrial hemp program to administer and oversee the cultivation of hemp. The Agricultural Improvement Act of 2018 (2018 Farm Bill) legalized the industrial use of hemp and removed it from the U.S. Drug Enforcement Agency's list of controlled substances, separating it from marijuana and placing it under the supervision of the U.S. Department of Agriculture. The 2018 Farm Bill also permits the United States Secretary of Agriculture to review and approve a state or Indian tribe plan to serve as the primary regulatory authority over the production of hemp in their state or tribal territory. The 2018 Farm Bill provides the criteria for the state plan.

The bill authorizes the distribution and retail sale of hemp extract, which is a substance or compound intended for ingestion that is derived from hemp, and does not have a THC concentration exceeding 0.3 percent on a dry weight basis. Before hemp extract may be distributed or sold, it must be analyzed and certified by an independent testing laboratory to confirm that the THC concentration does not exceed 0.3 percent on a dry-weight basis. The bill also provides package labeling requirements for hemp extract products.

The bill:

- Provides that s. 581.217, F.S., created by the bill, constitutes the state plan for regulation of the cultivation and of hemp for purposes of the 2018 Farm Bill.
- Directs the Commissioner of Agriculture (commissioner) to submit a plan for regulating hemp to the United States Secretary of Agriculture.
- Requires the commissioner to consult with the Governor and Attorney General to develop a recommendation to amend the state plan and submit the recommendation to the Legislature, if the state plan is not approved by the United States Secretary of Agriculture.
- Requires a license to cultivate hemp.
- Requires an applicant for a hemp cultivation license to submit a full set of fingerprints to the department for a criminal background check.
- Requires the department to deny an application for a hemp cultivation license, if the applicant has been convicted for a felony relating to controlled substances during the previous 10 years.
- Requires a license applicant to provide the global positioning coordinates and legal land description of the area where hemp will be cultivated.
- Authorizes the department to enter any public or private premises during regular business hours in performance of its duties related to hemp cultivation, including inspections.
- Provides that hemp seed and hemp seed dealers are subject to the provisions of the Florida Seed Law and that registrants shall only use certified seeds.

- Requires the department, by August 1, 2019, to initiate rulemaking to administer the state hemp program in consultation with the Department of Health and the Department of Business and Professional Regulation.
- Creates the 15-member Industrial Hemp Advisory Council to provide advice and expertise to the department with respect to plans, policies and procedures applicable to the administration of the state hemp program.
- Expands eligible participants in the industrial hemp pilot projects to include colleges and universities with engineering or pharmacy programs.
- Excludes hemp and industrial hemp from the definition of the controlled substance "cannabis" in ch. 893, F.S.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 112-1

Committee on Innovation, Industry, And Technology

CS/SB 7012 — Vaping

by Rules Committee and Innovation, Industry, and Technology Committee

The bill (Chapter 2019-14, L.O.F.) implements Amendment 9 to the Florida Constitution, which was approved by the voters of Florida on November 6, 2018, to ban the use of vapor-generating electronic devices, such as electronic cigarettes (e-cigarettes), in enclosed indoor workplaces. The use of e-cigarettes is commonly referred to as vaping.

The bill permits the use of vapor-generating electronic devices in the enclosed indoor workplace of a "vapor-generating device retailer" or "retail vape shop", which is defined as "any enclosed indoor workplace dedicated to or predominantly for the retail sale of vapor-generating electronic devices and components, parts, and accessories for such products, in which the sale of other products or services is merely incidental." The bill also permits vaping at the same locations currently authorized to permit tobacco smoking, i.e., private residences whenever not being used for certain commercial purposes, stand-alone bars, designated rooms in hotels and other public lodging establishments, retail tobacco shops, facilities owned or leased by a membership association, smoking cessation programs, medical or scientific research, and customs smoking rooms in airport in-transit lounges.

The bill amends the state's preemption of tobacco smoking regulation in s. 386.209, F.S., to adopt and implement the grant of authority to local governments by Amendment 9 to adopt more restrictive local ordinances on the use of vapor-generating electronic devices.

These provisions were approved by the Governor and take effect July 1, 2019.
Vote: Senate 40-0; House 116-0

Committee on Innovation, Industry, And Technology

HB 7121 — Public Records/Lottery

by State Affairs Committee; and Rep. Ingoglia (SB 7100 by Innovation, Industry, and Technology Committee)

The bill creates public records exemptions from inspection or copying of public records, for designated confidential and exempt information held by the Florida Department of the Lottery (department), which if released, could harm the security or integrity of the department, including information relating to:

- Security of the department's technologies and practices to prevent attacks and unauthorized access;
- Lottery games, tickets and equipment information;
- Information required to be maintained as confidential for the department to participate in multistate lottery associations or games; and
- Personal identifying information and financial information for current or future retailers and vendors, received by the department as part of background investigations.

The bill provides specified information related to department contracts is a public record, including the amount of money paid, the payment structure, expenditures, incentives, bonuses, fees, and penalties.

The public records exemptions are subject to the Open Government Sunset Review Act and will be repealed on October 2, 2024, unless reenacted by the Legislature.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 96-12