

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

CS/CS/HB 921 — Department of Agriculture and Consumer Services

by State Affairs Committee, Agriculture and Natural Resources Appropriations Subcommittee, and Rep. Brannan (CS/CS/SB 1514 by Innovation, Industry, and Technology Committee; Agriculture Committee, and Senator Albritton)

The bill addresses various issues related to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). Specifically, the bill:

Agricultural Loads on Vehicles

- Eliminates the 20-mile maximum distance requirement that vehicles transporting agricultural products may travel without covering and securing the load.

Recreational Vehicles

- Provides a new definition for the term “recreational vehicle;”
- Requires the department to adopt rules specifying requirements for agents to administer written competency examinations;
- Requires the department to establish a separate competency examination for a license to engage in activities solely related to the service and repair of recreational vehicles;
- Authorizes certain qualifiers and master qualifiers to engage in activities solely related to the service and repair of recreational vehicles; and
- Requires verifiable liquefied petroleum gas experience or professional certification by a liquefied petroleum gas manufacturer in order to apply for certification as a master qualifier.

Pest Control Trust Fund

- Extends the expiration date of the department’s authority to use funds from the Pest Control Trust Fund to carry out the division’s duties to June 30, 2024.

State Hemp Program

- Modifies the definition of “hemp extract;”
- Clarifies the way hemp products should be packaged and labeled;
- Provides that hemp extract sold in violation of the law shall be considered adulterated or misbranded; and
- Prohibits the sale of products that are intended for inhalation and contain hemp extract from being sold to a person who is under the age of 21.

Forest Service Firefighters

- Requires the Florida Forest Service firefighter training curriculum to include a minimum of 40 hours each of structural firefighter training and emergency medical training;
- Requires a minimum of 376 hours of wildfire training; and
- Provides Wildland Firefighter training and certification.

Aquaculture

- Authorizes the department to revoke an aquaculture certificate of registration if it determines that aquaculture is not the primary purpose of the certified entity's operation.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 111-0

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CS/SB 1082 — Domestic Violence Injunctions

by Agriculture Committee and Senator Albritton

The bill expressly authorizes a court, when granting a domestic violence injunction, to:

- Award the petitioner the exclusive care, possession, or control of an animal that is owned, possessed, harbored, kept, or held by the petitioner, the respondent, or a minor child who is residing in the residence or household of the petitioner or respondent.
- Order the respondent to have no contact with the animal.
- Prohibit the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

The bill does not apply to animals owned primarily for a bona fide agricultural purpose or to a service animal if the respondent is the service animal's handler.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 117-0

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SB 1084 — Emotional Support Animals

by Senators Diaz and Montford

The bill amends Florida’s Fair Housing Act by prohibiting a housing provider, to the extent required by federal law, rule, or regulation, to deny housing to a person with a disability or a disability-related need who has an animal that is required as support. It defines emotional support animal as an animal that is not required to be trained to assist a person with a disability but, by virtue of its presence, provides support to alleviate one or more identified symptoms or effects of a person’s disability.

The bill prohibits a housing provider from charging a person with an emotional support animal additional fees. It does allow a housing provider to prohibit the animal if it poses a direct threat to the safety, health, or property of others and to request written documentation that reasonably supports that the person has a disability. The supporting information may be provided by any federal, state, or local government agency, specified health care practitioners, telehealth providers, or out-of-state practitioners who have provided in-person care or services to the tenant on at least one occasion. If a person requests to keep more than one emotional support animal, the housing provider may request information regarding the specific need for each animal and may require proof of licensing and vaccination requirements for each animal.

The bill prohibits a housing provider to request information that discloses the diagnosis or severity of a person’s disability or any medical records relating to the disability. The housing provider is authorized to develop a routine process for reasonable accommodation requests relating to emotional support animals, but prohibits the denial of a request based only on a tenant’s failure to use a specific form or process.

The bill creates a new cause for disciplinary action against a health care practitioner’s license for providing supporting information for an emotional support animal, without personal knowledge of the patient’s disability or disability-related need. It also creates the misdemeanor crime of providing false or fraudulent emotional support animal information or documentation, and requires a convicted person to perform 30 hours of community service for an organization serving persons with disabilities, or another entity or organization the court determines appropriate.

If approved by the Governor, these provisions take effect July 1, 2020

Vote: Senate 40-0; House 116-0

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CS/HB 1275 — Amusement Rides

by Agriculture and Natural Resources Appropriations Subcommittee and Reps. Pritchett and Davis (CS/SB 1228 by Agriculture Committee and Senator Book)

The bill modernizes the permitting and inspection processes of amusement ride safety. The Department of Agriculture and Consumer Services (department) is required to inspect all amusement rides in Florida, except those at large parks with more than 1,000 employees and inspectors on staff. Specifically, the bill:

- Includes amusement ride managers as a responsible party for ensuring compliance with state regulations;
- Conforms state standards for testing, materials, electric, and fire protection to national standards;
- Separates the permitting process for permanent and temporary amusement rides and streamlines the application process;
- Authorizes the department to revise the 6-month inspection interval at permanent facilities;
- Exempts permanent rides from department inspection when inspected by an accredited trade organization;
- Requires ride documents to be submitted to the department in electronic format;
- Revises exemptions for museums and other exhibition related institutions;
- Requires signage containing department contact information to be displayed at temporary amusement ride events;
- Requires certification to the department before a modified ride is placed back in operation;
- Grants subpoena powers to the department;
- Criminalizes the refusal or failure to testify pursuant to a department subpoena;
- Increases the limit for administrative fines from up to \$2,500 to up to \$10,000 per violation; and
- Allows the department to impose an additional fine of \$10,000 or more for violations resulting in serious injury or death.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 115-0

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CS/SB 1276— Department of Citrus

by Appropriations Committee and Senator Albritton

The bill establishes the Friends of Florida Citrus Program within the Department of Citrus (department). It provides for the powers and duties of the program and requires any funds received to be deposited into the Florida Citrus Advertising Trust Fund within the department. It also creates the Friends of Florida Citrus Advisory Council, which is to advise and provide recommendations to the Florida Citrus Commission regarding the use of any funds received for the Friends of Florida Citrus Program.

The bill authorizes the department to loan its employees to or to share its employees with specified state and federal entities and to enter into related agreements with such entities. The bill also deletes provisions setting out the required work schedule and staffing of the department.

If approved by the Governor, these provisions take effect July 1, 2020

Vote: Senate 39-0; House 116-0

Committee on Appropriations

HB 5001 — General Appropriations Act

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

HB 5001, the General Appropriations Act for Fiscal Year 2020-2021, provides for a total budget of \$93.2 billion, including:

- \$35.2 billion from the General Revenue Fund (GR)
- \$2.2 billion from the Education Enhancement Trust Fund
- \$1.2 billion from the Public Education Capital Outlay Trust Fund (PECO TF)
- \$54.6 billion from other trust funds (TF)
- 113,413.51 full time equivalent positions (FTE)

Reserves

Total: \$3.9 billion

- \$1.3 billion in the General Revenue Fund unallocated
- \$1.7 billion in the Budget Stabilization Fund
- \$858 million in the Lawton Chiles Endowment Fund

Major Issues

Education Capital Outlay

Total: \$367.6 million [\$14 million GR; \$353.6 million PECO TF]

- Charter School Repairs and Maintenance - \$169.6 million
- Developmental Research School Repairs and Maintenance - \$7 million
- Public School Special Facilities - \$41.3 million
- Other Public School Projects - \$6 million
- Florida College System Projects - \$18.7 million
- State University System Projects - \$112.7 million
- School for the Deaf and Blind Repairs and Maintenance - \$5.3 million
- Public Broadcasting - Health and Safety Issues - \$4.9 million
- Technical School Projects - \$2 million
- Division of Blind Services Repairs and Maintenance - \$100,000

In addition: \$48 million in authorization for State University System (SUS) Capital Improvement Student Fee Projects.

Compensation and Benefits

Pay Issues - Total \$193.3 million [\$120.3 million GR; \$73 million TF]

- All State Employees - a 3 percent increase, effective October 1, 2020
- Corrections Officers, Correctional Probation Officers, and Institutional Security Specialists - increases effective October 1, 2020, in addition to the 3 percent pay increase, based on longevity, of:

- \$500, for employees with less than 2 years of service;
- \$1,500, for employees with 2 or more but less than 5 years of service; and
- \$2,500, for employees with 5 or more years of service.
- Department of Corrections Teachers - Pay increase of 15 percent, in addition to statewide 3 percent increase, effective October 1, 2020.
- Child Protective Investigators - Pay increase of 10 percent for investigators, 5 percent for supervisors, effective July 1 2020.

Regional Conflict Counsels and senior staff - FRS Senior Management Class benefits.

Guardian ad Litem Attorneys - Enhanced health insurance and annual leave benefits.

State Group Health Insurance - Total \$88.1 million [\$54.5 million GR; \$33.6 million TF]

- 6.5 percent increase to total premiums (State Employee portion unchanged).

Florida Retirement System (State Agencies) - Total \$53.3 million [\$17.4 million GR; \$35.9 million TF].

Education Appropriations

Total Appropriations: \$23.5 billion [\$18 billion GR; \$5.5 billion TF, excludes tuition]

Total Funding - Including Local Revenues: \$35.9 billion [\$23.5 billion state funds; \$12.4 billion local funds]¹

Major Issues

Early Learning Services

Total: \$1.4 billion [\$569.1 million GR; \$802.6 million TF]

- Voluntary Prekindergarten Program - \$412.2 million GR; including \$1.75 million increase for 659 additional students and \$8.1 million to raise the Base Student Allocation
- School Readiness Program - \$895.8 million [\$144.5 million GR; \$751.3 million TF]

Public Schools/K12 FEFP

Total Funding: \$22.7 billion [\$13 billion state funds; \$9.7 billion local funds]

- FEFP Total Funds increase is \$776 million or 3.55 percent
- FEFP increase in Total Funds per Student is \$184, a 2.40 percent increase [from \$7,656 to \$7,840]
- Base Student Allocation (BSA) increase of \$40
- FEFP Base Funds (flexible \$) increase of \$340 million (2.53 percent)

¹ Local revenues include required and discretionary local effort for the public schools and tuition and fees for workforce, colleges, and universities.

- Required Local Effort (RLE) increase of \$158.8 million for new construction only; RLE Millage reduced from 3.888 to 3.733 mills
- Teacher Salary Increase Allocation - \$500 million - additional funds that school districts must use to increase the minimum salaries of classroom teachers (\$400 million) to at least \$47,500, and to increase salaries for other instructional personnel (\$100 million)
- Sparsity Supplement - \$2.7 million increase to support small, rural districts
- Eliminates the Best and Brightest Teacher and Principal Allocation - (\$284.5 million)
- Safe Schools Allocation - \$180 million for School Safety Officers
- Mental Health Assistance Allocation - \$25 million increase for a total of \$100 million to help school districts and charter schools address youth mental health issues
- Turnaround School Supplemental Services Allocation - \$45.5 million -funds for services designed to improve the overall academic and community welfare of students and their families at designated lower performing schools
- Funding Compression and Hold Harmless Allocation - \$68 million - compression funds for districts with total funds per FTE that are less than the statewide average and hold harmless funds for districts that have a reduction in the District Cost Differential

Public Schools/K12 Non-FEFP

- Community School Grant Program - \$7.2 million GR
- Mentoring Programs - \$17.8 million GR
- Gardiner Scholarships -\$42 million additional funds for a total of \$189.9 million GR
- Schools of Hope - (\$40 million) GR reduction
- School District Foundation Matching Grants - \$5 million GR
- School Hardening Grants program for capital purchases for school security - \$42 million GR
- School and Instructional Enhancement Grants - \$32.1 million GR
- Exceptional Education Grants - \$9.6 million [\$7.3 million GR; \$2.3 million TF]
- Florida School for the Deaf & Blind - \$54.5 million [\$49.8 million GR; \$4.7 million TF]
- Computer Science Certification Grants - \$10 million GR
- Reading Scholarships - \$7.6 million GR
- Capital Projects - \$9 million GR

State Board of Education

Total: \$273.6 million [\$121.3 million GR; \$152.3 million TF]

- Assessment and Evaluation - \$125.1 million [\$68.8 million GR; \$56.3 million TF]
- Safe and Secure Campus Initiatives (Senate Bill 70) - \$8 million GR
- Just Read! Florida - \$1 million GR

School District Workforce

Total: \$555.3 million [\$301.4 million GR; \$209.2 million TF; \$44.7 million tuition/fees]

- Workforce Development for career and technical education and adult education - \$372.3 million [\$281.2 million GR; \$91.1 million TF]
- Perkins Career and Technical Education grants and Adult Education and Literacy funds - \$118.1 million TF
- CAPE Incentive Funds for students who earn Industry Certifications - \$6.5 million
- School and Instructional Enhancement Grants - \$2.2 million GR
- Pathways to Career Opportunities Grant Program for apprenticeships - \$10 million GR
- No tuition increase

Florida College System

Total: \$2.07 billion [\$1.12 billion GR; \$168.2 million TF; \$778.7 million tuition/fees]

- Increased Operating Funds - \$23 million New Tier-Based Funding Model
- CAPE Incentive Funds - \$14 million GR
- Student Success Incentive Funds - \$30 million
 - 2+2 Student Success Incentive Funds - \$20 million GR
 - Work Florida Incentive Funds - \$10 million GR
- No tuition increase

State University System

Total: \$5.2 billion [\$2.8 billion GR; \$435 million TF; \$2 billion tuition/fees]

- Performance Based Funding - \$560 million
 - \$265 million State Investment [GR]
 - \$295 million Institutional Investment
Reprioritized from the base of each institution
- National Ranking Enhancement - \$30 million GR increase
- Universities of Distinction - \$24 million GR
- General Operating Increases - \$50 million GR
- FSU - Florida Institute of Politics - \$1 million GR
- FSU - Florida Institute for Child Welfare - \$5 million GR
- FIU Institute of Economic Freedom - \$1 million
- IFAS Workload - \$3.8 million GR increase
- No tuition increase

Private Colleges

Total: \$171.9 million GR

- EASE and ABLE funded at \$2,841 per award
- Historically Black Colleges and Universities - \$20.6 million GR increase

Student Financial Aid

Total: \$984.7 million [\$259.2 million GR; \$725.5 million TF]

- Bright Futures - \$651.8 million TF
- Benacquisto Scholarship Program - \$26.6 million GR
 - \$5.2 million workload increase
- Children/Spouses of Deceased or Disabled Veterans Workload Increase - \$8.4 million GR
 - \$757,042 workload increase

Health and Human Services Appropriations

Total Budget: \$39.4 billion [\$10,644.3 million GR; \$28,719.1 million TF]; 30,869.76 positions

Major Issues

Agency for Health Care Administration

Total: \$30.78 billion [\$7.35 billion GR; \$23.43 billion TF]; 1,526.50 positions

- Medicaid Price Level and Workload - \$900.7 million [\$144.5 million GR; \$756.2 million TF]
- Medicaid Contingency Reserve - \$68.9 million [\$36.8 million GR; \$32.1 million TF]
- KidCare Workload - \$31.5 million [\$74.7 million GR; (\$43.2 million) TF]
- MediKids Combined Risk Pool Implementation - \$31.0 million [\$2.6 million GR; \$28.4 million TF]
- Canadian Prescription Drug Importation Program - \$10.3 million TF; 3 FTE
- New Reimbursement Rate Level for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) - \$38.3 million [\$14.6 million GR; \$23.7 million TF]
- Graduate Medical Education Program Increase - \$33.7 million [\$12.9 million IGTs, \$20.8 million TF]
- Medical School Faculty Physician Supplemental Payments - \$4.6 million [\$1.8 million IGTs, \$2.8 million TF]
- Neonatal Intensive Care Unit (NICU) Physician Rate Increase - \$2.6 million [\$1 million GR, \$1.6 million TF]
- Florida Cancer Hospital Restoration - \$141.5 million TF [\$54.0 million IGTs, \$87.5 million TF]
- Nursing Home Rate Enhancement - \$74.8 million [\$28.5 million GR; \$46.3 million TF]
- Nursing Home Quality Improvement - \$5.0 million TF
- Florida Medicaid Management Information System (FMMIS) - \$47.1 million TF
- Electronic Visit Verification for Behavior Analysis Services - \$3.15 million TF

Agency for Persons with Disabilities

Total: \$1.59 billion [\$647.2 million GR; \$938.1 million TF]; 2,700.5 positions

- Resources for Persons with Unique Abilities - \$67.1 million [\$25.6 million GR; \$41.5 million TF]

- Serve Additional Clients on the Home and Community Based Services Waitlist - \$30.2 million [\$11.5 million GR; \$18.7 million TF]
- Increase Adult Day Training Provider Rates - \$16.1 million [\$6.1 million GR; \$10.0 million TF]
- Increase Personal Supports Provider Rates - \$36.8 million [\$14.1 million GR; \$22.7 million TF]
- Increase Residential Habilitation Provider Rates - \$5.5 million [\$2.1 million GR; \$3.4 million TF]
- Increase Respite Provider Rates - \$1.8 million [\$0.7 million GR; \$1.1 million TF]
- Employment and Internship Supports - \$1.0 million GR
- iConnect System - \$1.5 million [\$0.3 million GR; \$1.2 million TF]
- Fixed Capital Outlay for Developmental Disability Facilities - \$3.3 million TF

Department of Children and Families

Total: \$3.37 billion [\$1.91 billion GR; \$1.46 billion TF]; 12,052.75 positions

- Establish Quality Office for Enhanced Accountability - \$5.4 million GR
- Child Welfare Services:
 - Maintenance Adoption Subsidies - \$20.0 million [\$9.4 million GR; \$10.6 million TF]
 - Foster Parent Room & Board Rate Increase - \$0.8 million [\$0.5 million GR, \$0.3 million TF]
 - Transition Funding to Implement Family First Prevention Services Act- \$18.0 million TF
 - Community-Based Care (CBC) Lead Agency Core Services Funding Increase - \$11.9 million [\$7.4 million GR, \$4.5 million TF]
 - CBC Risk Pool - \$5.0 million TF
 - Child Welfare Performance Incentive Pilot Projects - \$8.2 million GR
 - Safety Management Services - \$8.1 million [\$5.2 million GR, \$2.9 million TF]
- State Opioid Response Grant - \$81.8 million TF
- Community Mental Health Services:
 - Increased School Access to Mental Health Services through Telehealth - \$4.0 million GR
 - Children's Community Action Teams (CATs) - \$2.3 million GR
 - Forensic Community Transitional Beds (24 beds) - \$2.1 million GR
 - Juvenile Incompetent to Proceed Program - \$1.5 million GR
 - Employment Assistance/Individuals with Mental Health Disorders - \$0.7 million GR
- State Mental Health Facilities:
 - Rate Adjustment and Civil Commitment Capacity Increase (9 beds) - \$5.0 million GR
 - Anti-Ligature Improvements - \$1.7 million GR
 - Fixed Capital Outlay Repairs and Maintenance - \$2.0 million GR

Department of Elder Affairs

Total: \$371.6 million [\$184.2 million GR; \$187.4 million TF]; 404 positions

- Community Care for the Elderly (CCE) Program (500 slots) - \$4.2 million GR
- Aging Resource Centers - \$1.5 million [\$0.75 million GR; \$0.75 million TF]
- Alzheimer's Disease Initiative (257 slots) - \$2.8 million GR
- Specialized Alzheimer's Services Adult Day Care - \$0.75 million GR
- Home Care for the Elderly (HCE) Program (139 slots) - \$0.6 million GR
- Public Guardianship Program - \$8.7 million GR
- Client Information and Registration Tracking System (eCIRTS) Project Implementation - \$1.7 million [\$0.2 million GR; \$1.5 million TF]
- Program of All-Inclusive Care for the Elderly (PACE) - \$6.3 million [\$2.4 million GR; \$3.9m TF]
- Adult Care Food Program - \$1 million TF

Department of Health

Total: \$3.11 billion [\$533.6 million GR; \$2.57 billion TF]; 12,706.51 positions

- Office of Medical Marijuana Use - \$8.1 million TF
- Emerging Disease Threat Response (Hepatitis A) - \$9.1 million [\$8.2 million GR; \$0.9 million TF]
- Transfer Correctional Medical Authority from EOG to DOH - \$0.7 million GR; 6 FTE
- Increased Correctional Medical Authority staff - \$0.7 million GR; 4 FTE
- Children Medical Services workforce reduction - (\$7.3 million) TF, (139 FTE) [\$3 million GR; \$4.3 million TF]
- Children's Medical Services Managed Care Plan Administrative Savings - (\$12.7 million) [\$10.3 million GR; \$2.4 million TF]
- Child Protection Teams - \$1.5 million GR
- Housing Opportunities for Persons with Aids (HOPWA) - \$9.1 million TF
- Early Steps Program - \$8.0 million GR
- Healthy Floridians Healthy Future Racial and Ethnic Disparities Closing the Gap - \$1.7 million GR
- Poison Information Control Network - \$0.7 million GR
- Expansion of Genetic Services - \$1.2 million TF
- Center for Disease Control Federal Opioid Grant - \$6.5 million TF
- Capital Improvement Projects for Public Health Laboratories and County Health Departments - \$10.4 million TF
- Coronavirus disease - \$25.2 million GR and \$27.3 million Federal Funds (for 2019-2020 Fiscal Year)

Department of Veterans Affairs

Total: \$151.2 million [\$22.9 million GR; \$128.3 million TF]; 1,479.5 positions

- Initial Staffing and Start-up State Veterans' Nursing Home in St. Lucie County (Ardie Copas) - \$5.5 million TF; 39 positions

- Initial Staffing and Start-up of State Veterans' Nursing Home in Orange County (Lake Baldwin) - \$3.4 million TF; 29 positions
- Technology Upgrades - \$0.4 million TF
- Florida is For Veterans Training Grants - \$1.4 million GR
- Fixed Capital Outlay for State Veterans Nursing Homes - \$8.1 million TF

Criminal and Civil Justice Appropriations

Total Budget: \$5.6 billion [\$4,730.6 million GR; \$838.4 million TF]; 46,886.25 positions

Major Issues

- Funds the Department of Corrections pilot program to convert work shifts from 12 to 8.5 hours for one fourth of the prison system \$17.3 million GR and 220 FTE
- Continued funding of contracted inmate health services - \$421 million
- Funds the Hepatitis C class action lawsuit in the Department of Corrections, contingent upon the court's final ruling on all appeals related to the treatment of inmates identified as testing positive for level F0-F1 Hepatitis C; or to respond to a pandemic - \$28 million GR
- Mental Health Facilities, including provision for the financing of a new mental health facility at Lake Correctional Institution - \$19.7 million GR
- Fixed Capital Outlay for DJJ's residential program facilities - \$3.4 million TF
- Funds workload issues for the Justice Administrative Commission (Public Defenders, State Attorney, Capital Collateral Regional Counsel and the Offices of Criminal Conflict and Civil Regional Counsel) - \$12.9 million [\$8.2 million GR, \$4.7 million TF]
- Funds Year 3 of the Department of Legal Affairs IT Modernization Initiative - \$6.6 million [\$5.6 million GR, \$1 million TF]
- Funds FDLE's trust fund deficits within the Operating and Criminal Justice Standards and Training Trust Fund - \$5.9 million GR
- Additional Judgeships - \$3.4 million GR and 21 FTE (includes the certification of 4 new circuit judges and 6 new county judges)
- Community coordinators and training staff for Early Childhood Courts (ECCs) - \$2.2 million GR and 21 FTE

Attorney General/ Legal Affairs

Total: \$296.7 million [\$68.7 million GR; \$228.1 million TF]; 1,384.5 positions

- Agency-wide Information Technology Infrastructure Improvements - \$6.4 million [\$3.4 million GR, \$3 million TF]
- Consumer Protection - Cyber Fraud Initiative - \$1.1 million TF and 11 FTE
- Increase Human Resources Staff Based on Workload - \$249,963 GR and 3 FTE
- Crime Victims Compensation Payments - \$0.9 million GR
- Statewide Prosecution - \$0.4 million GR
- Increased Operating Costs - \$2.2 million [\$1.2 million GR; \$1 million TF]

Department of Corrections

Total: \$2.8 billion [\$2.73 billion GR; \$62 million TF]; 25,154 positions

- Conversion From 12 to 8.5 Hour Work Shifts - \$17.3 million GR and 220 FTE
- Private Leases - \$3.0 million GR
- Security Enhancement Equipment - \$3.0 million GR
- Replacement of Motor Vehicles - \$2.6 million GR
- Inspector General Inspectors - \$0.7 million GR and 10 FTE
- Electronic Health Records - \$2.0 million GR
- Security Threat Group - \$2.2 million GR and 34 FTE
- Wellness Specialists - \$1.9 million GR and 34 FTE
- Career and Technical Education Expansion - \$3.0 million GR
- Hepatitis C Direct Acting Antivirals or Pandemic Response - \$28 million GR
- Critical Facility Renovations, Repairs and Maintenance - \$6.0 million GR
- Mental Health Facilities - \$19.7 million GR

Florida Department of Law Enforcement (FDLE)

Total: \$288.9 million [\$137.6 million GR; \$151.3 million TF]; 1,949 positions

- Computerized Criminal History (CCH) Record System Maintenance - \$1.9 million GR
- Florida Incident Based Reporting System (FIBRS) - \$2.6 million GR
- Criminal Justice Data Transparency - \$3.6 million GR
- Criminal Justice Standards and Training Trust Fund Deficit - \$3.3 million GR
- Increase Federal Grants Trust Fund Authority for Project Safe Neighborhood Grants - \$1.5 million TF
- Genetic Genealogy Program - \$0.8 million GR; 6 FTE
- Statewide Behavioral Threat Assessment - \$2.4 million GR and 10 FTE
- Repair and Maintenance for the Tampa Bay Regional Operations Center - \$2.2 million GR

Department of Juvenile Justice

Total: \$587.1 million [\$442.9 million GR; \$144.2 million TF]; 3,285.5 positions

- Prevention and Early Intervention Programs and Services - \$2.6 million GR
- Critical Repairs and Maintenance to DJJ Facilities - \$3.4 million TF
- Enhanced Oversight of Medical Services in Residential Programs - \$0.6 million GR and 6 FTE
- Retention Bonus Plan for Contracted Direct-Care Staff - \$2 million GR
- Trust Fund Shortfalls - \$13.0 million GR

State Court System

Total: \$606 million [\$506.2 million GR; \$99.6 million TF]; 4,420.5 positions

- New 2nd District Court of Appeal Courthouse - \$21 million GR
- Additional Judgeships - \$3.4 million GR and 21 FTE (includes the certification of 4 new circuit judges and 6 new county judges)
- Timely Resolution of Cases - \$1.9 million [\$1.6 million GR, \$0.2 million TF] and 21 FTE
- Court Interpreting Resources - \$5.0 million [\$4.6 million GR, \$0.4 million TF] and 37.5 FTE
- Additional Staff for Early Childhood Courts (ECCs) - \$2.2 million GR and 21 FTE
- Problem Solving Courts - \$0.6 million, [\$0.4 million GR, \$0.2 million TF] and 4 FTE
- Family Court Operational Support - \$0.3 million [\$0.2 million, \$0.1 million TF] and 2 FTE
- Judicial Data Management System - \$0.4 million TF
- Appellate Judiciary Travel - \$125,000 TF
- Courthouse Furnishings - \$0.3 million TF
- Appellate Court Security - \$0.5 million TF

Justice Administrative Commission (JAC)

Total: \$982.2 million [\$830 million GR; \$152.2 million TF]; 10,560.75 positions

- State Attorney Trust Fund Needs (Various) - \$5.5 million TF; 3 FTE
- State Attorney Prosecution Unit for Construction Fraud (14th Circuit) - \$183,813 GR; 2 FTE
- Public Defender Various Mental Health, Substance Abuse Related Funding Issues - \$3 million GR; 36.5 FTE
- Capital Collateral Regional Counsels (Various Issues - IT, Rent, Workload) - \$1.2 million [\$709,272 GR; \$457,978 TF]
- Criminal Conflict & Civil Regional Counsel Workload, Rent, Forensic Social Workers, Dependency Representation - \$1.6 million GR; 31 FTE
- JAC HQ Staffing Needs - \$378,609 GR; 3 FTE
- JAC HQ Critical Information Technology (IT) Needs - \$317,000 GR
- Statewide Guardian ad Litem Program (GAL) OPS - \$355,834 GR

Florida Commission on Offender Review

Total: \$11.9 million [\$11.8 million GR; \$0.1 million TF]; 132 positions

- Replacement of Motor Vehicles - \$25,000 GR
- Miami Regional Office Rent Expenses - \$25,000 GR
- Information Technology (IT) Services Provided by Department of Corrections - \$376,000

Transportation, Tourism, and Economic Development Appropriations

Total Budget: \$13.7 billion [\$201.4 million GR; \$13.5 billion TF]; 13,044 positions

Major Issues

- Transportation Work Program - \$9.3 billion TF
- Affordable Housing Programs - \$370 million TF
- Job Growth Grant Fund - \$20 million GR
- Library Grants and Initiatives - \$27.2 million GR
- Cultural, Museum, and Historic Preservation Grants and Initiatives - \$51.6 million GR and TF
- Motorist Modernization Project - \$9.2 million TF
- National Guard Tuition Assistance - \$4.2 million GR

Department of Economic Opportunity

Total: \$1.22 billion [\$64.0 million GR; \$1.2 billion TF]; 1,469 positions

- Economic Development Toolkit Payments (existing contracts) - \$25.7 million GR and TF
- Florida Job Growth Grant Fund - \$20 million GR
- Revolving Loan Fund Program - \$40 million [\$8 million TF and \$32 million Federal TF] (for small businesses in the region impacted by Hurricane Michael)
- Space Florida - \$12.5 million TF; \$6 million GR
- Visit Florida - \$50 million recurring TF
- Enterprise Florida - \$16 million TF
- Affordable Housing Programs - \$370 million TF
 - State Housing Initiatives Partnership (SHIP) - \$225.0 million TF (allocated to local governments)
 - State Apartment Incentive Loan (SAIL) Programs - \$115 million TF
 - Hurricane Housing Recovery Program - \$30 million TF
- Rural Communities:
 - Rural Infrastructure Fund - \$8.6 million GR
 - Rural Community Development Revolving Loan Fund - \$6.2 million GR
- Economic Development Projects - \$10.0 million GR
- Housing and Community Development Projects - \$20.2 million GR
- Workforce Projects - \$7.3 million GR

Department of Highway Safety and Motor Vehicles

Total: \$500.0 million TF; 4,339 positions

- Florida Highway Patrol Troopers - First Coast Expressway - \$1.3 million TF, 8 positions
- Motorist Modernization Project - Phase II - \$9.9 million TF
- Application Cloud Environment - \$2.5 million TF
- Renovations to the Neil Kirkman Building - \$1.1 million TF
- Florida Highway Patrol Troop D Headquarters, Orlando - \$5.9 million TF

Department of Military Affairs

Total: \$71.8 million [\$31.1 million GR; \$40.7 million TF]; 453 positions

- Tuition Assistance for Florida National Guard - \$4.2 million GR
- Facility Maintenance and Repair - \$3.4 million GR (matched by \$3.4 million federal funds)
- Panama City Readiness Center Replacement - \$6.3 million GR (matched by \$18.75 million federal funds)

Department of State

Total: \$132.0 million [\$95.3 million GR; \$36.7 million TF]; 414 positions

- Maintenance of Effort for Libraries - \$24.2 million GR
- Libraries Construction Grant Ranked List - \$1.0 million GR
- Grants to Library Cooperatives - \$2.0 million GR
- Cultural and Museum Program Support and Facilities Grants and Initiatives - \$26.5 million GR
 - Cultural & Museum Program Support Grants - \$20.3 million GR
 - Cultural and Museum Ranked List - \$13.6 million (funds distributed proportionally to all 489 projects)
 - Culture Builds Florida Ranked List - \$2.9 million (funds all 125 projects)
 - Cultural Facilities Ranked List - \$3.8 million (funds 17 of the 29 projects)
 - Cultural and Museum Projects - \$6.2 million GR
- Historical Resources Preservation - \$25.1 million GR and TF
 - Historic Preservation Grants - \$7.1 million [\$5.6 million GR; \$1.5 million TF]
 - Historic Preservation Small Matching Grants Ranked List - \$1.5 million TF (funds all 45 projects)
 - Historic Preservation Special Category Grants Ranked List - \$5.6 million GR (funds 15 of 38 projects)
 - Historic Preservation Projects - \$5.3 million GR
 - Artifact Curation Facility - \$2.5 million GR
 - Federal Hurricane Relief Funding for Historic Preservation - Hurricane Michael - \$10.2 million TF
- Cyber Security Bureau - \$1.3 million GR; 10 positions
- Elections - \$17.1 million GR
 - Recurring funding for the Division of Elections - \$1.8 million
 - Cyber Security and Election Activity Grants to Supervisors of Elections - \$1.0 million
 - Electronic Registration Information System Center (ERIC) - \$1.4 million
 - Reimbursements to Counties for Special Elections - \$1.5 million
 - Advertising Proposed Constitutional Amendments - \$1.3 million
 - Help America Vote Act 2020 Grant - \$10.1 million

Department of Transportation

Total: \$10.3 billion TF; 6,194 positions

- Transportation Work Program - \$9.3 billion TF
 - County Transportation Programs:
 - Small County Road Resurface Assistance Program (SCRAP) - \$47.6 million
 - Small County Outreach Program (SCOP) - \$96.0 million
 - Other County Transportation Programs - \$56.8 million
 - Local Transportation Initiatives (Road Fund) Projects - \$81.3 million
- Transportation Disadvantaged Program - \$70.4 million TF

Division of Emergency Management

Total: \$1.5 billion [\$11.0 million GR; \$1.5 billion TF]; 175 positions

- Federally Declared Disaster Funding - \$1.4 billion
 - Communities - \$1.27 billion TF
 - State Operations - \$115.7 million TF
- Statewide Regional Evacuation Study - \$1.2 million GR
- Statewide Comprehensive Flood Plain Model - \$2.0 million GR
- Community Flood Resiliency - \$491,576 GR
- State Emergency Operations Center Design - \$3.5 million GR
- Disaster Recovery and Preparedness Projects - \$5.3 million GR

Agriculture, Environment, and General Government Appropriations

Total Budget: \$6.6 billion [\$908 million GR; \$1,035.3 billion LATF; \$4.7 billion Other TF]; 20,076 positions

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

Total: \$1.8 billion [\$138.8 million GR; \$114.8 million LATF; \$1.5 billion TF]; 3,740 positions

- Wildfire Suppression Equipment/Aircraft Acquisition - \$7.3 million TF [\$0.7million GR; \$3.3 million LATF; \$3.3 million TF]
- Florida Forest Service Road/Bridge and Facility Maintenance - \$8.7 million LATF
- Citrus Protection and Research - \$21.3 million [\$1.0 million GR; \$20.3 million TF]
- Water Supply Planning - \$1.5 million LATF
- Everglades Restoration / Lake Okeechobee Agriculture Projects - \$4 million GR
- Office of Water Policy - \$1.0 million LATF; 8 positions
- Rural and Family Lands Conservation Easements - \$8.7 million GR
- State Industrial Hemp Program - \$4.4 million [\$1.8 million GR; \$2.6 million TF]; 43 positions
- African Snail Eradication Program - \$1.3 million TF

- Office of Energy Grants - \$0.9 million TF
- USDA Hurricane Disaster Recovery - \$6.6 million TF
- Agriculture Education and Promotion Facilities - \$3.6 million GR

Department of Business & Professional Regulation

Total: \$160 million [\$1.4 million GR; \$158.5 million TF]; 1,659 positions

- Additional Resources Division of Hotels and Restaurants/Human Trafficking - \$0.3 million TF; 4 positions
- Staffing Necessary To Meet Statutorily-Required Food And Lodging Inspections - \$1.3 million TF; 21 positions

Department of Citrus

Total: \$26.4 million [\$5.7 million GR, \$20.7 million TF]; 27 positions

- Citrus Advertising/Promotion - \$4.1 million GR

Department of Environmental Protection

Total: \$2.3 billion [\$366.8 million GR; \$817.5 million LATF; \$1.1 billion TF]; 2,917 positions

- DEP Everglades Restoration- \$318.6 million [\$1.7 million GR; \$314.6 million LATF; \$2.3 million TF]
- Water Quality Improvements - \$236.6 million [\$211.6 GR; \$25 million LATF]
 - Septic-to-Sewer/Wastewater Treatment - \$25 million GR
 - Total Maximum Daily Loads - \$25 million LATF
 - Water Quality Improvements Everglades - \$50 million GR
 - Indian River Lagoon Water Quality Improvements - \$25 million GR
 - St. Johns, Suwannee, Apalachicola Rivers Watersheds and Springs Coast Watershed Water Quality Improvements - \$25 million GR
 - Water Projects - \$76.6 million GR
 - Coral Reef Protection and Restoration - \$10.0 million GR
- Water Quality Improvements - Blue Green Algae Task Force - \$10.8 million GR
- Florida Resilient Coastline Initiative - \$10.0 million GR
- Innovative Technology Grants for Harmful Algal Blooms - \$10.0 million GR
- Springs Restoration - \$50 million LATF
- Alternative Water Supply - \$40 million [\$38.2 million GR; \$1.8 million TF]
- Florida Forever - \$100 million [\$15 million GR; \$79 million LATF; \$6 million TF]
 - Division of State Lands - \$67 million LATF
 - Florida Communities Trust - \$10.0 million LATF
 - Florida Recreational Development Assistance Grants - \$12.3 million [\$6.3 million GR; \$6.0 million TF]
 - Working Waterfronts - \$2.0 million LATF
 - DACS Rural and Family Lands - \$8.7 million GR
- Petroleum Tanks Cleanup Program - \$125 million TF

- Volkswagen Settlement - \$67.5 million TF
- Florida Keys Area of Critical State Concern - \$10 million [\$4 million GR; \$6 million LATF]
- Cleanup of State Owned Lands - \$10 million TF
- Hazardous Waste/Site Cleanup - \$6.5 million TF
- Beach Management Funding Assistance - \$50.0 million LATF
- Drinking Water Revolving Loan Program - \$130.7 million [\$10.3 million GR; \$120.4 million TF]
- Wastewater Revolving Loan Program - \$228.6 million [\$11.9 million GR; \$216.7 million TF]
- Additional Hurricane Recovery Related Drinking & Wastewater Revolving Loan Programs - \$177.8 million [\$25.4 million GR; \$152.4 million TF]
- Small County Solid Waste Management Grants - \$3 million TF
- Small County Wastewater Treatment Grants - \$13 million TF
- Local Parks - \$4.9 million GR
- State Parks Maintenance and Repairs - \$37.0 million TF [\$11.0 million LATF]

Department of Financial Services

Total: \$411.9 million [\$29.1 million GR; \$382.7 million TF]; 2,570 positions

- Florida Planning, Accounting & Ledger Management (PALM) Project - \$26.9 million TF
- Transfer to DEP for Cleanup of State Fire College - \$5.5 million TF
- University of Miami - Sylvester Comprehensive Cancer Center - \$2.0 million TF
- Fire and Arson Equipment and Repairs and Maintenance - \$1.4 million TF
- Local Government Fire Services - \$20.4 million [\$5.4 million GR and \$15.0 million TF]
- Law Enforcement Training, Equipment, Upgrades and Vehicles - \$2.2 million TF
- Information Technology Upgrades to Software, Hardware, and Equipment - \$2.7 million TF

Fish & Wildlife Conservation Commission

Total: \$418.5 million [\$52.5 million GR; \$103.1 million LATF; \$263.0 million TF]; 2,114 positions

- Marine Fisheries Infrastructure Recovery Grant Program - \$10.8 million TF
- Law Enforcement Vehicle Replacement - \$3.0 million TF
- Hurricane Irma Marine Fisheries Disaster Recovery - \$9.4 million TF
- Hurricane Michael Marine Fisheries Disaster Recovery - \$7.8 million TF
- Invasive Species Response - \$2.3 million GR
- Red Tide Research - \$2.8 million [\$2.2 million GR; \$0.6 million TF]
- Center for Red Tide Research - 2 FTE, \$2.0 million GR
- FWRI Building Repairs - \$1.8 million GR
- Boating Infrastructure and Improvement Program - \$5.9 million TF
- Derelict Vessel Removal - \$3.5 million TF

- State Reef Fish Survey - \$3.0 million GR

Department of the Lottery

Total: \$187 million TF; 419 positions

- Information Technology Upgrades to Software, Hardware, and Equipment - \$0.6 million TF
- Operational Support - \$0.3 million TF
- Increase to Gaming System Contract - \$3.1 million TF

Department of Management Services

Total Budget: \$716 million [\$91.9 million GR; \$624.1 million TF]; 1,064 positions

- Florida Facilities Pool (FFP) Fixed Capital Outlay - \$72.8 million [\$53.5 million GR; \$19.3 million TF]
- FFP Service and Security Guard Contracts - \$0.4 million TF
- Private Prison Monitoring Facility Maintenance and Repairs (Gadsden and Lake City Correction Facilities) - \$3.4 million GR; \$1.5 million TF
- Florida Holocaust Memorial - \$0.4 million GR
- Florida Slavery Memorial - \$0.4 million GR
- Florida Interoperability Network and Mutual Aid - \$1.7 million GR
- Statewide Law Enforcement Radio System (SLERS) Contract, Staff Augmentation and Independent Verification and Validation Services - \$0.8 million TF
- Non-FRS Pension Benefits - \$0.1 million GR
- E911 Next Generation Grant - \$3.2 million TF
- Emergency 911 Call Routing System - \$6.0 million TF
- Florida Retirement Contact Center - \$1.0 million TF; 13 positions

Division of Administrative Hearings

Total Budget: \$27.2 million TF; 240 positions

Public Service Commission

Total: \$25.9 million TF; 271 positions

Department of Revenue

Total: \$602 million [\$221.9 million GR; \$380.2 million TF]; 5,055 positions

- Aerial Photography - \$0.2 million GR
- Fiscally Constrained Counties - \$31.1 million GR

If approved by the Governor, these provisions take effect July 1, 2020, except where otherwise expressly provided.

Vote: Senate 32-0; House 104-0

Committee on Appropriations

HB 5003 — Implementing the 2020-2021 General Appropriations Act

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

HB 5003, relating to implementing the 2020-2021 General Appropriations Act, provides the following substantive modifications for the 2020-2021 fiscal year.

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act (GAA) for Fiscal Year 2020-2021.

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 GAA.

Section 4 amends s. 1011.62, F.S., to suspend the Decline in Full-Time Equivalent Students allocation; and to reenact the Funding Compression allocation and add an additional eligibility criteria to include a school district with a decrease in its district cost differential compared to the prior year, and to change the name of the allocation to the Funding Compression and Hold Harmless allocation.

Section 5 amends s. 1013.62, F.S., to provide that for the 2020-2021 fiscal year, charter school capital outlay funding shall consist of state funds appropriated in the General Appropriations Act and not revenue resulting from discretionary millage.

Section 6 provides that the amendments to s. 1013.62(1), F.S., expire July 1, 2021, and the text of those sections reverts to that in existence on June 30, 2020.

Section 7 amends s. 1001.26(1), F.S., to allow public colleges or universities that are part of the public broadcasting program system to qualify to receive state funds.

Section 8 provides that the amendments to s. 1001.26(1), F.S., expire July 1, 2021, and the text of those sections reverts to that in existence on June 30, 2018.

Section 9 creates s. 1004.6499, F.S., to establish the Florida Institute of Politics at the Florida State University to provide the southeastern region of the United States with a world class, bipartisan, nationally-renowned institute of politics.

Section 10 provides that the calculations of the Medicaid Disproportionate Share Hospital and Hospital Reimbursement programs for the 2020-2021 fiscal year, which is contained in the document titled “Medicaid Hospital Funding Programs, Fiscal Year 2020-2021” dated March 15, 2020, 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.

Section 11 authorizes the Agency for Health Care Administration (AHCA) to submit a budget amendment to realign funding between the AHCA and the Department of Health (DOH) for the Children's Medical Services (CMS) Network for the implementation of the Statewide Medicaid Managed Care program, to reflect actual enrollment changes due to the transition from fee-for-service into the capitated CMS Network.

Section 12 reenacts s. 409.908(23), F.S., relating to Medicaid rate setting for specified provider types for Fiscal Year 2020-2021, to specify the prospective payment system reimbursement for nursing home services will be governed by s. 409.908(2), F.S., and the GAA. Language relating to county health department reimbursement is restructured but not changed substantively.

Section 13 provides that the amendments to s. 409.908(23), F.S., expire July 1, 2021, and the text of that section reverts to that in existence on October 1, 2018.

Section 14 reenacts s. 409.908(26), F.S., for Fiscal Year 2020-2021, to include Low Income Pool (LIP) payments and requires that Letters of Agreement for LIP be received by AHCA by October 1 and the funds outlined in the Letters of Agreement be received by October 31. Also includes eligibility requirements for essential providers to participate in LIP or other forms of supplemental payments funded by intergovernmental transfers.

Section 15 provides that the amendments to s. 409.908(26), F.S., expire July 1, 2021, and the text of that section reverts to that in existence on June 30, 2019.

Section 16 amends s. 409.904(12)(a) and (b), to eliminate the Medicaid retroactive eligibility period for nonpregnant adults in a manner that ensures that the modification provides eligibility will continue to begin the first day of the month in which a nonpregnant adult applies for Medicaid.

Section 17 requires the Agency for Health Care Administration to submit the Medicaid Managed Care waiver independent evaluation to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the impact of the waiver on Medicaid retroactive eligibility on beneficiaries and providers.

Section 18 reenacts s. 624.91(5)(b), F.S., for Fiscal Year 2020-2021, to require the Florida Healthy Kids Corporation to validate and calculate a refund amount for Title XXI providers who achieve a Medical Loss Ratio below 85 percent. These refunds shall be deposited into the General Revenue Fund, unallocated.

Section 19 provides that the amendments to s. 624.91(5)(b), F.S., expire July 1, 2021, and the text of that section reverts to that in existence on June 30, 2019.

Section 20 amends s. 381.915(4), F.S., relating to the Florida Consortium of National Cancer Institute (NCI) Centers program to prevent a cancer center from participating as a Tier 3 center beyond July 1, 2021, and to authorize a cancer center that qualifies as a designated Tier 3 center

to pursue a NCI designation as a cancer center or a comprehensive cancer center until July 1, 2021.

Section 21 provides that the amendments to s. 381.915(4), F.S., expire July 1, 2021, and the text of that section reverts to that in existence on June 30, 2020.

Section 22 amends s. 893.055(17), F.S., relating to the prescription drug monitoring program to prohibit the use of any settlement agreement funds for the program for Fiscal Year 2020-2021.

Section 23 amends s. 409.911, F.S., to provide that, for the 2020-2021 fiscal year, the AHCA must distribute moneys to hospitals providing a disproportionate share of Medicaid or charity care services as provided in the GAA for Fiscal Year 2020-2021.

Section 24 amends s. 409.9113, F.S., to provide that, for the 2020-2021 fiscal year, the AHCA must make disproportionate share payments to teaching hospitals, as defined in s. 408.07, F.S., as provided in the GAA for Fiscal Year 2020-2021.

Section 25 amends s. 409.9119, F.S., to provide that, for the 2020-2021 fiscal year, the AHCA must make disproportionate share payments to specialty hospitals for children as provided in the GAA for Fiscal Year 2020-2021.

Section 26 authorizes the AHCA to submit a budget amendment to realign funding priorities within the Medicaid program appropriation categories to address any projected surpluses and deficits.

Section 27 authorizes the AHCA to contract with an organization that receives federal approval to be a site for the Program of All-Inclusive Care for the Elderly (PACE). The contract must be with one private health care organization, the sole member of which is a private, not-for-profit corporation that owns and manages health care organizations that provide comprehensive long-term care services. This organization must provide these services to frail and elderly persons who reside in Escambia, Okaloosa, and Santa Rosa Counties. The organization is exempt from the requirements of chapter 641, Florida Statutes. The AHCA, in consultation with the Department of Elderly Affairs and subject to an appropriation, shall approve up to 200 initial enrollees in the PACE established by this organization to serve elderly persons who reside in Escambia, Okaloosa, and Santa Rosa Counties.

Section 28 authorizes the AHCA to contract with an organization that receives federal approval to be a site for the Program of All-inclusive Care for the Elderly (PACE), the Agency for Health Care Administration shall contract with one private, not-for-profit hospital located in Miami-Dade County to provide comprehensive services to frail and elderly persons residing in Northwest Miami-Dade County, as defined by the agency. The organization is exempt from the requirements of chapter 641, Florida Statutes. The agency, in consultation with the Department of Elderly Affairs and subject to appropriation, shall approve up to 100 initial enrollees in the

Program of All-inclusive Care for the Elderly established by this organization to serve persons in Northwest Miami-Dade County.

Section 29 authorizes the AHCA to contract with an organization that receives federal approval to be a provider of the Program of All-inclusive Care for the Elderly (PACE), the Agency for Health Care Administration shall contract with a private organization that has demonstrated the ability to operate PACE centers in more than one state and that serves more than 500 eligible PACE participants, to provide PACE services to frail elders who reside in Hillsborough, Hernando or Pasco Counties. The organization is exempt from the requirements of chapter 641, Florida Statutes. The agency, in consultation with the Department of Elderly Affairs and subject to the appropriation of funds by the Legislature, shall approve up to 500 initial enrollees in the PACE program established by the organization to serve frail elders who reside in Hillsborough, Hernando or Pasco Counties.

Section 30 authorizes the AHCA and the DOH to each submit a budget amendment to realign funding within the Florida KidCare program appropriation categories, or to increase budget authority in the Children's Medical Services Network category, to address projected surpluses and deficits within the program or to maximize the use of state trust funds. A single budget amendment must be submitted by each agency in the last quarter of the 2020-2021 fiscal year only.

Sections 31 and 32 amend ss. 381.986 and 381.988, F.S., to provide that the DOH is not required to prepare a statement of estimated regulatory costs when promulgating rules relating to medical marijuana testing laboratories, and any such rules adopted prior to July 1, 2021, are exempt from the legislative ratification provision of s. 120.541(3), F.S. Medical marijuana treatment centers are authorized to use a laboratory that has not been certified by the department until rules relating to medical marijuana testing laboratories are adopted by the department, but no later than July 1, 2021.

Section 33 amends s. 14(1) of Chapter 2017-232, L.O.F., to provide limited emergency rulemaking authority to the DOH and applicable boards to adopt emergency rules to implement the Medical Use of Marijuana Act (2017). The department and applicable boards are not required to prepare a statement of estimated regulatory costs when promulgating rules to replace emergency rules, and any such rules are exempt from the legislative ratification provision of s. 120.541(3), F.S., until July 1, 2021.

Section 34 provides that the amendments to s. 14(1) of Chapter 2017-232, L.O.F., expire on July 1, 2021, and the text of that provision reverts back to that in existence on June 30, 2019.

Section 35 authorizes the Department of Children and Families (DCF) to establish a formula to distribute funding for the Path Forward initiative due to the expiration of the federal Title IV-E Waiver.

Section 36 allows the DCF to submit a budget amendment to realign funding within appropriations for the Guardianship Assistance Program.

Section 37 amends s. 296.37, F.S., to increase the personal needs allowance from \$105 to \$130 for residents of Department of Veterans' Affairs nursing facilities.

Section 38 authorizes the DOH to submit budget amendments to increase budget authority for the HIV/AIDS Prevention and Treatment Program if federal revenues become available.

Section 39 authorizes the DCF to submit a budget amendment to increase budget authority for the Supplemental Nutrition Assistance Program if additional federal revenues become available in the 2020-2021 fiscal year.

Section 40 authorizes the DCF to submit a budget amendment to realign funding within the Family Safety Program to maximize the use of Title IV-E and other federal funds.

Section 41 amends s. 409.968, F.S., to require the AHCA to set aside a portion of the managed care rates from the rate cells for special needs and home health services in the managed medical assistance and managed long term care programs to implement a home health performance incentive program. The agency must direct Medicaid managed care plans to submit to the agency proposals to ensure all covered and authorized home health services are provided to recipients, methods for measuring provider compliance and mechanisms for documenting compliance to the agency. Plans must implement a method for families and caregivers to report provider failures to provide services in real time. The agency may disburse the withheld portion of rate in the last quarter of the fiscal year only upon a documented determination by the agency that the plans ensured all covered and authorized home health services were provided.

Section 42 establishes provisions for the replacement of the current Florida Medicaid Management Information System (FMMIS) and fiscal agent operations by the Agency for Health Care Administration. This section also establishes an executive steering committee and members' responsibilities associated with the Florida Health Care Connection (FX) project.

Section 43 provides the DCF with authority to submit budget amendments should Fiscal Year 2019-2020 appropriations for the domestic violence programs require realignment in light of the department no longer contracting with the Florida Coalition for Domestic Violence.

Section 44 provides the DCF with authority to submit budget amendments should Fiscal Year 2020-2021 appropriations for the domestic violence programs require realignment in light of the department no longer contracting with the Florida Coalition for Domestic Violence.

Section 45 amends s. 409.984(1), F.S., related to automatic enrollment process in the Long-Term Care Managed Care Plan for dually eligible recipients.

Section 46 provides that the amendments to s. 409.984(1), F.S., expire July 1, 2021, and the text of that section reverts to that in existence on June 30, 2020.

Section 47 amends s. 409.908 (2)(b), F.S., to provide a methodology to spread the nursing home rate increase across all providers, even if the provider is held to the September 2016 rate.

Section 48 provides that the amendments to s. 409.908 (2)(b), F.S., expire July 1, 2021, and the text of that section reverts to that in existence on July 1, 2019.

Section 49 authorizes the DOH to submit budget amendments to increase budget authority for the response to a public health emergency if additional federal revenues become available.

Section 50 amends s. 400.179(2)(d), F.S., to reduce the Medicaid nursing home lease bond alternative collection threshold from \$25 million to \$10 million.

Section 51 provides that the amendments to s. 400.179(2)(d), F.S., expire July 1, 2021, and the text of that section reverts to that in existence on June 30, 2019.

Section 52 amends s. 216.262, F.S., to allow the Executive Office of the Governor to request additional positions and appropriations from unallocated general revenue funds during the 2020-2021 fiscal year for the Department of Corrections (DOC), if the actual inmate population of the DOC exceeds the Criminal Justice Estimating Conference forecasts of December 17, 2019. 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 53 amends s. 1011.80(8)(b), F.S., to permit the expenditure of appropriations for the education of state or federal inmates to the extent funds are specifically appropriated for this purpose.

Section 54 provides that the amendments to s. 1011.80(8)(b), F.S., expire on July 1, 2021, and the text of that section reverts back to that in existence on June 30, 2019.

Section 55 amends s. 215.18, F.S., to provide the Chief Justice of the Florida Supreme Court the authority to request a trust fund loan to ensure the state court system has sufficient funds to meet its appropriations contained in the GAA for Fiscal Year 2020-2021.

Section 56 requires the Department of Juvenile Justice to ensure that counties are fulfilling their financial responsibilities required in s. 985.6865, F.S., and to report any deficiencies to the Department of Revenue. If 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., to be deposited into the Shared County/State Juvenile Detention Trust Fund in Department of Juvenile Justice. The section also includes procedures to provide assurance to holders of bonds for which shared revenue fund distributions are pledged.

Section 57 reenacts s. 27.40, F.S., relating to criminal case conflicts to require written certification of conflict by a public defender. If the office of criminal conflict and civil regional counsel cannot accept a case from the public defender due to conflict, the office of civil regional counsel is required to specifically identify and describe the conflict of interest and certify the conflict to the court before a court-appointed counsel may be assigned. Each public defender and regional counsel must report, in the aggregate, the basis of all conflicts of interest certified to the court on a quarterly basis.

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

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

The Cross-Jurisdictional Death Penalty Pilot Program is established within the Office of Criminal Conflict and Civil Regional Counsel (CCCRC) of the Second Appellate District. If the public defender for the Fifth Judicial Circuit or the Ninth Judicial Circuit is unable to provide representation to an indigent defendant charged with a capital crime due to a conflict of interest and the CCCRC of the Fifth Appellate District, the entity having jurisdiction for these two circuits, is also unable to provide representation due to a conflict of interest, the CCCRC of the Second Appellate District, through this pilot program shall be appointed. This provides another layer of CCCRC conflict representation for capital cases before a case must be assigned to private counsel. The CCCRC of the Second Appellate District must provide a report on the implementation of the pilot project 30 days after the end of each calendar quarter.

Section 58 amends s. 27.5304, F.S., to increase, for the 2020-2021 fiscal year, the statutory compensation limits for fees paid to court-appointed attorneys in noncapital, nonlife felony and life felony cases. The Legislature is authorized to establish the actual amounts paid to attorneys in these categories in the GAA for Fiscal Year 2020-2021.

In addition, court-appointed counsel may be compensated only in compliance with ss. 27.40(1), (2)(a), (7), F.S., 27.5304, F.S., and the GAA. The JAC is required to review all billings and must contemporaneously document its review before authorizing payment to an attorney. Objections by the JAC to billings by an attorney are required to be presumed correct by a court unless the court determines, in writing, that competent and substantial evidence supports overcoming the presumption. Motions to exceed the flat fee are required to be served on the JAC at least 20 business days before the hearing date, and the JAC may appear at the hearing in person or telephonically.

Section 59 provides that the amendments to s. 27.40(1), (2)(a), (3)(a), (5), (6), and (7), F.S., and s. 27.5304(1), (3), (7), (11), and (12)(a) – (e) expire on July 1, 2021, and the text of those provisions reverts to that in existence on June 30, 2019.

Section 60 requires clerks to pay costs of compensation to jurors, for meals or lodging provided to jurors, and for jury-related personnel costs that exceed funding in the GAA for these purposes.

Section 61 reenacts s. 318.18(19), F.S., for Fiscal Year 2020-2021, to require the deposit of certain funds into the Indigent Criminal Defense Trust Fund instead of the Public Defenders Revenue Trust Fund.

Section 62 reenacts s. 817.568(12)(b), F.S., to require the deposit of certain funds into the Indigent Criminal Defense Trust Fund instead of the Public Defenders Revenue Trust Fund.

Section 63 provides that the amendments to ss. 318.18(19) and 817.568(12)(b), F.S., expire July 1, 2021, and the text of those provisions reverts to that in existence on June 30, 2018.

Section 64 amends section 20.316 Florida Statutes, to establish a new program entitled “Accountability and Program Support” within the Department of Juvenile Justice (DJJ), and removes the phrase “and Victim Services” from the name of the “Prevention” program.

Section 65 provides that the amendments to s. 20.316 (2) and (3), expire on July 1, 2021, and the text of those provisions reverts to that in existence on June 30, 2020.

Section 66 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, 2023.

Section 67 continues the online procurement system transaction fee authorized in ss. 287.042(1)(h)1. and 287.057(22)(c), F.S., at 0.7 percent for the 2020-2021 fiscal year.

Section 68 prohibits an agency from transferring funds from a data processing category to any category other than another data processing category.

Section 69 authorizes the Executive Office of the Governor (EOG) to transfer funds in the specific appropriation category “Data Processing Assessment – Department of Management Service” between agencies, in order to align the budget authority granted with the assessments that must be paid by each agency to the DMS.

Section 70 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 71 authorizes the EOG to transfer funds in the appropriation category “Special Categories - Transfer to DMS - Human Resources Services Purchased per Statewide Contract” of the GAA for Fiscal Year 2020-2021 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 72 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 membership and the procedures for executive steering committee meetings and decisions.

Section 73 amends section 29 of Chapter 2019-118, Laws of Florida, relating to the Florida Cybersecurity Task Force to extend the expiration date of the task force from January 1, 2021, to May 1, 2021, and the due date of the final report from November 1, 2020, to February 1, 2021.

Section 74 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 Department of Environmental Protection (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 identified specifically.

Section 75 amends s. 215.18, F.S., to authorize the Governor to temporarily transfer moneys, from one or more of the trust funds in the State Treasury, to a land acquisition trust fund (LATF) within the Department of Agriculture and Consumer Services, the DEP, the Department of State, or the Fish and Wildlife Conservation Commission, whenever there is a deficiency that would render the LATF temporarily insufficient to meet its just requirements, including the timely payment of appropriations from that trust fund. These funds must be expended solely and exclusively in accordance with Art. X, s. 28 of the State Constitution. This transfer is a temporary loan, and the funds must be repaid to the trust funds from which the moneys are

loaned by the end of the 2020-2021 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 76 provides that, in order to implement specific appropriations from the land acquisition trust funds within the Department of Agriculture and Consumer Services, the DEP, the Fish and Wildlife Conservation Commission, and the Department of State, the DEP will transfer a proportionate share of revenues in the Land Acquisition Trust Fund within the DEP on a monthly basis, after subtracting required debt service payments, to each agency and retain a proportionate share within the Land Acquisition Trust Fund within the DEP. Total distributions to a land acquisition trust fund within the other agencies may not exceed the total appropriations for the fiscal year. The section further provides that DEP may advance funds from the beginning unobligated fund balance in the Land Acquisition Trust Fund to LATF within the Fish and Wildlife Conservation Commission for cash flow purposes.

Section 77 amends s. 375.041, F.S., to provide that the distribution from the Land Acquisition Trust Fund for restoration of Lake Apopka for the 2020-2021 fiscal year not occur.

Section 78 amends s. 570.441(4), F.S., to extend the sunset date from June 30, 2020, to July 1, 2021, to authorize the Department of Agriculture and Consumer Services to use money deposited in the Pest Control Trust Fund to carry out any of the powers of the Division of Agricultural Environmental Services.

Section 79 reenacts the amendment to s. 570.93, F.S., for Fiscal Year 2020-2021, to revise the agricultural water conservation program to enable cost-share funds to continue to be used for irrigation system retrofits and mobile irrigation lab evaluations. The revision also permits the funds to be expended on additional water conservation activities pursuant to s. 403.067(7)(c), F.S.

Section 80 provides that the amendment to s. 570.93(1)(a), F.S., expires July 1, 2021, and the text of that paragraph reverts to that in existence on June 30, 2019.

Section 81 amends s. 527.07(1), F.S., to revise the requirement for labeling petroleum measuring devices that have been inspected by the Department of Agriculture and Consumer Services.

Section 82 amends s. 259.105, F.S., to provide for distribution a specified amount from the Florida Forever Trust to the Florida Recreation Development Assistance Program within the DEP.

Section 83 amends s. 376.3071, F.S., to revise the requirements for the usage of the Inland Protection Trust Fund for ethanol and biodiesel damage to petroleum tanks.

Section 84 provides that the amendment to s. 376.3071, F.S., expires July 1, 2021, and the text of that paragraph reverts to that in existence on June 30, 2020.

Section 85 clarifies that rulemaking regarding water quality monitoring for Everglades restoration purposes is limited to procedures to implement water quality monitoring required in lieu of implementation of best management practices or other measures. The Department of Environmental Protection is to replace existing rule 40E-61, Florida Administrative Code. This section is to expire July 1, 2021.

Section 86 amends s. 321.04, F.S., to provide that for the 2020-2021 fiscal year, the Department of Highway Safety and Motor Vehicles may assign a patrol officer to a Cabinet member if the department deems such assignment appropriate or if requested by such Cabinet member in response to a threat. Additionally, the Governor may request the department to assign one or more highway patrol officers to the Lieutenant Governor for security services.

Section 87 amends s. 420.9079, F.S., relating to the Local Government Housing Trust Fund, to allow funds to be used as provided in the GAA for Fiscal Year 2020-2021.

Section 88 amends s. 420.0005, F.S., relating to the State Housing Trust Fund, to allow funds to be used as provided in the GAA for Fiscal Year 2020-2021.

Section 89 amends s. 288.0655, F.S., relating to the Rural Infrastructure Fund, to provide that funds appropriated for the grant program for Florida Panhandle counties shall be distributed pursuant to and for the purposes described in the proviso language associated with Specific Appropriation 2280 of the GAA for Fiscal Year 2019-2020.

Section 90 amends s. 338.2278(8)(g), F.S., to allow funds provided in that subsection to the Transportation Disadvantaged Trust Fund in Fiscal Year 2019-2020 to be used as provided in the GAA for Fiscal Year 2020-2021. The bill also extends the date by which each corridor task force must submit its final report from October 1 to November 15, 2020.

Section 91 provides that these changes to s. 338.2278, F.S., expire on July 1, 2021.

Section 92 amends s. 288.80125, F.S., relating to the Triumph Gulf Coast Trust Fund, to provide that funds shall be used for the Rebuild Florida Revolving Loan Fund Program to provide assistance to businesses impacted by Hurricane Michael as provided in the GAA.

Section 93 amends s. 339.135(7)(g), F.S., to authorize the chair and vice chair of the Legislative Budget Commission to approve, pursuant to s. 216.177, F.S., the following work program amendments if a commission meeting cannot be held within 30 days of submittal of the amendment by the Department of Transportation:

- A work program amendment that transfers fixed capital outlay appropriations between categories or increases appropriation categories.

- A work program amendment that adds a new project, or a phase of a new project, in excess of \$3 million.

Section 94 amends s. 339.63, F.S., to maintain certain projects in the Strategic Intermodal System prior to the designation change in May 2019 for which construction has commenced but is not completed.

Section 95 amends s. 112.061, F.S., to authorize a lieutenant governor who permanently resides outside of Leon County to designate an official headquarters in his or her county as his or her official headquarters for purposes of s. 112.061, F.S. A lieutenant governor for whom an official headquarters in his or her county of residence is established may be paid travel and subsistence expenses when travelling between their official headquarters and the State Capitol to conduct state business.

Section 96 amends s. 216.292(2)(a), F.S., to grant broader legislative review of any “five percent” budget transfers. For the 2020-2021 fiscal year, the review must ensure the proposed action maximizes the use of available and appropriate trust funds, does not exceed delegated authority and is not contrary to legislative policy and intent.

Section 97 requires the DMS to maintain and offer during Fiscal Year 2020-2021 for the State Group Health Insurance Program the standard and high deductible PPO and HMO plans which are offered during Fiscal Year 2019-2020, notwithstanding s. 110.123(3)(f) and (j), F.S.

Section 98 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 GAA or by the Legislative Budget Commission.

Section 99 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 of Representatives appropriations committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after receiving notice of the action, pursuant to s. 216.177, F.S. This requirement applies to state employee reassignments regardless of which agency (sending or receiving) is responsible for pay and benefits of the assigned employee.

Section 100 maintains legislative salaries at the July 1, 2010, level.

Section 101 reenacts s. 215.32(2)(b), F.S., in order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2020-2021 GAA.

Section 102 reverts the language of s. 215.32(2)(b), F.S., to the text in effect on June 30, 2011.

Section 103 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 104 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 \$225 per day. An employee may expend his or her own funds for any lodging expenses in excess of \$225 per day. Exempts travel for conducting an audit, examination, inspection or investigation or travel activities relating to a litigation or emergency response.

Section 105 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 106 requires all new state contracts and amended contracts entered on or after July 1, 2020, to authorize public agencies to inspect: a) financial records and documents directly related to the performance of the contract or public expenditures; and b) programmatic records and documents of the contractor which the public agency determines are necessary to monitor performance of the contract or ensure the contract terms are being met. Contractors are required to provide the requested records and documents within 10 business days after the request by the public agency.

Section 107 creates s. 14.25, F.S., to authorize the Governor to award the "Governor's Medal of Freedom" to any person who has made an especially meritorious contribution to the State of Florida or other significant public or private endeavors.

Section 108 creates Local Government Efficiency Task Force within the Legislature to review the governance structure and function of local government and determine if changes are necessary to make such governments more efficient. Requires report to the Governor, President of the Senate and Speaker of the House of Representatives by June 1, 2021.

Section 109 specifies that no section of the bill shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 110 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 111 provides a severability clause.

Section 112 provides effective dates.

If approved by the Governor, these provisions take effect July 1, 2020, except where otherwise expressly provided.

Vote: Senate 32-0; House 104-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5005 — Collective Bargaining

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

HB 5005, relating to collective bargaining, resolves the collective bargaining issues at impasse between the State of Florida and the bargaining representatives for state employees for the 2020-2021 fiscal year that have not been resolved in the General Appropriations Act or other legislation.

The bill does not change substantive law.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 32-0; House 104-0

Committee on Appropriations

CS/HB 7097 — Taxation

by Appropriations Committee; Ways and Means Committee; and Rep Avila and others

The bill contains provisions for tax relief, changes to tax policy, and changes to tax administration.

Sales Tax Holidays

- The bill provides a 3-day “back-to-school” tax holiday from August 7, 2020, through August 9, 2020, for certain clothing, school supplies, and personal computers.
- The bill provides a 7-day “disaster preparedness” tax holiday from May 29, 2020, through June 04, 2020, for specified disaster preparedness items.

Insurance Premium Tax

- The bill reduces the tax rate applied to surplus lines policies from 5 percent to 4.94 percent and applies that rate to all policies, regardless of the location of the risk.

Ad Valorem Tax

- The bill limits a charitable hospital’s property tax exemption to the amount of community benefits provided by the hospital.
- The bill updates the qualifying operations for the deployed servicemember property tax exemption.
- The bill prohibits the use of a special magistrate’s appraisal as evidence at value adjustment board hearings in a year that the special magistrate serves the board.
- The bill restricts information that may be mailed with the annual Notice of Proposed Property Taxes.
- The bill includes as portions of exempt affordable housing property vacant units and units occupied by persons or families that met the qualifying income thresholds at the time they began their tenancy, but whose income grew through the income thresholds.
- The bill exempts from property tax an affordable housing project owned by a limited liability company, which is also owned by a limited liability company, if the owner of the second limited liability company is a qualifying 501(c)(3) entity.

Sales Surtaxes

- The bill limits future levies of the Charter County Transportation System Surtax to 30 years.
- The bill requires that School Capital Outlay sales surtaxes approved in the future be proportionately shared with charter schools.
- The bill includes contributions to scholarship funding organizations as tax liabilities for purposes of refunds of corporate income tax required by s. 220.1105, F.S.

Local Impact Fees

- The bill exempts new school construction projects funded solely through local impact fees from the total cost per student station limitation.

Tourist Development Tax

- The bill increases the population limit under which a county is authorized to use its tourist development tax revenues for zoological parks, fishing piers, and nature centers from 750,000 to 950,000.

Section 179D, Internal Revenue Code

- The bill prohibits an owner of a public building from soliciting any payment for providing the allocation letter needed to receive a federal income tax deduction for energy efficient construction.

Tax Administration

- The bill makes changes to property tax roll classifications and required statistical measurements; provides flexibility in property tax noticing requirements during declared states of emergency; extends the time to provide documentation relating to certain boat and aircraft sales; extends the time property owners affected by Hurricane Michael may begin rebuilding and retain their prior assessment limitation; increases bond limits for certain bonds required of motor fuel dealers; amends the penalty for mislabeling dyed diesel fuel; requires certain payment settlement entities to provide a federal tax form to the Department of Revenue; and provides procedures for local governments to update business addresses and provides procedures for correcting local government distributions.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 36-2; House 104-8

Committee on Banking and Insurance

CS/SB 292 — Insurance Claims Data

by Banking and Insurance Committee and Senator Broxson

The bill requires admitted and nonadmitted insurance carriers to provide a loss run statement to an insured within 15 days of receipt of a written request submitted by the insured. For personal lines of insurance, an insurance carrier may instead provide the insured with information on how to obtain a loss run statement at no charge through a consumer reporting agency. The insurance carrier must notify the agent of record that the loss run statement was provided electronically or made available through an electronic portal. The loss run statement must include a loss run history for the preceding 5 years or, if the loss run history is less than 5 years, a complete loss run history with the insurance carrier. The bill specifies that an insurance carrier is not required to provide loss reserve information as part of a loss run statement. The insurance carrier may not charge a fee for preparing or annually providing one loss run statement.

If approved by the Governor, these provisions take effect January 1, 2021.

Vote: Senate 39-0; House 117-0

Committee on Banking and Insurance

CS/HB 437 — Nurse Registries

by Insurance and Banking Subcommittee and Rep. Stone and others (CS/SB 880 by Banking and Insurance Committee and Senator Baxley)

The bill specifically authorizes an employer or workers' compensation insurer to use a licensed nurse registry to place authorized, compensable attendant care services for the benefit of an injured worker under the Workers' Compensation Law.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 118-0

Committee on Banking and Insurance

HB 469 — Real Estate Conveyances

by Rep. Duggan (SB 1224 by Senators Simmons and Gruters)

The bill provides that no subscribing witnesses are required for a lease of real property or any instrument pertaining to a lease of real property. The bill eliminates the requirement that two subscribing witnesses be present when the lessor, or lessor's lawfully authorized agent, signs a lease with a term of more than 1 year.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 117-0

Committee on Banking and Insurance

CS/HB 529 — Insurance Guaranty Associations

by Insurance and Banking Subcommittee and Reps. Webb, Donalds, and others (CS/SB 898 by Banking and Insurance Committee and Senators Gruters and Broxson)

The bill increases the obligation upon insurer insolvency of the Florida Insurance Guaranty Association (FIGA) for covered claims of an insured condominium association or homeowners association to the amount of each covered property insurance claim less than \$200,000 multiplied by the number of condominium or other residential units, which is a per-unit increase of \$100,000. The bill thus doubles the possible claim payout an insurance consumer could expect to receive upon experiencing both a covered loss and the insolvency of their insurer. The bill also increases the amount of funding available to FIGA through emergency assessments levied against insurers for the payment of claims of insurers rendered insolvent by the effects of a hurricane by authorizing emergency assessments of up to 4 percent of an insurer's net written premiums in this state in any one calendar year, which is an increase from the current limit of 2 percent.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 115-0

Committee on Banking and Insurance

SB 540 — Insurance Guaranty Associations

by Senators Rader and Rouson

The bill allows Florida Insurance Guaranty Association (FIGA) employees to adjust losses if the employee holds or has held within the past 10 years, licensure which allows for the adjustment of such losses. Employees of other guaranty associations may also adjust losses for FIGA if such employees maintain the appropriate experience and training for adjusting such claims. The use of other state's guaranty association employees must be done pursuant to a contract between FIGA and the employee's guaranty association or the guaranty association's authorized representative.

The bill clarifies that the assessment due from FIGA and Florida Workers' Compensation Insurance Guaranty Association (FWCIGA) member insurers will be a uniform percentage of premium collected instead of a proportion of the total net direct written premium for the prior calendar year.

The bill establishes that assessment installment payments made by FIGA member insurers may be made quarterly rather than monthly.

The bill clarifies the method by which assessments are levied against insurers and collected by FWCIGA related to policy deductibles and to retrospectively rated policies.

The bill provides FWCIGA with the authority to audit reports from insurers regarding payments made to FWCIGA and the amount collected from policyholders. The bill clarifies that assessments paid that are required to be remitted by the insurer prior to the insurer surcharging policyholders constitute advances of funds to FWCIGA, to allow for proper accounting treatment.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 116-0

Committee on Banking and Insurance

CS/CS/HB 747 — Coverage for Air Ambulance Services

by Health and Human Services Committee; Health Market Reform Subcommittee; and Rep. Williamson and others (CS/CS/CS/SB 736 by Rules Committee; Health Policy Committee; Banking and Insurance Committee; and Senator Diaz)

The bill requires health insurers and health maintenance organizations (HMOs) to provide reasonable reimbursement to air ambulances for covered services. The bill defines the term, “reasonable reimbursement,” to mean reimbursement that considers the direct cost to provide air ambulance transportation service to an insured or subscriber, the operation of an air ambulance service by a county that operates entirely within a designated area of critical state concern, and the in-network reimbursement established by the insurer or HMO for the specific policy or contract.

The bill provides that reasonable reimbursement may be reduced only by applicable copayments, coinsurance, and deductibles. Further, the bill provides that payment in full by the insured or subscriber of his or her cost-sharing obligations constitutes an accord and satisfaction of, and a release of, any claim for monies owed by the insured or subscriber in connection with the air ambulance service.

Currently, patients who are transported by air ambulance providers that are outside of provider networks of their respective insurer or HMO are at financial risk for balance billing, which is the difference between prices charged by providers and the payment rates established by insurers or HMOs. Any balance billing incurred by a patient is in addition to copayments or other types of cost-sharing typically paid under the insurance policy or HMO contract.

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

Vote: Senate 37-0; House 117-0

Committee on Banking and Insurance

SB 1092 — Fire Prevention and Control

by Senators Bean and Perry

The bill creates the Firefighter Cancer Decontamination Equipment Grant Program within the Division of the State Fire Marshal to provide financial assistance to qualifying fire departments to help procure equipment, supplies, and educational training material designed to mitigate exposure to hazardous, cancer-causing chemicals.

The bill authorizes the State Fire Marshal to adopt rules and procedures to administer the program, including for the approval of applications and development of need-based criteria. Need-based criteria must include, but are not limited to, the decontamination equipment and supply needs of the fire department, the financial needs of the fire department, and the level of nonstate matching funds proposed in the application.

The bill requires grant recipients to:

- Obtain a minimum 25 percent nonstate funds;
- Report their activity to the Division of State Fire Marshal for submission in the Fire and Emergency Incident Information Reporting System;
- Comply with the Florida Firefighters Occupational Safety and Health Act; and
- Comply with any other rule determined by the State Fire Marshal to effectively implement, administer, and manage the program.

For Fiscal Year 2020-2021, the bill appropriates \$250,000 in general revenue funds to implement the program.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 118-0

Committee on Banking and Insurance

HB 1189 — Genetic Information for Insurance Purposes

by Reps. Sprowls, Williamson, and others (CS/CS/SB 1564 by Judiciary Committee; Banking and Insurance Committee; and Senator Stargel)

The bill provides that life insurers and long-term care insurers may not cancel, limit, or deny coverage or establish differentials in insurance rates based on genetic information. Such insurers also may not require or solicit genetic information, use genetic test results, or consider a person's decisions or actions relating to genetic testing in any manner for any insurance purpose. The bill applies to life insurers and long-term care insurers the existing prohibitions that apply to health insurers.

The bill specifies that these prohibitions do not prevent a life insurer or long-term care insurer from accessing an individual's medical record as part of an application exam or considering a medical diagnosis included in the medical record, even if a diagnosis was made based on the results of a genetic test.

The bill applies to policies entered into or renewed on or after January 1, 2021.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 35-3; House 110-0

Committee on Banking and Insurance

CS/HB 1409 — Pub. Rec./Records of Insurers/Department of Financial Services

by Oversight, Transparency and Public Management Subcommittee and Rep. Grant, M.
(CS/CS/SB 1188 by Rules Committee; Governmental Oversight and Accountability Committee;
and Senator Albritton)

The bill creates s. 631.195, F.S., to provide a public records exemption for the personal financial and health information of insurance consumers, along with sensitive underwriting, personnel, payroll, and consumer claim information held by the Department of Financial Services pursuant to its receivership duties related to insolvent insurers. Since these records are exempt under current law when held by the Office of Insurance Regulation during the course of regular supervision, the bill creates parity for policyholders and claimants regardless of the solvency of their insurance provider. The bill provides that this exemption applies retroactively to those records held by DFS prior to bill taking effect, as well as those held by DFS on or after that date. Records made confidential and exempt by the bill may be released under specified circumstances.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-1; House 118-0

Committee on Banking and Insurance

CS/CS/HB 1439 — Bank Property of Deceased Account Holders

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Yarborough (CS/CS/SB 380 by Judiciary Committee; Banking and Insurance Committee; and Senator Baxley)

The bill authorizes a financial institution to pay the family member of a deceased deposit account holder, without any additional court proceeding, order, or judgment authorizing the payment, the funds on deposit in all qualified accounts, if the total amount of such funds does not exceed \$1,000. The bill allows family members of a deceased deposit account holder to claim such funds upon presentation of the decedent's death certificate and an affidavit stating that the family member is entitled to the funds, that he or she is not aware of a will, that a personal representative has not been appointed to administer the estate, that no probate proceeding has commenced for the account holder's estate, and that he or she expressly accepts liability for the disbursement of the funds. The bill provides criminal penalties for making a false statement in the affidavit, classifying such action as theft. The bill releases a financial institution from liability upon its disbursement of funds to an affiant and expressly provides that the financial institution is not required to verify the content of the affidavit.

The bill also authorizes the distribution of small intestate estates without probate administration or other "formal proceedings." "Small intestate estates" means estates consisting of personal property exempt from creditor claims under the Florida Constitution or exempt under s. 732.402, F.S., and nonexempt personal property that does not exceed the sum of \$10,000 and the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness. To claim the property of these estates, an heir of a person who has been deceased for at least one year must file an affidavit with the court, which in turn provides the heir with a letter authorizing anyone holding the decedent's property to release it to the heir. The required content of the affidavit is designed to demonstrate to the court that the rights of any creditors and other heirs are and will be protected.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 115-0

Committee on Banking and Insurance

CS/CS/SB 1606 — Insurance Administration

by Infrastructure and Security Committee; Banking and Insurance Committee; and Senator Perry

The bill:

- Requires that an electronic signature used to satisfy the signature requirement for a salvage certificate of title must be executed using a system providing a Level 2 authentication level;
- Allows workers' compensation benefits to be transmitted to the employee's account with a licensed money transmitter;
- Requires authorized insurers to file with the Department of Financial Services (DFS) the name and e-mail address of the person who will receive civil remedy notices and requires the DFS to provide civil remedy notices to the designated e-mail address;
- Requires the applicable statute of limitations for statutory bad faith actions to be tolled for 60 days after the date appraisal is invoked in a residential property insurance claim;
- Changes the amount of time the applicable statute of limitations for statutory bad faith actions is tolled pursuant to the civil remedy notice from 65 days after mailing of the notice to 60 days after the insurer receives the notice from the DFS;
- Prohibits the DFS and the Office of Insurance Regulation (OIR) from disseminating aggregated information if it contains trade secret information that can be individually extrapolated;
- Provides that when the OIR periods for reviewing specified rates and forms end on a weekend or holiday, the period is extended until the conclusion of the next business day;
- Clarifies that the condominium unit owner's property loss assessment coverage in effect one day before the date of an occurrence that resulted in a loss is the applicable coverage for the loss; and
- Reduces from 60 days to 30 days the period during which an insurer may not cancel a new policy or binder of private passenger motor vehicle insurance except for the disallowance of the initial premium payment.

The bill creates a new chapter to regulate the transaction of travel insurance based on the National Association of Insurance Commissioners (NAIC) Model Act. The chapter:

- Provides definitions;
- Requires that travel insurers pay the premium tax under s. 624.509, F.S.;
- Provides standards for offering travel protection plans providing travel insurance, travel assistance waivers, and cancellation fee waivers;
- Provides sales practice standards requiring that all documents provided to the consumer are consistent with the travel insurance policy, requiring specified disclosures, allowing the purchaser a right of cancellation, and prohibiting violations of the chapter or the Unfair Insurance Trade Practices Act;
- Requires that a travel administrator must be a licensed and appointed property and casualty insurance producer in this state, a licensed insurance agency appointed as a managing general agency in this state, or hold a valid third-party administrator license in this state;

- Classifies travel insurance generally under the inland marine line of insurance, though travel insurance providing coverage for sickness, accident, disability, or death may be classified and filed as an accident and health line of insurance or inland marine insurance; and
- Provides rulemaking to administer the chapter.

The bill provides that a person may not act as a limited licensed travel insurance producer unless properly licensed, and may not act as a travel retailer unless properly registered. Travel insurance producers are licensed to sell, solicit, or negotiate travel insurance through a licensed insurer. Travel retailers are business entities that make, arrange, or offer planned travel, and may offer and disseminate travel insurance.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 116-0

Committee on Banking and Insurance

HB 7003 — OGSR/Payment Instrument Transaction Information/Office of Financial Regulation

by Oversight, Transparency and Public Management Subcommittee and Rep. Andrade (SB 7014 by Banking and Insurance Committee)

The bill reenacts and saves from repeal the public records exemption in s. 560.312, F.S., which protects certain payment transaction information held by the Office of Financial Regulation (OFR) in accordance with its statutory duties to maintain a check cashing database. In order to curtail fraudulent check cashing activity, the OFR requires check cashers to submit both personal identifying information and business transaction records to this database. Release of this information may reveal sensitive, personal financial information about payees and conductors which is traditionally private, and could be used by competitors to harm one another in the marketplace. Thus, the Legislature found it to be a public necessity that payment transaction information held by the OFR in the database which identifies a licensee, payor, payee, or conductor continue to be confidential and exempt from public records disclosure requirements.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 40-0; House 117-0

Committee on Community Affairs

CS/CS/HB 133 — Towing and Immobilizing Vehicles and Vessels

by State Affairs Committee; Business and Professions Subcommittee; and Rep. McClain (CS/CS/SB 1332 by Infrastructure and Security Committee; Community Affairs Committee; and Senator Hooper)

The bill makes several changes to current law relating to the towing of vehicles and vessels. Under current law, counties and municipalities may independently regulate many aspects of the towing industry through local ordinances. County and municipal governments may contract with one or more “authorized wrecker operators” to tow or remove wrecked, disabled, or abandoned vehicles from streets, highways, and accident sites within their jurisdiction. Once a contract is established, the county or municipality must create a “wrecker operator system” to apportion towing assignments between the contracted wrecker services.

Some local jurisdictions impose an administrative fee on the registered owner of a vehicle when the vehicle is towed in connection with certain misdemeanors or felonies. Additionally, some local jurisdictions, by ordinance or rule, charge wrecker operators and towing businesses licensing and operating fees for the towing and storage of vehicles.

The bill makes the following changes to the towing regulations provided in current law:

- Prohibits a county or municipality from enacting an ordinance or rule that imposes a fee or charge on authorized wrecker operators or towing businesses for performing towing services;
- Authorizes a county or municipality to impose an administrative fee on the registered owner or lienholder of a vehicle or vessel removed and impounded by an authorized wrecker operator or towing business, as long as the fee does not exceed 25 percent of the local jurisdiction’s maximum towing rate. An authorized wrecker operator or towing operator may impose the fee on behalf of the county or municipality, but such fee must only be remitted to the county or municipality after it has been collected;
- Provides that a wrecker operator or towing business who recovers, removes, or stores a vehicle or vessel must have a lien on the vehicle or vessel that includes the value of the administrative fee imposed by a county or municipality;
- Incorporates vessels into the regulatory scheme for the towing of vehicles;
- Defines the term “towing business” to mean a business that provides towing services for monetary gain; and
- Requires tow-away zone notices to be placed within 10 feet from the “road” instead of within 5 feet from the “public right-of-way line.”

The bill exempts certain counties with towing or immobilization licensing, regulatory, or enforcement programs as of January 1, 2020, from the prohibition on imposing a fee or charge on an authorized wrecker operator or a towing business. The counties covered by the exemption are Broward, Palm Beach, and Miami-Dade counties.

If approved by the Governor, these provisions take effect October 1, 2020.
Vote: Senate 34-5; House 81-31

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/CS/SB 140 — Fireworks

by Rules Committee; Banking and Insurance Committee; Community Affairs Committee; and Senators Hutson and Bradley

The bill provides an exemption from the prohibition of fireworks usage during designated holidays. The designated holidays are Independence Day, July 4; New Year's Eve, December 31; and New Year's Day, January 1. Currently, the sale and use of fireworks are generally prohibited in Florida, unless used solely and exclusively in frightening birds from agricultural works and fish hatcheries pursuant to s. 791.07, F.S.

The bill is not intended to provide for the comprehensive regulation of fireworks as described in s. 10(5), ch. 2007-67, L.O.F., or to supersede any local government regulation relating to the use of fireworks. Thus, the bill maintains current prohibitions on the opening of new fireworks permanent retail sales facilities and the issuance of permits for fireworks temporary retail sales facilities in greater numbers than were permitted in 2006, while also preserving the enactment of certain local government ordinances on fireworks.

In addition, the bill is not intended to supersede any fireworks prohibition within executed and recorded covenants or covenants running with the land of a ch. 720, F.S., homeowners' association. However, a homeowners' association, through a board of directors, may not promulgate rules that attempt to abrogate a homeowner's right to use fireworks during a designated holiday or under general law.

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

Vote: Senate 39-0; House 82-34

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

SB 172 — Florida Drug and Cosmetic Act

by Senator Bradley

The bill expressly preempts to the state the regulation of over-the-counter proprietary drugs and cosmetics, which includes sunscreen. Florida law does not currently preempt the regulation of such products; therefore local governments may pass ordinances regulating products like sunscreen as long as such ordinances do not conflict with state or federal law. The bill's preemption provisions would end this local regulation practice.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 25-14; House 68-47

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED

Committee on Community Affairs

CS/CS/HB 279 — Local Government Public Construction Works

by State Affairs Committee; Oversight, Transparency and Public Management Subcommittee; and Rep. Smith, D. and others (CS/CS/SB 504 by Rules Committee; Governmental Oversight and Accountability Committee; and Senator Perry)

Under Florida law, counties, municipalities, special districts, and other political subdivisions seeking to construct or improve a public building or structure must competitively bid the project if the projected cost is in excess of \$300,000. For electrical work, local governments must competitively bid projects estimated to cost more than \$75,000. An exemption from the requirement to competitively award these projects exists when the governing board of a local government determines that it is in the public's best interest to use services, employees, and equipment controlled by the government entity.

The bill reforms how local governments must estimate the projected costs of a public building construction project. Local governments must use a revised cost estimation formula when deciding whether it is in the local government's best interest to perform the project using its own services, employees, and equipment. The bill requires the estimated project cost formula to include employee compensation and benefits, the cost of direct materials to be used in the construction of the project, including materials purchased by the local government, other direct costs, and an additional factor of 20 percent for management, overhead, and other indirect costs. The bill also requires local governments to consider the same formula when determining the estimated cost of road and bridge construction and reconstruction projects performed with proceeds from the constitutional gas tax.

The bill also requires local governments issuing bidding documents or other requests for proposals to provide a list of all other governmental entities that may have additional permits or fees generated by a project.

Finally, a local government constructing a public building using its own services, employees, and equipment must create a report summarizing the project constructed by the local government, which must be publicly reviewed each year by the local government. The Auditor General must also examine the project reports as part of his or her audits of local governments.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 36-1; House 114-1

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

HJR 369 — Limitations on Homestead Assessments

by Rep. Roth and others (SJR 146 by Senator Brandes)

The joint resolution proposes an amendment to the State Constitution to extend by one year the period during which a person may transfer up to \$500,000 of accumulated Save Our Homes benefit from a prior homestead property to a new homestead property.

In 1992, Florida voters approved the Save Our Homes amendment to the State Constitution, which limits the amount that the assessed value of a homestead property may increase annually to the lesser of 3 percent or the percentage increase in the Consumer Price Index. The accumulated difference between the assessed value and the just value is the Save Our Homes benefit.

In 2008, Florida voters further amended the State Constitution to provide for the portability of the accrued benefit under the Save Our Homes assessment limitation. To transfer the Save Our Homes benefit, the homestead owner must establish a new homestead within two years of January 1 of the year she or he abandoned the old homestead.

The proposed constitutional amendment provides that the Save Our Homes benefit can be transferred to a new homestead if the new homestead is established by January 1 of the third year subsequent to abandonment of the old homestead.

The amendment proposed in the joint resolution will take effect on January 1, 2021, if approved by at least 60 percent of voters during the 2020 general election.

If approved by the voters, these provisions take effect January 1, 2021.

Vote: Senate 39-0; House 118-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

HB 371 — Limitations on Homestead Assessments

by Rep. Roth and others (CS/SB 148 by Community Affairs Committee and Senator Brandes)

The bill is the implementing bill for SJR 369, which proposes an amendment to the State Constitution to extend by one year the period during which a person may transfer up to \$500,000 of accumulated Save Our Homes benefit from a prior homestead property to a new homestead property.

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The bill provides that the Save Our Homes benefit can be transferred to a new homestead if the new homestead is established by January 1 of the third year subsequent to abandonment of the old homestead.

If approved by the Governor, this provision first applies to the 2021 tax roll, contingent upon approval by the electors of the proposed amendment to the State Constitution.

Vote: Senate 39-0; House 118-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED

Committee on Community Affairs

CS/CS/SB 410 — Growth Management

by Rules Committee; Community Affairs Committee; and Senator Perry

Under current law, local governments create and adopt local comprehensive plans, which control and direct the use and development of property within a county or municipality. The Department of Economic Opportunity (DEO) is the state land planning agency and is tasked with overseeing the comprehensive plan system. However, local governments in the state retain ample independence in the substance of land use regulation of private property within their jurisdictions. The bill amends various sections of Florida law related to the regulation of land, which is commonly referred to as growth management.

Property Rights Element

The bill requires all local governments to incorporate a property rights element into their comprehensive plans by the earlier of a local government's next proposed comprehensive plan amendment or July 1, 2023. A local government may adopt its own property rights element or use the model language provided in the bill. The bill specifies that the property rights element is to ensure local governments consider private property rights in local decisionmaking.

Comprehensive Plans

The bill amends current law to clarify that all local comprehensive plans *effective* (rather than *adopted*) after January 1, 2019, and all land development regulations adopted to implement the plan, must incorporate development orders existing before the plan's effective date.

The bill also provides that, after January 1, 2020, a county may not:

- Adopt any comprehensive plan, land development regulation, or another form of restriction that limits the use of property located within a municipality, unless the municipality adopts such land use policies through its own ordinances; or
- Limit a municipality from deciding the land uses, density, and intensity allowed on lands annexed into a municipality.

However, this prohibition on counties does not apply to charter counties with a population in excess of 750,000 as of January 1, 2020.

Municipal Annexation

The bill provides that, except as otherwise provided in current law governing municipal annexation of geographic areas, a municipality may not annex a territory within another municipal jurisdiction without the other municipality's consent.

DEO Technical Assistance Grants

The bill directs DEO, when selecting applications for Community Planning Technical Assistance Grants, to give preference to certain small counties and municipalities located near a proposed multi-use corridor interchange. Such grants may be used to assist those local governments in

amending or developing its comprehensive plan to implement appropriate land uses around a proposed multi-use corridor interchange.

Altering a Development Agreement

The bill provides that a development agreement between a local government and a party, or its designated successor in interest, may be amended or canceled without securing the consent of the parcel owners that were originally subject to the development agreement, unless the amendment directly modifies the land uses of an owner's property.

Department of Transportation; Surplus Property

The bill requires the Florida Department of Transportation, when disposing of surplus real property, to give the prior owner of the property the right of first refusal to purchase the property.

Utility Right-of-Way Permitting

The bill provides that all permit applications to a county or municipality to use the public right-of-way for any utility must be processed within the expedited timeframe that currently applies to permit applications submitted for communications facilities.

Development of Regional Impact Amendments

The bill allows for the amendment of any Development of Regional Impact agreement previously classified as (or officially determined to be) essentially built out, and entered into on or before April 6, 2018. Any such amendment may authorize the developer to exchange approved land uses, so long as the exchange will not increase impacts on public facilities.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 23-16; House 71-43

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/SB 712 — Environmental Resource Management

by Appropriations Committee; Community Affairs Committee; and Senators Mayfield, Harrell, Albritton, and Bradley

The “Clean Waterways Act” addresses a number of environmental issues including several provisions specifically related to water quality improvement.

Onsite Sewage Treatment and Disposal Systems (Septic Systems)

The bill transfers the Onsite Sewage Program from the Department of Health (DOH) to the Department of Environmental Protection (DEP) starting in 2021. The bill creates a temporary septic technical advisory committee within DEP.

The bill requires local governments to create septic remediation plans for certain basin management action plans (BMAPs). The bill also requires DEP to implement a fast track-approval process for NSF/ANSI 245 nutrient reducing septic systems and revises provisions relating to septic system setback rules.

Wastewater Treatment

The bill requires local governments to create wastewater treatment plans for certain BMAPs but authorizes different cost options for projects that meet pollution reduction requirements.

The bill creates a wastewater grant program that allows DEP to provide grants for projects within BMAPs, alternative restoration plans, or rural areas of opportunity that will reduce excess nutrient pollution. The bill prioritizes funding for certain wastewater projects in the grant program, the State Revolving Loan Fund Program, and the Small Community Sewer Construction Assistance Program.

The bill prohibits, beginning July 1, 2025, wastewater treatment facilities from discharging into the Indian River Lagoon without providing advanced waste treatment. The bill imposes new requirements on wastewater facilities and DEP to prevent sanitary sewer overflows and underground pipe leaks.

Stormwater

The bill requires DEP to: update its stormwater design and operation rules and Environmental Resource Permit Applicant’s Handbook; make revisions to its local pollution control staff training; evaluate the self-certification process for the construction, alteration, and maintenance of a stormwater management system; and revise the model stormwater management program.

Agriculture

The bill requires the Department of Agriculture and Consumer Services (DACS) to perform onsite inspections at least every 2 years of agricultural producers enrolled in best management practices (BMPs). DACS must prioritize inspections for producers in the BMAPs for Lake Okeechobee, the Indian River Lagoon, the Caloosahatchee River and Estuary, and Silver Springs.

The bill creates a cooperative agricultural regional water quality improvement element as part of a BMAP in areas where agriculture is a significant source of pollution. Projects under the element could include conservation easements and dispersed water management. The bill authorizes legislative budget requests to fund these projects and requires DEP to allocate at least 20 percent of the funds it receives for projects in areas with the highest nutrient concentrations.

The bill requires DACS, in coordination with the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) and other academic institutions, to annually develop research plans and legislative budget requests to address agricultural runoff.

Biosolids

The bill requires enrollment in DACS's BMP program and prohibits the application of Class A or Class B biosolids within 6 inches of the seasonal high water table, unless a nutrient management plan and water quality monitoring plan provide reasonable assurances that the application will not cause or contribute to water quality violations. Permits will have to comply with the statute within two years and with DEP's biosolids rule within two years of it becoming effective. The bill allows local governments to keep existing biosolids ordinances.

Fines and Penalties

The bill doubles the fines for wastewater violations and increases the cap on total administrative penalties that may be assessed by DEP from \$10,000 to \$50,000 and the cap per violator from \$5,000 to \$10,000.

Water Quality Monitoring

The bill requires DEP to establish a real-time water quality monitoring program, subject to appropriation.

Bottled Water

The bill requires DEP to conduct a study on the bottled water industry in the state.

Rights of Nature

The bill prohibits local governments from providing legal rights to any plant, animal, body of water, or other part of the natural environment unless otherwise specifically authorized by state law or the State Constitution.

Golf Courses

The bill requires DEP to work with UF/IFAS and regulated entities to consider the adoption by rule of BMPs for nutrient impacts from golf courses.

The bill requires DEP to complete rulemaking to implement several provisions and imposes numerous reporting requirements.

If approved by the Governor, these provisions take effect, except as otherwise expressly provided, July 1, 2020.

Vote: Senate 39-0; House 118-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

SB 716 — County Boundaries

by Senator Mayfield

The bill alters the boundary lines of Indian River County and St. Lucie County. These alterations will move a 0.65 acre parcel from St. Lucie County to Indian River County and transfer 5.56 acres of land from Indian River County to St. Lucie County. Owners of the affected parcels indicated their support for the boundary change and each county passed a resolution requesting the Legislature to enact legislation altering the legal descriptions of both counties.

The bill shifts revenues and expenditures between Indian River County and St. Lucie County and the respective school districts. The bill has no impact on state revenues and expenditures.

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

Vote: Senate 38-0; House 116-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

HB 1009 — Special Neighborhood Improvement Districts

by Rep. Newton (SB 1424 by Senator Gruters)

The bill revises provisions relating to the board of directors of Special Neighborhood Improvement Districts (SNIDs). SNIDs are created by county or municipal governing bodies to reduce crime through environmental design, environmental security, or defensible space techniques, or through community policing innovations.

The ordinance creating a SNID must provide for specific features including a referendum before the SNID can be implemented, authorization for the SNID to levy an ad valorem tax, and the appointment of a three-member board of directors.

The bill authorizes the appointment of a three-, five-, or seven-member board and requires the board members to be landowners in the district. The bill also requires counties or municipalities to specify the number of directors in the ordinance creating the SNID.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 113-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED

Committee on Community Affairs

CS/CS/CS/SB 1066 — Impact Fees

by Appropriations Committee; Finance and Tax Committee; Community Affairs Committee; and Senator Gruters

The bill imposes new requirements related to impact fees. Impact fees are charges imposed by local governments against new development to pay for the cost of capital facilities made necessary by such growth. Impact fees must have a reasonable connection, or rational nexus, between 1) the proposed new development and the need and the impact of additional capital facilities, and 2) the expenditure of funds and the benefits accruing to the proposed new development.

Provisions in the bill prohibit the application of a new or increased impact fee to pending permit applications unless the result is to reduce the total impact fees or mitigation costs imposed on the applicant. In addition, the bill provides that impact fee credits are assignable and transferable at any time after establishment within the same impact fee zone or impact fee district, or an adjoining zone or district within the same local jurisdiction that receives benefits from the improvement or contribution that generated the credits.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 36-0; House 81-37

Committee on Community Affairs

CS/CS/HB 1249 — Transfer of Tax Exemption for Veterans

by State Affairs Committee; Local, Federal and Veterans Affairs Subcommittee; and Rep. Sullivan and others (CS/SB 1662 by Community Affairs Committee and Senators Albritton and Broxson)

The State Constitution defines homestead property as one's principal place of residence, including specific amounts of adjoining land. Under the Constitution, Florida provides homestead property owners protection from forced sale by creditors and some ad valorem tax exemptions. Beyond these constitutional provisions, Florida law grants a full ad valorem property tax exemption for homestead property owned by a veteran who sustained a total and permanent service-connected disability. This complete tax exemption for homestead property inures to a qualifying veteran's surviving spouse as long as the property remains the homestead property of the spouse, and the spouse is unmarried.

A veteran or surviving spouse who meets the criteria for the total and permanent disability property tax exemption may claim the exemption if they hold legal title to the homestead on January 1 and file an application requesting the exemption with the county property appraiser on or before March 1. Failure to submit this application by March 1 constitutes a waiver of the exemption for that tax year and the November property tax bill will not reflect a tax exemption. In this tax calendar system, tax-exempt veterans may incur some tax liabilities when selling homestead property and purchasing new homestead property.

The bill allows a totally and permanently disabled veteran, or his or her surviving spouse, who acquires legal or beneficial title to a homestead property between January 1 and November 1 of a given tax year to receive a prorated refund for homestead property taxes paid on the newly acquired property. To qualify for the refund, the veteran or surviving spouse must have received a homestead tax exemption for totally and permanently disabled veterans on another property in the same tax year.

To effectuate the tax refund, the bill requires veterans and surviving spouses claiming the tax exemption to submit an application to the property appraiser of the county in which the new homestead property is located. Upon finding an applicant is entitled to the homestead exemption, a property appraiser must immediately make entries on the tax rolls of the county to allow the prorated refund of taxes for the previous tax year. Veterans and spouses who qualify for the refund will receive the reimbursement in the tax year following the acquisition of a new property.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 108-0

Committee on Community Affairs

CS/CS/CS/HB 1339 — Community Affairs

by Commerce Committee; Ways and Means Committee; Local, Federal and Veterans Affairs Subcommittee; and Rep. Yarborough and others (CS/CS/CS/SB 998 by Appropriations Committee; Infrastructure and Security Committee; Community Affairs Committee; and Senators Hutson and Hooper)

The bill addresses several issues affecting development zoning; bonding activities; impact fees; building inspections; affordable housing; and the regulation, ownership, and tenancy related to mobile homes, mobile home parks, and related homeowners' associations.

With respect to development zoning, bonding activities, and building inspections, the bill includes provisions that:

- Authorize local governments to approve the development of affordable housing on any parcel zoned for residential, commercial, or industrial use;
- Authorize counties and municipalities to adopt affordable housing linkage fee ordinances for residential or mixed-use developments contingent on incentives that fully offset these costs to developers;
- Expand existing bonding activities of the Florida Interlocal Cooperation Act to include making loans to private entities of self-liquidating projects, regardless of where the entities are located;
- Require the reporting of local government impact fee data; and
- Establish that a local government may not audit a private building inspector more than four times a month.

With respect to affordable housing, the bill includes provisions that:

- Require the reporting of local government expenditures for affordable housing;
- Authorize the Florida Housing Finance Corporation (FHFC) to preclude an applicant from further participation in FHFC programs if that applicant made a material misrepresentation or engaged in fraudulent action in connection with program applications;
- Eliminate prior experience with FHFC as a qualifying criterion for financing under the State Apartment Incentive Loan (SAIL) Program;
- Permit FHFC to prioritize a portion of SAIL to provide funding for the development of newly constructed permanent rental housing for persons in foster care or persons aging out of foster care;
- Transition the “pilot” features of a workforce housing program into the Community Workforce Housing Loan Program, administered by FHFC;
- Establish biannual regional workshops for locally elected officials serving on affordable housing advisory committees to identify and share best affordable housing practices;

- Require a State Housing Initiatives Partnership (SHIP) Program participant to include in its annual program report to FHFC the number of affordable housing applications approved and denied; and
- Expand the definition of affordable housing in the SHIP Program to include certain nonprofits who provide affordable supportive housing and community-based coordination services for persons with challenges related to mental health, substance abuse, or domestic violence.

With respect to issues related to mobile homes, mobile home parks, and related homeowners' associations, the bill includes provisions that:

- Allow a mobile home dealer to display a model manufactured home, rather than all homes offered for sale;
- Exempt a recreational vehicle dealer from the garage liability insurance requirements if it only sells park trailers;
- Clarify provisions exempting mobile home park owners from the jurisdiction of the Public Service Commission when the park owners provide water and wastewater;
- Revise when a mobile home park owner can require a mobile home owner to make improvements;
- Require a mobile home park owner to amend the prospectus and increase shared facilities when adding mobile home lots;
- Create a strict prohibition to prevent the park owner from passing on to mobile home owners taxes in an amount in excess of what is actually paid to the tax collector;
- Allow a mobile home park owner to give notice of lot rental increases for multiple anniversary dates at the same time;
- Permit a mobile home park damaged or destroyed by wind, water, or other natural force to be rebuilt on the same site with the same density as was approved, permitted, and built before being damaged or destroyed;
- Allow a mobile home buyer to assume the seller's prospectus or be offered a new prospectus by the park owner;
- Require a mobile home owner to receive written permission from park owner before exterior modifications or additions;
- Require a mobile home park owner to notify the Department of Business and Professional Regulation, who in turn notifies the Florida Mobile Home Relocation Company, when tenants will be evicted due to a change in land use;
- Revise numerous rights, obligations, and record retention requirements of a mobile home park homeowners' association, including how elections are conducted; and
- Require certain disputes between the homeowners' association and a member to be resolved via mandatory binding arbitration at the Department of Business and Professional Regulation.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 101-10

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED

Committee on Community Affairs

CS/SB 1398 — Community Planning

by Rules Committee and Senator Flores

Regional Planning Councils

The bill addresses quorum requirements for meetings of Regional Planning Councils (RPCs) by authorizing RPC members to participate via communications media technology under certain circumstances. The state's 10 RPCs plan for and coordinate intergovernmental solutions to growth-related problems on greater-than local issues. Each RPC consists of anywhere from 3 to 12 counties. The voting membership of a regional planning council must consist of representatives living within the geographical area covered by the council.

While current law allows state agencies and certain entities created by an interlocal agreement to conduct meetings and vote by means of communications media technology, there has been a question over whether or not local boards or agencies may conduct meetings in the same fashion.

The bill provides requirements for establishing a quorum for meetings of regional planning councils when a voting member appears via telephone, real-time video conferencing, or similar real-time electronic or video communication. The member must provide oral, written, or electronic notice of her or his intent to appear via communications media technology to their respective planning council at least 24 hours before the scheduled meeting.

DEO Technical Assistance Grants

The Department of Economic Opportunity (DEO) manages the Community Planning Technical Assistance Grant Program. Under the program, the DEO awards grant funds to assist local governments in developing economic development strategies and in addressing critical local planning issues.

Enacted during the 2019 Regular Session, the Multi-use Corridors of Regional Economic Significance (M-CORES) Program is designed to advance the construction of regional corridors that will accommodate multiple modes of transportation and multiple types of infrastructure. The Florida Department of Transportation has assembled task forces to study M-CORES and to make recommendations regarding the potential local economic and environmental impacts of the corridors.

The bill requires the DEO, when selecting applicants for technical assistance grants, to give preference to certain small local governments located near a proposed M-CORES interchange. Such grants will be used to assist a local government in amending or developing its comprehensive plan to implement appropriate land uses around the proposed interchange.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 113-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED

Committee on Community Affairs

CS/SB 1466 — Government Accountability

by Governmental Oversight and Accountability Committee and Senators Baxley and Broxson

Abuse of Public Office; Special Districts and Community Development Districts

The Florida Code of Ethics contains standards of ethical conduct and disclosures applicable to public officers, employees, candidates, lobbyists, and others in state and local government, with the exception of judges. The Code of Ethics contains several exceptions to what is otherwise considered prohibited conduct. Many of these exceptions apply to board members and employees of special districts and community development districts.

Effective December 31, 2020, Amendment 12 of the 2018 Constitution Revision Commission amended Article II, s. 8, State Constitution, to prohibit a public officer or public employee from abusing his or her public position in order to obtain a “disproportionate benefit.” Pursuant to Amendment 12, the Florida Commission on Ethics adopted Rule 34-18.001, Florida Administrative Code, to define disproportionate benefit and prescribe the requisite intent for finding a violation of the prohibition against abuse of public position.

The bill amends current law to exclude certain acts or omissions by board members or employees of special districts or community development districts from being considered abuse of public position under Article II, s. 8, State Constitution, if such acts or omissions are authorized under specific provisions of the Code of Ethics.

Special District Websites

The bill alters certain information reporting requirements on a special district’s official website. Each special district is required to maintain an official website containing essential information about the district including the posting of its most recent audit report, a public facilities report, and special district meeting or workshop materials.

The bill allows a special district to satisfy the required posting of its most recent audit report on its own website by providing a link to the most recent audit report maintained on the Auditor General’s website. Additionally, the bill removes the requirement for online posting of a special district’s public facilities report and meeting or workshop materials. Required posting of a special district meeting or workshop agenda remains.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 117-0

Committee on Children, Families, And Elder Affairs

CS/HB 43 — Child Welfare

by Health and Human Services Committee and Reps. Latvala, Valdes, and others
(CS/CS/SB 122 by Appropriations Committee; Children, Families, and Elder Affairs Committee;
and Senators Rouson, Berman, Hooper, Book, and Rader)

The bill is titled “Jordan’s Law” and makes a number of changes to the laws related to the child welfare system in an attempt to address issues that were identified in the case of Jordan Belliveau, a two-year old boy who was killed by his mother in Pinellas County in 2018.

The bill requires specified child welfare professionals, circuit and county judges who have responsibility for dependency cases, Guardian ad Litem program staff, and law enforcement officers to receive training developed on the recognition of and response to head trauma and brain injury in children under six years old. Such training for child welfare professionals must be developed by the Child Protection Teams within the Department of Health.

The bill creates a communication process between the Department of Children and Families and law enforcement by requiring the systems used by both agencies to allow the Florida Department of Law Enforcement to make available to law enforcement agencies information that a person is a parent or caregiver involved in the child welfare system. The communication process must be operational by March 1, 2021. The bill further requires that if a law enforcement officer interacts with such a person and has concerns for a child’s health, safety, or well-being, the officer shall contact the Florida central abuse hotline. The hotline must then provide relevant information to individuals involved in the child’s case. Quarterly progress reports are required until all systems enhancements and integrations required to implement these provisions are complete and in production.

The bill also requires third-party credentialing entities that certify child welfare personnel to review the findings and all relevant records involving the death of a child or other critical incident following completion of any reviews by the department, the inspector general, or the Office of the Attorney General if a complaint is filed by an outside party involving certified personnel. This review must assess the certified personnel's compliance with the third-party credentialing entity's published code of ethical and professional conduct and disciplinary procedures. The bill allows credentialing and provides additional duties for the department and third-party credentialing entities.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 113-0

**Committee on Children, Families,
And Elder Affairs**

CS/CS/HB 61 — Adoption Benefits

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Reps. Roth, and others (CS/SB 136 by Appropriations Committee and Senators Bean, Harrell, Perry, and Farmer)

The bill allows certain military veterans and service members who adopt a child through the state's child welfare system to receive a monetary benefit of \$10,000 per child if the child has special needs, or \$5,000 per child if the child does not, through the State Employee Adoption Benefit Program. Currently, such monetary benefits are available to employees of state agencies, public schools, charter schools and the Florida Virtual School. The bill also clarifies, for purposes of qualifying for the benefit, that an employee of a state agency may include other-personal-services employees who have been employed full-time or part-time by a state agency for at least one year.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 118-0

Committee on Children, Families, And Elder Affairs

CS/SB 82 — Individuals with Disabilities

by Appropriations Committee and Senator Bean

The bill makes operational changes to the Medicaid Home and Community-Based Services Waiver operated by the Agency for Persons with Disabilities (APD) to improve the quality of services provided and to standardize agency processes. The bill requires waiver support coordinators who act as case managers for individuals on the waiver to be employees of qualified waiver support coordination organizations. A qualified organization must:

- Employ four more support coordinators;
- Maintain a professional code of ethics and a disciplinary process that applies to all support coordinators within the organization;
- Report violations of ethical and professional conduct to APD;
- Comply with APD cost containment initiatives;
- Ensure client budgets are linked to levels of need;
- Prohibit dual employment of a support coordinator that adversely impacts the support coordinators availability to clients;
- Educate clients and families regarding identification and prevention of abuse, neglect, and exploitation;
- Instruct clients and families on mandatory reporting requirements for abuse, neglect, and exploitation;
- Timely submit documentation for requests to increase an individual's iBudget to address significant additional needs requests;
- Require support coordinators to successfully complete training and professional development approved by APD;
- Require support coordinators to pass a competency-based assessment; and
- Implement a mentoring program for support coordinators who have worked as support coordinators for less than 12 months;.

The bill requires APD to maintain a publicly accessible registry of all waiver support coordinators that includes any history of ethical or disciplinary actions taken against a WSC. The bill also authorizes APD to impose an immediate moratorium on new client assignments, impose administrative fines, require plans of remediation, and terminate the Medicaid Waiver Services Agreement of any qualified organization that is noncompliant with applicable laws or rules. A qualified organization that receives disciplinary action from APD can appeal through an internal agency review process, and upon receiving an adverse determination can request an administrative hearing pursuant to ss. 120.569 and 120.57(1), F.S.

The bill requires APD to centralize medical necessity determinations related to significant additional needs (SANs) requests at APD headquarters. Previously, requests to increase a client's iBudget for SANs were approved by regional APD staff.

The bill revises the criteria that APD must consider when authorizing supplemental funding for a SANs request by creating a standard definition of a ‘significant additional need.’ The bill requires qualified waiver support organizations to document that a waiver client has used all available resources prior to a SANs request.

The bill requires all APD service providers to bill for services and submit all required documentation through the agency’s electronic client data management system.

The bill eliminates obsolete language from chapter 393, Florida Statutes. The bill also allows the Agency for Health Care Administration to seek federal approval to implement an increased rate for Medicaid intermediate care facilities that serve individuals with developmental disabilities (ICF/DD) who have severe behavioral or mental health needs. The bill establishes a certificate of need (CON) exemption for such ICF/DDs. The bill specifies requirements that an ICF/DD must meet in order to obtain the CON exemption and establishes additional licensure criteria for an ICF/DD that has been granted the exemption.

The bill is expected to reduce the cost of the waiver program which experienced budget deficits over the last several years.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 37-2; House 78-37

**Committee on Children, Families,
And Elder Affairs**

CS/HB 89 — Adoption Records

by Health and Human Services Committee and Rep. Stark and others (CS/SB 302 by Children, Families, and Elder Affairs Committee and Senator Rader)

The bill clarifies current law by providing that the Bureau of Vital Statistics within the Department of Health may disclose the name and identity of the birth parent, if the birth parent provides written consent for the release of his or her name and the adoptee is 18 years of age or older. Accordingly, the adoptive parent's signature is no longer required when the adoptee is an adult. If the adoptee is younger than 18 years of age, the adoptive parent's consent is still required.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 37-2; House 119-0

**Committee on Children, Families,
And Elder Affairs**

CS/CS/SB 124 — Custody of Minor Children by Extended Family

by Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senator Bean

The bill authorizes a court to include in its order granting “temporary” or “concurrent” custody to a child’s extended family member any provision requested by the petitioner which is in the best interest of the child. As under current law, an award of custody of a child for an indefinite period is considered “temporary” if the award excludes the parents, but “concurrent” if custody is shared with the parents.

The bill expands the definition of “extended family member” to include “fictive kin”—nonrelatives who have a familial relationship to the child—thus allowing them to petition for concurrent or temporary custody. The bill requires the petition to include “[a]ny other provisions that are related to the best interests of the child.” The bill also authorizes the court to include these provisions, as well as a transition plan, in its order granting temporary or concurrent custody.

Under the bill, as under current law, a court may order concurrent custody only if the parents do not object, and the court may order temporary custody only if the parents do not object or are unfit. Additionally, under current law a court *must* terminate a concurrent custody order if a parent objects to the order, and the court *must* terminate a temporary custody order if the parent becomes a fit parent. However, the bill authorizes a court to maintain a concurrent custody order after a parent objects, or to maintain a temporary custody order after the parents become fit, under certain circumstances. Particularly, a court may maintain these orders beyond objection or fitness to ensure compliance with a transition plan or other provision of the order which is related to the best interest of the child.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 34-0; House 115-1

**Committee on Children, Families,
And Elder Affairs**

HB 163 — Homelessness

by Rep. Altman and others (CS/SB 68 by Appropriations Committee and Senator Book)

The bill makes a number of changes to s. 420, F. S., relating to homelessness, to bring state laws in line with corresponding federal statutes. The bill eliminates outdated provisions and allows sources of federal funding to be accessed on an expedited basis. The bill adds two members to the Council on Homelessness; one representative of the Florida Housing Coalition and the Secretary of the Department of Elder Affairs or his or her designee. Additionally, the bill makes several changes to challenge grants provided by the State Office on Homelessness within the Department of Children and Families to the local homeless continuums of care (CoC), which are dedicated to preventing and ending homelessness throughout the state. The bill increases the amount of challenge grant funds each CoC lead agency may receive annually from \$500,000 to \$750,000, and requires each CoC lead agency to document the commitment of local government or private organizations to provide matching funds or in-kind support in an amount equal to 25 percent of the grant requested.

If approved by the Governor, these provisions take effect July 1, 2020

Vote: Senate 38-0; House 118-0

**Committee on Children, Families,
And Elder Affairs**

CS/HB 197 — Servicemembers Civil Relief Act

by Local, Federal and Veterans Affairs Subcommittee and Rep. Payne and others (CS/SB 604 by Judiciary Committee and Senator Bean)

The bill amends current child welfare laws to address the federal Servicemembers Civil Relief Act (SCRA) to protect the rights of a parent, legal custodian or caregiver responsible for a child's welfare who, because of his or her military service, must be absent from his or her child or from child welfare related court proceedings.

The bill amends the definition of the term "abandoned" or "abandonment" in ch. 39, F.S., to prohibit the absence of a parent, legal custodian, or caregiver responsible for a child's welfare who is a servicemember and who is deployed or anticipates being deployed from being used as a factor in determining abandonment of a child.

The bill also amends current provisions to include the SCRA as one of the specific federal laws which ch. 39, F.S., does not supersede. The bill requires the Department of Children and Families to ensure that the SCRA is observed in cases where a parent, legal custodian or caregiver responsible for a child's welfare is unable to take custody of his or her child or appear at a court proceeding in person because of his or her military service.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED

**Committee on Children, Families,
And Elder Affairs**

SB 400 — Elder Abuse Fatality Review Teams

by Senator Gibson

The bill authorizes a state attorney in each judicial circuit to initiate an elder abuse fatality review team, composed of volunteer members. The members are experts in elder care and represent entities that provide local health and human services or legal services to elders. The purpose of the team is to review closed cases of elder fatalities caused by abuse or neglect. Based on the reviews, the teams are to make policy recommendations to help prevent future elder abuse-related fatalities. The teams must submit information to the Department of Elder Affairs. The department must submit a report each November 1, that summarizes the findings and recommendations of the review teams to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of Children and Families.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 116-0

Committee on Children, Families, And Elder Affairs

CS/CS/HB 573 — First Responders and Correctional Officers

by Judiciary Committee; Civil Justice Subcommittee; and Reps. Casello, McClain, and others (CS/CS/SB 160 by Rules Committee; Judiciary Committee; and Senators Perry and Hooper)

The bill defines a peer support communication as oral, electronic, or written communications between a first responder and a first responder peer. The communication must be made with a mutual expectation of confidentiality and for the purpose of discussing physical or emotional issues associated with the first responder's employment.

Under the bill, a first responder peer is a first responder who is not a health care practitioner, who has experience providing physical or emotional support to first responders, and who has been designated by the first responder's employing agency to provide peer support and has received training to do so. The bill generally prohibits the disclosure of a first responder's peer support communication with a first responder.

The bill protects the confidentiality of the communications by prohibiting the first responder peer from divulging the communications or from testifying in civil, criminal, administrative, and disciplinary proceedings regarding the communications, subject to the following exceptions:

- The first responder peer is a defendant in a civil, criminal, administrative, or disciplinary proceeding arising from a complaint filed by the first responder who was a party to the peer support communication;
- The first responder provides written consent;
- The person providing peer support suspects that the first responder has committed, or intends to commit, a criminal act or has reason to believe that the first responder is a threat to himself or herself or others; or
- There is a reasonable basis to fear for the safety of the first responder, another person, or society, and the first responder peer communicates relevant information only to a potential victim and law enforcement or other appropriate authorities.

The bill does not limit the disclosure of information obtained by a first responder peer from a source other than a peer. The bill also modifies the process for conducting law enforcement officer internal affairs investigations. Specifically, an agency head may request a sworn or certified investigator from a different agency to conduct the investigation when the employing agency identifies a conflict; the agency does not have an investigator trained to conduct such investigations; or the agency's investigator is the subject of or witness to an investigation and the agency is comprised of 35 or fewer officers. The employing agency must document the identified conflict and upon completion of the investigation must present the findings to the employing agency without any disciplinary recommendations.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 115-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED

**Committee on Children, Families,
And Elder Affairs**

SB 828 — Florida ABLE Program

by Senator Benacquisto

The bill saves from repeal the Florida ABLE program and Florida ABLE, Inc., a direct-support organization. Florida ABLE Inc., established within the Florida Prepaid College Board, administers the Florida ABLE Program. The program allows individuals to make tax exempt contributions to meet certain expenses associated with a disabled individual. Such expenses are specified in the Internal Revenue Code and include: education, housing, transportation, employment training and support, assistive technology and personal support services, health, prevention and wellness services.

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

Vote: Senate 40-0; House 112-0

**Committee on Children, Families,
And Elder Affairs**

CS/HB 835 — Alzheimer’s Disease

by Children, Families and Seniors Subcommittee and Reps. Willhite, Plakon, and others
(SB 1542 by Senators Stargel and Gibson)

The bill creates the position of Dementia Director within the Department of Elder Affairs to coordinate the state’s policies and programs for addressing Alzheimer’s disease. The director is to assist the Alzheimer’s Disease Advisory Committee with the development of the Alzheimer’s disease state plan, support the state’s memory disorder clinics, facilitate public education on Alzheimer’s disease, coordinate dementia research programs, and collect data on the impact of Alzheimer’s disease on the state. The bill updates the name of the memory disorder clinic in Orlando to AdventHealth. The bill also makes a minor change to the funding formula for respite care. Under the bill, the department must consider the number of persons 70 or older, rather than 75 or older, in each county when distributing funding for respite care.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 118-0

Committee on Children, Families, And Elder Affairs

CS/CS/HB 945 — Children’s Mental Health

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Reps. Silvers, Webb, and others (CS/CS/SB 1440 by Appropriations Committee; Children, Families; and Elder Affairs Committee; and Senators Powell and Rouson)

The bill requires the Department of Children and Families (DCF) and the Agency for Health Care Administration (AHCA) to identify children, adolescents, and young adults age 25 and under who are the highest users of crisis stabilization services. The bill also requires DCF to collaboratively take action to meet the behavioral health needs of such children. The bill directs these agencies to jointly submit a quarterly report to the Legislature during Fiscal Years 2020-2021 and 2021-2022 on the actions taken by both agencies to better serve these individuals.

The bill requires the behavioral health managing entities (MEs) to create plans that promote the development and implementation of a coordinated system of care for children, adolescents, and young adults to integrate behavioral health services provided through state-funded child serving systems and to facilitate access to mental health and substance abuse treatment and services. The bill requires DCF to contract with the MEs for crisis response services provided through mobile response teams (MRTs) to provide immediate, onsite behavioral health services 24 hours per day, seven days per week within available resources.

When contracting for an MRT, MEs must collaborate with local sheriff’s offices and public schools in the selection process. The bill also requires that the MRT establish response protocols with local law enforcement agencies, community-based care lead agencies, the child welfare system, and the Department of Juvenile Justice, and requires that the MRT provide access to psychiatrists or psychiatric nurse practitioners. The bill requires MRTs to refer children, adolescents, or young adults and their families to an array of crisis response services that address their individual needs.

The bill requires MEs to promote the use of available crisis intervention services. The bill requires contracted providers to give parents and caregivers of children who receive behavioral health services information on how to contact an MRT.

The bill amends foster parent preservice training requirements to include local MRT contact information and requires community-based care lead agencies to provide MRT contact information to all individuals that provide care for dependent children.

The bill requires principals of public and charter schools to verify de-escalation procedures have been followed and an MRT has been contacted prior to initiating a Baker Act of a student unless the principal or their designee reasonably believes a delay will increase the likelihood of harm to the student or others.

The bill requires DCF and AHCA to assess the quality of care provided in crisis stabilization units to children and adolescents who are high utilizers of such services and submit a joint report

on their findings to the Governor and Legislature by November 15, 2020. The bill also requires AHCA to regularly test Medicaid managed care plan provider network databases to ensure that behavioral health providers are accepting enrollees and confirm sufficient access to behavioral health systems.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 110-0

Committee on Children, Families, And Elder Affairs

CS/CS/SB 994 — Guardianship

by Rules Committee; Judiciary Committee; and Senators Passidomo, Stewart, Thurston and Cruz

The bill revises the guardianship statutes to ensure that a ward’s personal and property interests are carefully protected by and from a guardian. The bill requires a court, when appointing a guardian, to inquire into and consider potential disqualifications and conflicts of interest.

The bill specifies that a plenary or limited guardian must obtain court approval before consenting to or obtaining an order not to resuscitate a ward. When such request is made pursuant to an emergency, the bill requires a court to hold a hearing on a petition for the request within 72 hours. The court must then rule on the requested relief immediately after the preliminary hearing or conduct an evidentiary hearing no later than 4 days after the preliminary hearing and rule on the relief requested immediately after the evidentiary hearing.

The bill mandates that a petition for appointment of a guardian or professional guardian disclose certain background information about the guardian seeking appointment. The petition must consider whether a less restrictive arrangement, other than a guardianship, could meet the needs of the ward.

The bill defines the term “alternatives to guardianship” as an advance directive, a durable power of attorney, a representative payee, or a trust instrument.

The bill prohibits a professional guardian from petitioning for appointment unless the petitioner is a relative of the alleged incapacitated person or minor or the petitioner is a public guardian who seeks appointment for a person of limited financial means and the public guardian will be paid by the Office of Public and Professional Guardians or a local government.

The bill specifies that the initial guardianship plan and each annual plan must include a list of preexisting orders not to resuscitate or preexisting advance directives and certain information about those documents.

The bill requires that, in the annual guardianship report, a guardian report any payments or remuneration received from any source for services rendered for the ward.

The bill prohibits a guardian from offering, paying, soliciting, or receiving a commission, benefit, or split-fee arrangement in return for engaging in a transaction for goods or services on behalf of an alleged incapacitated person or minor or a ward.

The bill prohibits a guardian from having an interest in a business transaction or activity with certain individuals unless the court grants prior approval or the relationship existed before the guardian was appointed.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 117-0

**Committee on Children, Families,
And Elder Affairs**

CS/HB 1087 — Domestic Violence Services

by Children, Families and Seniors Subcommittee and Rep. Fernandez-Barquin and others
(CS/SB 1482 by Children, Families, and Elder Affairs Committee and Senators Bean, Cruz,
Broxson, Perry and Wright)

The bill (Chapter 2020-6, L.O.F.) makes a number of changes to Florida law relating to the domestic violence program and the provision of domestic violence services statewide. Specifically, the law removes the requirement for the Department of Children and Families (department) to contract with the Florida Coalition Against Domestic Violence (coalition) for the delivery and management of domestic violence services statewide.

The bill also retains the ability of the department to contract with the coalition or another entity in the future, shifts certain duties previously performed by the coalition to the department including, but not limited to, certifying domestic violence centers and implementing, administering, and evaluating all domestic violence services provided by domestic violence centers.

These provisions were approved by the Governor and take effect on February 27, 2020.

Vote: Senate 40-0; House 117-0

Committee on Children, Families, And Elder Affairs

CS/CS/HB 1105 — Child Welfare

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Rep. Tomkow and others (CS/CS/SB 1324 by Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senators Simpson and Harrell)

The bill makes a number of changes to the laws relating to child welfare designed to increase the accountability of parents with children in out-of-home care, encourage better communication between caregivers and birth parents, and shorten the length of time children spend in out-of-home care. Specifically, the bill:

- Specifies timelines and steps in both foster parent licensing and approval of adoptive parents.
- Requires the Department of Children and Families (department) to notify the court of any report to the central abuse hotline that involves a child under court jurisdiction.
- Allows the department to file a shelter or dependency petition without the need for a new child protective investigation or the concurrence of the child protective investigator if the department determines that the safety plan is no longer sufficient to keep the child safe or that the parent or caregiver has not sufficiently increased his or her level of protective capacities to ensure the child's safety.
- Provides factors for the court to consider when determining whether a change of legal custody or placement is in the child's best interest.
- Provides circumstances under which a court may remove a child and place him or her in out-of-home care if a child was placed in his or her own home with an in-home safety plan or was reunited with a parent with an in-home safety plan.
- Requires circuit and county court judges for dependency cases to receive education relating to early childhood development, which includes the value of strong parent-child relationships, secure attachments, stable placements and the impact of trauma on children in out-of-home care.

The bill also provides legislative findings and intent and codifies responsibilities for working partnerships between foster parents and birth parents in order to ensure that children in out-of-home care achieve permanency as soon as possible, to reduce the likelihood they will re-enter care, and to ensure that families are prepared to resume care of their children.

The bill further provides a process for a community-based care lead agency to demonstrate the need to directly provide more than 35 percent of all child welfare services in the lead agency's service area.

Additionally, the bill codifies the creation and establishment of early childhood court (ECC) programs that serve the needs of children (typically under the age of three) in dependency court by using specialized dockets, multidisciplinary teams, community coordinators, and evidence-based treatment that supports the needs of the parent and child in a nonadversarial manner.

- The Office of the State Courts Administrator (OSCA) may coordinate with each participating circuit court to hire a community coordinator for the circuit's early childhood

court program to manage programs and data collection between ECC court team participants.

- Directs OSCA to contract for an evaluation of the ECC's evidence-based treatment services and authorizes the OSCA to provide ECC court teams with training, consultation, and guidance.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 118-0.

**Committee on Children, Families,
And Elder Affairs**

CS/CS/SB 1120 — Substance Abuse Services

by Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senator Harrell

The bill addresses individuals who have experienced substance abuse treatment, as well as recovery residence service providers, who have been disqualified from employment following a failed background screening by requiring the Department of Children and Families to provide exemptions from employment disqualification for certain offenses. The bill condenses several background screening sections of ch. 397, F.S., into a single set of requirements. Additionally, the bill modifies patient-brokering laws to exempt discounts, waivers of payment, or payments not prohibited by the federal anti-kickback statute or regulations. The bill also applies such exemptions to all payment methods used by federal health care programs, and provides that patient-brokering constitutes a first-degree misdemeanor.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 117-0

Committee on Children, Families, And Elder Affairs

CS/SB 1326 — Child Welfare

by Appropriations Committee and Senators Simpson and Rouson

The bill makes several changes to the child welfare programs administered by the Department of Children and Families (DCF) to promote accountability and improve program performance. The bill also seeks to increase the use of faith-based organizations in the delivery of services.

To improve accountability, the bill establishes the Office of Quality within DCF to measure and monitor the performance of agency programs whether provided directly by DCF or through contracts with local service providers. The office must set performance metrics and standards, improve the ability of DCF to analyze program performance data, and recommend initiatives to correct deficiencies. Such initiatives could include enhanced monitoring, corrective action plans, required technical assistance, and financial penalties.

The bill requires certain Sheriffs' Offices that conduct child protective investigations to follow the DCF child welfare practice model. DCF is to collaborate with all Sheriffs' Offices that conduct child protective investigations to develop a monitoring program to assess such services. The monitoring program must include case reviews based on a random selection of child welfare cases.

The bill revises the authority of DCF to contract for children's legal services in the child welfare system and requires increased oversight of contracted attorneys.

The bill directs DCF to develop a statewide accountability system for child welfare. The new accountability system must use a grading scheme to monitor performance in each region.

The bill establishes two 2-year pilot projects to improve child welfare services in the sixth and thirteenth judicial circuits. DCF must set performance metrics and standards for the pilot projects, monitor performance, and based on performance, award incentive funding to the community based care lead agency.

The bill expands the functions of the Florida Institute for Child Welfare (Institute) to inform, train, and engage social work students for a successful career in child welfare. The bill directs the Institute to work with the FSU College of Social Work to redesign the social work curriculum to enable postsecondary students to learn from real-world child welfare cases. Under the bill, the Institute must design and implement a professional development curriculum for the current child welfare workforce by July 1, 2021. The bill requires DCF, in collaboration with the Institute, to develop an expanded career ladder for child protective investigators.

The bill encourages the involvement of community-based and faith-based organizations in the local system of care. Local community alliances that advise DCF on local human services must now include a representative of a faith-based organization. Community-based care lead agencies must assign an employee to serve as a liaison to work with faith-based organizations. The bill

also requires DCF to implement programs to prevent and mitigate the impact of secondary traumatic stress and burnout among child protective investigators. These three components of the bill have a short title of “State of Hope Act.”

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 117-0

Committee on Children, Families, And Elder Affairs

CS/SB 7012 —Substance Abuse and Mental Health

by Appropriations Committee; and Children, Families, and Elder Affairs Committee; and Senator Rouson

The bill makes several changes to laws relating to suicide prevention and substance abuse and mental health services. Specifically, the bill:

- Broadens the scope and duties of the Statewide Office of Suicide Prevention (Statewide Office) in the Department of Children and Families (DCF) by requiring the Statewide Office to coordinate education and training curricula on suicide prevention efforts for law enforcement personnel, first responders to emergency calls, veterans, military service members, health care providers, and school employees.
- Creates the First Responders Suicide Deterrence Task Force within the Statewide Office to assist in the reduction of suicide rates of first responders, such as law enforcement officers and firefighters.
- Broadens the scope and duties of the Suicide Prevention Coordinating Council by requiring the Council to make recommendations on the implementation of evidence-based mental health programs and suicide risk identification training and adds five new members to the Council.
- Requires Baker Act receiving facilities to provide information regarding the availability of local mobile response services and suicide prevention resources to minors being released from a facility.
- Redefines “mental illness” related to the Baker Act and post-adjudication commitment to exclude dementia and traumatic brain injury.
- Defines “coordinated specialty care programs” as an essential element of a coordinated system of care and requires the DCF to report annually on any gaps in availability or access in the state. Makes coordinated specialty care programs eligible for Criminal Justice, Mental Health, and Substance Abuse Reinvestment grants.
- Allows licensed health care professionals and facilities to contract with the DCF and managing entities to provide mental health services without obtaining a separate license from the DCF.
- Removes the requirement for substance abuse prevention coalitions to be certified by the DCF.
- Requires county jails to administer the psychotropic medications prescribed by the DCF when a forensic client is discharged and returned to the county jail to stand trial, unless the jail physician documents the need to change or discontinue such medication.
- Requires the DCF treating physician to consult with the jail physician and consider prescribing medication included in the jail’s drug formulary.
- Requires county jails to send to the DCF all medical information on individuals in their custody who will be admitted to a state mental health treatment facility for restoration of competency. Requires the DCF to request this information immediately upon receipt of a completed commitment packet and requires the county jail to provide such information within three business days of the request.

If approved by the Governor, these provisions take effect July 1, 2020.
Vote: Senate 38-0; House 118-0

Committee on Children, Families, And Elder Affairs

HB 7023 — OGSR/Child Abuse Death Review Committees

by Oversight, Transparency and Public Management Subcommittee and Rep. Pigman (SB 7002 by Children, Families, and Elder Affairs Committee)

The bill amends s. 383.412, F.S., to save from repeal the current public records and public meetings exemptions for certain identifying information held by the State Child Abuse Death Review Committee or a local child abuse death review committee. The duties of the local child abuse death review committees are to:

- Review all deaths suspected to have been caused by child abuse and neglect.
- Collect data on applicable child abuse deaths for the State Child Abuse Death Review Committee.
- Submit written reports to the state committee as directed. The reports are to include information on individual cases, and steps taken by the local committee to implement necessary changes and improve the coordination of services and investigations.

Florida law provides that the identity of the surviving siblings, family members, or others living in the home of a deceased child who is the subject of review by the State Child Abuse Death Review Committee or a local committee is confidential and exempt from public disclosure. Portions of meetings of the State Child Abuse Death Review Committee or a local committee at which this confidential and exempt information is discussed are exempt from public meeting requirements. The bill removes the scheduled repeal date, resulting in the continuation of the public records and public meetings exemptions.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 37-0; House 114-0

Committee on Criminal Justice

CS/HB 199 — Sexual Battery Prosecution Time Limitation

by Criminal Justice Subcommittee and Reps. Davis, Plakon, and others (CS/SB 170 by Criminal Justice Committee and Senators Stewart, Perry, and Harrell)

The bill provides that there is no time limitation for prosecuting sexual battery when the victim is younger than 18 years of age at the time of the offense, and the offense was committed on or after July 1, 2020. This bill creates a new exception to the general time limitation proscribed in s. 775.15, F.S.

The bill provides that this act may be cited as “Donna’s Law.”

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 37-0; House 119-0

Committee on Criminal Justice

CS/HB 333 — Bail Pending Appellate Review

by Judiciary Committee and Rep. Leek and others (SB 510 by Senator Wright)

The bill prohibits a defendant from receiving bail on post trial motion or appeal for any offense requiring sexual offender registration under s. 943.0435(1)(h), F.S., or sexual predator registration under s. 775.21(4), F.S., when at the time of the offense, the offender is over 18 years of age and the victim is a minor.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 39-0; House 115-0

Committee on Criminal Justice

CS/CS/HB 625 — Public Nuisances

by State Affairs Committee; Civil Justice Subcommittee; and Rep. Newton and others
(CS/CS/SB 888 by Rules Committee; Community Affairs Committee; and Senator Perry)

The bill amends s. 60.05, F.S., which generally provides for the enjoinder of public nuisances, to do the following:

- Provide specific authorization for a sheriff to enjoin a public nuisance;
- Extend and increase the frequency of notice, so a property owner has sufficient time to receive a notice and correct the use of the property;
- Provide more detail on what must be provided in the notice and the manner of serving the notice; and
- Afford property owners the ability to respond to notices with details of actions taken to abate a nuisance that may result in an extended timeframe for abatement before an application for a temporary injunction is filed.

The bill also amends s. 823.05, F.S., relating to abatement or enjoinder of specified public nuisances, to do the following:

- Delete the requirement that a criminal gang or member or associate of such gang must use a location “on two or more occasions” to engage in criminal gang-related activity for such use to qualify as a public nuisance that can be abated or enjoined; and
- Provide that any place or premises that has been used on more than two occasions within six months as the site of dealing in stolen property, assault, aggravated assault, battery, aggravated battery, burglary, theft, or robbery by sudden snatching, may be declared a public nuisance and may be abated or enjoined.

The bill also amends s. 893.138, F.S., relating to local administrative actions to abate specified public nuisances, to authorize a declaration of a public nuisance and abatement if a place or premises has been used on more than two occasions within six months as the site of any combination of the following offenses: murder; attempted felony murder; aggravated battery with a deadly weapon; or aggravated assault with a deadly weapon without intent to kill.

Finally, the bill amends ss. 823.05 and 893.138, F.S., to provide that a rental property that is declared a nuisance may not be abated or subject to forfeiture under the Florida Contraband Forfeiture Act if the offense was committed by someone other than the property owner, and the owner commences rehabilitation of the property within 30 days of it being declared a nuisance.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 117-0

Committee on Criminal Justice

CS/HB 675 — Exposure of Sexual Organs

by Judiciary Committee and Rep. Mercado and others (CS/SB 1018 by Criminal Justice Committee and Senator Stewart)

The bill increases the penalty from a first degree misdemeanor to a third degree felony for a second or subsequent offense of the unlawful exposure of sexual organs. The bill also specifies that being naked in public in a vulgar or indecent manner is a violation of s. 800.03, F.S.

The bill provides that exposing of sexual organs by a mother breastfeeding her baby, or a person who is merely naked at a place provided or set apart for that purpose is not a violation of s. 800.03, F.S.

The bill adds the crime of exposure of sexual organs to the list of misdemeanor offenses for which an officer may conduct a warrantless arrest.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 37-1; House 118-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 1056 — PACE Center for Girls

by Criminal Justice Committee and Senators Simpson and Bradley

The bill creates s. 985.175, F.S., which authorizes the Department of Juvenile Justice to contract with PACE Center for Girls, to provide services including, but not limited to, education, counseling, training, and advocacy as an alternative to commitment and institutionalization of girls and young women. Contracts under this section must be authorized by and consistent with funding appropriated in the General Appropriations Act and be in accordance with s. 985.644, F.S.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 118-0

Committee on Criminal Justice

SB 1116 — Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections

by Senators Brandes, Pizzo, Bracy, and Powell

The bill creates s. 944.73, F.S., establishing a State-Operated Institutions Inmate Welfare Trust Fund within the Department of Corrections. This is substantively the same as the Privately Operated Institutions Inmate Welfare Trust Fund (POIWTF) established in s. 944.72, F.S., but with the stated purpose to benefit and provide for the welfare of inmates incarcerated in state-operated correctional facilities. Money is required to be deposited into and the expenditures made from the trust fund as provided in s. 945.215, F.S.

As with POIWTF, the newly created s. 944.73, F.S., provides that notwithstanding s. 216.301, F.S., and pursuant to s. 216.351, F.S., any balance in the trust fund at the end of any fiscal year must remain in the trust fund at the end of the year and be available for carrying out the purposes of the trust fund.

As required by the State Constitution, the bill provides that the State-Operated Institutions Inmate Welfare Trust Fund will terminate on July 1, 2024, unless terminated sooner. Additionally, the bill requires the trust fund to be reviewed as provided in s. 215.3206(1) and (2), F.S., before its scheduled termination.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 113-0

Committee on Criminal Justice

CS/CS/SB 1118 — Inmate Welfare Trust Funds

by Appropriations Committee; Criminal Justice Committee; and Senators Brandes, Pizzo, Bracy, and Powell

The bill amends s. 945.215, F.S, authorizing the deposit of up to \$2.5 million collected from specified funds into the State-Operated Institutions Inmate Welfare Trust Fund, which is a trust fund created by SB 1116 to be held by the Department of Corrections (DOC) for the benefit and welfare of inmates incarcerated in correctional facilities operated by the DOC, including:

- Net proceeds from operating inmate canteens, vending machines used primarily by inmates and visitors, hobby shops, other such facilities, and contracted telephone commissions.
- Any funds that may be assigned by inmates or donated to the DOC by the general public or an inmate service organization.
- All proceeds from the confiscation and liquidation of any contraband found upon, or in the possession of, any inmate; disciplinary fines imposed against inmates; forfeitures of inmate earnings; and unexpended balances in individual inmate trust fund accounts of less than \$1.

The bill requires any proceeds or funds collected in a fiscal year above the \$2.5 million cap to be deposited into the General Revenue Fund. Funds may only be expended pursuant to legislative appropriation. The bill requires the funds to be used exclusively to provide for or operate specified programming needs, specifically including:

- Literacy programs, vocational training programs, and educational programs.
- Inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, and libraries.
- Inmate substance abuse treatment programs and transition and life skills training programs.
- The purchase, rental, maintenance, or repair of electronic or audiovisual equipment, media, services, and programming used by inmates; recreation and wellness equipment; and bicycles used by inmates traveling to and from employment in the work-release program authorized under s. 945.091(1)(b), F.S.

The bill requires the DOC to compile and submit a report, compiled at both the statewide and institutional levels, to the Governor and the chairs of the appropriate substantive and fiscal committees of the Senate and the House of Representatives annually by October 1 of each year documenting the receipts and expenditures of the trust fund for the previous fiscal year.

The bill provides an appropriation of \$2.5 million in recurring funds for the 2020-2021 fiscal year from the State-Operated Institutions Inmate Welfare Trust Fund to the DOC for the above-stated purpose.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 118-0

Committee on Criminal Justice

CS/CS/HB 1259 — Incarcerated Pregnant Women

by Justice Appropriations Subcommittee; Criminal Justice Subcommittee; and Reps. Jones, Mercado, and others (CS/CS/SB 852 by Appropriations Committee; Criminal Justice Committee; and Senators Pizzo, Taddeo, Braynon, Rodriguez, and Torres)

The bill amends s. 944.241, F.S., renaming the Act the “Tammy Jackson Healthy Pregnancies for Incarcerated Women Act.” The bill prescribes procedures for when a pregnant prisoner is placed in restrictive housing and requires detention facilities to adopt written policies about using restraints and body cavity searches on pregnant prisoners.

The bill adds definitions to the Act, including:

- “Invasive body cavity search,” which is defined to mean a search involving a manual inspection of the breasts or a manual inspection using touch, insertion, or probing of the cavities of the human body, including the genitals, buttocks, or anus. An invasive body search may only be conducted according to a correctional institution’s written rules, policies, or procedures;
- “Pregnant prisoner,” which is defined to mean any prisoner whose pregnancy is confirmed by or otherwise known to a qualified healthcare professional at the correctional institution; and
- “Restrictive housing,” which is defined to mean housing a prisoner separately from the general population of a correctional institution and imposing restrictions on her movement, behavior, and privileges. The term includes placing a prisoner in medical isolation, in a medical housing unit, or in the infirmary.

The bill provides that a pregnant prisoner may be involuntarily placed in restrictive housing if the corrections official of the correctional institution makes an individualized determination that such housing is necessary to protect the health and safety of the pregnant prisoner or others or to preserve the security and order of the institution and there are no less restrictive means available.

The bill requires the corrections official to write a report after placing a pregnant prisoner in restrictive housing stating the individualized reason restrictive housing is necessary, the reason less restrictive means are not available, and whether a qualified healthcare professional at the correctional institution objects to the placement. The corrections official must provide a copy to the pregnant prisoner within 12 hours of placing the prisoner in restrictive housing.

The bill requires a pregnant prisoner placed in restrictive housing to be seen by a qualified healthcare professional at least once every 24 hours and observed by a correctional officer at least once every hour. The pregnant prisoner also must be housed in the least restrictive setting consistent with the health and safety of the pregnant prisoner and given a medical treatment plan developed and approved by a qualified healthcare professional at the correctional institution if the pregnant prisoner does not already have such a treatment plan in place.

The bill provides that if a pregnant prisoner needs medical care, a primary care nurse practitioner or obstetrician must provide an order for the pregnant prisoner to be placed in a designated medical housing unit or admitted to the infirmary. If a pregnant prisoner has passed her due date, she must be placed in a designated medical housing unit or admitted to the infirmary until labor begins. A pregnant prisoner who has been placed in a designated medical housing unit or admitted to the infirmary must be provided the same access to outdoor recreation, visitation, mail, telephone calls, and other privileges and classes available to the general population unless such access poses a danger:

- To the safety and security of the correctional institution; or
- Of adverse clinical consequences for the pregnant prisoner or others and the corrections official documents such determination in the pregnant prisoner's medical file.

The bill maintains current provisions related to the use of restraints on pregnant prisoners, but requires every county and municipal detention facility and each detention facility operated by a private entity to adopt written policies about using restraints and body cavity searches on pregnant prisoners.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 37-0; House 112-0

Committee on Criminal Justice

CS/CS/SB 1286 — Contraband in Specified Facilities

by Judiciary Committee; Criminal Justice Committee; and Senator Simmons

The bill adds medical marijuana, hemp, industrial hemp, and vapor-generating electronic devices to the list of contraband that may not be introduced into or on the grounds of state correctional institutions, county detention facilities, juvenile detention facilities, juvenile commitment programs, and facilities operated by the Department of Children and Families (DCF), and the Agency for Persons with Disabilities (APD).

The bill provides that it is a third degree felony to introduce medical marijuana, hemp, or industrial hemp into or on the grounds of state correctional institutions, county detention facilities, and facilities operated by the DCF, and the APD. It is a second degree felony to introduce medical marijuana, hemp, or industrial hemp into or on the grounds of juvenile detention facilities and juvenile commitment programs.

The bill provides that it is a first degree misdemeanor to introduce a vapor-generating electronic device into the secure perimeter of any state correctional institution, county detention facility, juvenile detention facility, juvenile commitment program, and forensic facility operated by the DCF, and the APD.

The bill adds cellular phones or portable communication devices to the list of contraband that may not be introduced into or on the grounds of juvenile detention facilities, juvenile commitment programs, and forensic facilities operated by the DCF or the APD. It is a first degree misdemeanor to introduce such contraband into the secure perimeter of any of these facilities.

Additionally, the bill ranks the previously unranked offense of introducing a firearm or deadly weapon or a controlled substance into certain DCF facilities as a level 4 offense.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 39-0; House 71-43

Committee on Criminal Justice

SB 1292 — Public Records/Nonjudicial Arrest Record of a Minor

by Senator Perry

This bill is the public records exemption linked to SB 700. The bill provides that the nonjudicial records of arrest of minors who have successfully completed a diversion program and are eligible for expunction are made confidential and exempt from public disclosure, except that the record must be made available only to criminal justice agencies for specified purposes. SB 700 amends s. 943.0582, F.S., to permit juvenile diversion expunction for any offense. Additionally, SB 700 amends s. 985.126, F.S., to permit a juvenile who completes a diversion program for any offense to lawfully deny or fail to acknowledge his or her participation in the program.

This bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2025, unless reviewed and saved from the repeal through reenactment by the Legislature.

Senate Bill 700 was not adopted during the 2020 Regular Session, nor was any similar legislation.

If approved by the Governor, these provisions take effect on the same date that SB 700 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Vote: Senate 39-0; House 117-0

Committee on Criminal Justice

CS/CS/SB 1508 — Police Vehicles

by Infrastructure and Security Committee; Criminal Justice Committee; and Senator Taddeo

The bill prohibits a person from knowingly selling, exchanging, or transferring a police vehicle without, before consummating the sale, exchange, or transfer, removing any police markings from the vehicle. The bill requires law enforcement agencies, before consummating the sale, exchange, or transfer, to provide an official letter of notification that police markings have been removed to the purchaser, customer, or transferee.

The bill defines “police markings” as decals, stickers, distinctive paint schemes, or other markings attached or applied to a police vehicle that identify the vehicle as a police vehicle.

The bill provides that sellers and auction houses, before consummating the sale, exchange, or transfer of a police vehicle, shall provide an official letter or notification to the purchaser, customer, or transferee confirming the fact that the vehicle has had the police markings removed.

The bill does not apply to sales, exchanges, or transfers of police vehicles to members of the general public for the purposes of collection or display. However, upon the sale, exchange, or transfer of a police vehicle for either of those purposes, the seller, exchanger, or transferor shall provide a notice to the purchaser, customer, or transferee in substantially the following form:

- **USE OF THIS VEHICLE FOR THE DELIBERATE IMPERSONATION OF A PUBLIC OFFICER OR EMPLOYEE IS A FELONY OF THE THIRD DEGREE, PUNISHABLE AS PROVIDED IN SECTION 843.0855, FLORIDA STATUTES.**

The bill exempts the sales, exchanges, or transfers of police vehicles between law enforcement agencies. A person who knowingly sells, exchanges, or offers to sell or exchange a motor vehicle in violation of these provisions commits a second degree misdemeanor.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 116-0

Committee on Criminal Justice

HB 7005 — OGSR/RICO Act Investigations

by Oversight, Transparency and Public Management Subcommittee and Rep. Grall (SB 7038 by Criminal Justice Committee)

The bill saves from repeal through reenactment by the Legislature a public records exemption in s. 895.06(7), F.S., relating to investigative information. Section 895.06(7), F.S., makes confidential and exempt from public disclosure information held by an investigative agency pursuant to an investigation of a violation of s. 895.03, F.S., which specifies prohibited racketeering activity under the Florida RICO (Racketeer Influenced and Corrupt Organization) Act (ss. 895.01-895.06, F.S.).

This confidential and exempt information may be disclosed by the investigative agency to a governmental entity in the performance of its official duties and to a court or tribunal. The information is no longer confidential and exempt once all investigations to which the information pertains are completed, unless the information is otherwise protected by law. An investigation is considered complete once the investigative agency either files an action or closes its investigation without filing an action.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 39-0; House 117-0

Committee on Criminal Justice

HB 7013 — OGSR/Residential Facilities Serving Victims of Sexual Exploitation

by Oversight, Transparency and Public Management Subcommittee and Rep. Daniels and others (SB 7034 by Criminal Justice Committee)

The bill amends ss. 409.1678 and 787.06, F.S., to save from repeal the public record exemptions relating to location information of safe houses, safe foster homes, other residential facilities serving child victims of commercial sexual exploitation, and residential facilities serving adult victims of human trafficking involving commercial sexual activity, respectively. The exemptions contained in ss. 409.1678 and 787.06, F.S., are scheduled to repeal on October 2, 2020. This bill removes these scheduled repeals to continue the confidential and exempt status of the information.

Safe houses and safe foster homes are certified by the Department of Children and Families to care for sexually exploited children. Safe houses and safe foster homes must provide a safe, separate, and therapeutic environment tailored to the needs of specified commercially sexually exploited children who have endured significant trauma.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 40-0; House 118-0

Committee on Criminal Justice

HB 7015 — OGSR/Body Camera Recordings

by Oversight, Transparency and Public Management Subcommittee and Rep. Shoaf (SB 7032 by Criminal Justice Committee)

The bill saves from repeal through reenactment by the Legislature a public records exemption in s. 119.071(2)(1), F.S., relating to certain body camera recordings. A body camera is a portable electronic recording device that is worn on a law enforcement officer's body and that records audio and video data in the course of the officer performing his or her official duties and responsibilities.

Section 119.071(2)(1), F.S., makes a body camera recording, or a portion thereof, confidential and exempt from public disclosure if the recording is taken:

- Within the interior of a private residence;
- Within the interior of a facility that offers health care, mental health care, or social services; or
- In a place that a reasonable person would expect to be private.

The public records exemption also specifies when a law enforcement agency may or must provide disclosure, and also provides for court-ordered disclosure and specifies grounds the court must consider in reaching its decision regarding disclosure.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 32-7; House 114-1

Committee on Criminal Justice

HB 7019 — OGSR/Human Trafficking Victims

by Oversight, Transparency and Public Management Subcommittee and Rep. Shoaf and others
(SB 7036 by Criminal Justice Committee)

The bill amends ss. 943.0583 and 119.071, F.S., to save from repeal the current exemptions from public records disclosure for certain criminal intelligence information or criminal investigative information that reveals the identity of victims of human trafficking.

The original public necessity statement for the bill provides that the identity of victims of human trafficking is of a sensitive personal nature. Without this exemption, the release of identifying information may cause further trauma or cause unwarranted damage to the good name or reputation of the victim. Furthermore, victims of human trafficking who have been convicted of crimes committed at the direction of their traffickers are themselves victims of crime. Without the public records exemption these victims face barriers to employment and other life opportunities.

Sections 943.0583 and 119.071(2)(h), F.S., relating to information regarding victims of human trafficking, is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2020, unless reviewed and saved from the repeal through reenactment by the Legislature. This bill removes this repeal language.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 39-0; House 117-0

Committee on Commerce and Tourism

SB 362 — Florida Tourism Marketing

by Senators Hooper, Stewart, Harrell, Baxley, Torres, and Simmons

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

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

Vote: Senate 38-0; House 114-2

Committee on Commerce and Tourism

CS/SB 426 — Economic Development

by Appropriations Committee and Senators Montford, Albritton, and Stewart

The bill modifies the operations and funding requirements of the Regional Rural Development Grants Program to revise the annual maximum grant amounts available to regional economic development organizations; require grant recipients to serve or be located in a rural area of opportunity; and clarify the concept of developing “professional capacity” with regard to how eligible entities may use grant funds. The maximum amount of funds the Department of Economic Opportunity (DEO) may expend for the program is increased from \$750,000 to \$1 million annually, and the percentage of grant funds that must be matched with non-state funds is decreased from 100 percent to 25 percent of the state’s contribution.

The bill amends the Rural Infrastructure Fund to increase the amount of infrastructure project costs that grant funds can be used for from 30 percent to 50 percent of a project’s total cost and clarify that eligible infrastructure projects include the costs associated with improving access to broadband Internet service.

The bill creates transparency requirements for contracts and agreements that expend funds under the Regional Rural Development Grants Program and the Rural Infrastructure Fund.

In addition, the bill modifies the governance and administration of the Florida Development Finance Corporation (FDFC) to require additional reporting on their activities to the DEO and redesign the board of directors to include the director of the State Board of Administration’s Division of Bond Finance and the executive director of the DEO, who will serve as the chair of the board. The bill also increases the permitted term of a bond, note, or other form of indebtedness issued under the FDFC Act from 30 fiscal years to 35 calendar years; implements a conflict of interest policy for the FDFC’s board of directors; and institutes a sunset repeal, effective July 1, 2023, and every 4 years thereafter, unless reviewed and saved from repeal by the Legislature.

Lastly, the bill modifies the structure of Florida’s workforce development system to replace CareerSource Florida, Inc., (CareerSource) with the state board or the DEO in provisions relating to the implementation of the Workforce Innovation and Opportunity Act. The bill also clarifies the purpose, operation, and structure of CareerSource and the state board; requires the state board, rather than CareerSource, to produce a state plan that creates an educated and skilled workforce; and clarifies the duties of the local workforce development boards. A number of conforming changes made in the bill reflect structural adjustments in the relationship between the DEO, CareerSource, and the state board.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 118-0

Committee on Commerce and Tourism

CS/SB 838 — Business Organizations

by Commerce and Tourism Committee and Senator Simmons

The bill amends several sections of the Florida Business Corporation Act, ch. 607, F.S., and its related statutes to:

- Make clarifying and conforming changes to, and fix minor errors in, the 2019 Florida Business Corporation Act legislation (Chapter 2019-90, L.O.F.);
- Modify the laws that govern the makeup of not-for-profit corporations' board committees to allow persons other than board directors to serve on those committees; and
- Re-instate the Florida Department of State's ability to direct interrogatories to a corporation to determine the corporation's compliance with ch. 607, F.S.

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

Vote: Senate 40-0; House 109-0

Committee on Commerce and Tourism

CS/HB 969 — Broadband Internet Service

by Transportation and Tourism Appropriations Subcommittee; and Reps. Drake and Ausley (CS/CS/SB 1166 by Appropriations Committee; Commerce and Tourism Committee; and Senator Albritton)

The bill transfers the state's broadband program from the Department of Management Services (DMS) to the Department of Economic Opportunity (DEO), creating the Florida Office of Broadband within DEO's Division of Community Development. The bill transfers specific powers and duties regarding the development, marketing, and promotion of broadband that were previously under DMS. More specifically, the office is directed to perform the following duties:

- Create a strategic plan to increase the use of broadband Internet service in Florida. The plan must include a process to review and verify public input on broadband Internet transmission speeds and availability;
- Build and facilitate local technology planning teams, especially with community members from the areas of education, healthcare, business, tourism, agriculture, economic development, and local government;
- Encourage public use of Internet service through broadband grant programs; and
- Monitor, participate in, and provide input on Federal Communications Commission proceedings that are related to the geographic availability and deployment of broadband Internet in Florida.

The bill also provides that the Department of Transportation may, beginning in Fiscal Year 2022-2023, use up to \$5 million annually from the funds transferred to Florida's Turnpike Enterprise to the Multi-use Corridors of Regional Economic Significance program for projects that assist in the development of broadband infrastructure within or adjacent to a multiuse corridor.

Lastly, the bill repeals ch. 2012-131, L.O.F., which is obsolete language.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 37-0; House 114-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/SB 72 — Higher Education

by Appropriations Committee and Senator Stargel

The bill modifies a number of policies related to postsecondary education, including, scholarship and grant programs, state university preeminence and performance incentive programs, and state university and Florida College System (FCS) operational and capital funding.

Postsecondary Scholarship and Grant Programs

The bill modifies certain merit- and need-based programs. Specifically the bill:

- Modifies the Florida Student Assistance Grant (FSAG) programs to authorize a student who received an FSAG award in fall or spring term to receive an award during the summer term, prioritize the distribution of grant funds to students who are within one semester of completing a degree or certificate program, and modify the maximum expected family contribution.
- Modifies the Florida Bright Futures Scholarship Florida Academic Scholars award to provide an annual stipend as specified in the General Appropriations Act, rather than specifying the amount at \$300.
- Modifies the Florida Bright Futures Scholarship Florida Medallion Scholars award to specify that, beginning in the fall 2021 semester, a Florida Medallion Scholar who is enrolled in an associate degree program at an FCS institution is eligible for an award equal to the amount necessary to pay 100 percent of tuition and fees.
- Clarifies provisions related to the Benacquisto Scholarship Program to require a scholarship renewal student to be enrolled full-time, except for the last term before graduation, and specifies limitations for the duration of an award.

State University Performance

The bill modifies provisions relating to the preeminent state research universities program, effective upon becoming law, which:

- Specifies that preeminence excellence standards are as reported annually in the Board of Governors (BOG) Accountability Plan, rather than by specified third-party sources.
- Removes the emerging preeminent state research university funding provisions.
- Replaces the State University System Programs of Excellence with State Universities of Distinction, with reporting deadlines, but excludes preeminent state research universities.

The bill modifies the state university performance-based incentive program to:

- Modify the 4-year graduation rate metric into two metrics, including a 4-year graduation rate for first-time-in-college students, and beginning in the 2021-2022 fiscal year, a 2-year graduation rate for FCS institution associate in arts transfer students.
- Add a new metric for a 6-year graduation rate for students who are awarded a Pell Grant in their first year, beginning in the 2021-2022 fiscal year.

State University and Florida College System Funds

The bill modifies requirements for the carry forward of operational funds by state universities and FCS institutions to modify submission and approval dates of a carry forward spending plan, and authorize the spending plan to include a commitment of funds to a contingency reserve for expenses related to a declared emergency.

The bill modifies a criterion for the State Board of Education to include new construction, remodeling, or renovation projects on a specified public education capital outlay (PECO) prioritized list for FCS institutions, to align to a similar requirement for the BOG.

The bill also requires the BOG legislative budget request (LBR) to include information about administrative and faculty personnel and requires the BOG to define faculty and administrator classifications and report such definitions in the LBR.

Additional State University and Florida College System Provisions

The bill also:

- Creates the Florida Institute of Politics at FSU and the Adam Smith Center for the Study of Economic Freedom at Florida International University, with specified goals for each institute.
- Requires that employees of a state university or research entity engaged in the design, conduct, or reporting of outside research must disclose and receive a determination that any outside research does not affect the integrity of the state university or entity, with penalties for noncompliance.
- Authorizes FCS institution and state university board of trustees (BOT) innovative pricing techniques and payment options policies to include either an opt-in or opt-out provision for students.
- Authorizes a member of the Phosphate Research and Activities Board to serve beyond 180 days of the expiration of his or her term, effective upon becoming a law.
- Expands the authorization for a state agency to contract with a nonpublic college or university to include a nonpublic institution that is authorized to operate within this state, offers a professional degree, and is accredited by the Middle States Commission on Higher Education.

If approved by the Governor, these provisions take effect July 1, 2020, except as otherwise provided.

Vote: Senate 37-0; House 112-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/HB 81 — Health Care for Children

by Health and Human Services Committee and Rep. Andrade and others (CS/CS/SB 190 by Appropriations Committee; Health Policy Committee; and Senators Montford, Harrell, Berman, Cruz, and Braynon)

The bill requires the Department of Health to create an electronic pamphlet with information on the screening for, and treatment of, preventable infant and childhood eye and vision disorders. The pamphlet must be provided to new parents by hospitals providing birthing services, birth centers, and by the healthcare practitioner attending an out-of-hospital birth.

The bill authorizes school districts to certify for reimbursement eligible school-based health services provided to any student enrolled in Medicaid, regardless of whether that student qualifies for Part B or H of the Individuals with Disabilities Education Act, the exceptional student education program, or has an individualized education plan. The bill aligns Florida law with updated federal guidance that authorizes the federal reimbursement of Medicaid-eligible, school-based health services for all students enrolled in Medicaid.

The bill clarifies that an auditory-oral education program must use faculty and supervisors certified as listening and spoken language specialists each day the child is in attendance and also requires a certified listening and spoken language specialist from the family's chosen auditory-oral education program to be included in the Individualized Education Plan team or Family Support Plan team.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 113-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/CS/CS/HB 115 — Keep Our Graduates Working Act

by Commerce Committee; Health Quality Subcommittee; Business and Professions Subcommittee; and Rep. Duran and others (CS/SB 356 by Innovation, Industry, and Technology Committee; and Senators Hutson, Diaz, Berman, and Perry)

The bill prohibits any licensing department, board, or agency from denying a license, refusing to renew a license, or suspending or revoking a professional license based solely on an individual being delinquent on a payment or defaulting on his or her student loans. The bill also:

- Removes the provision authorizing the Department of Health (DOH) to impose specified penalties on a healthcare practitioner for failure to repay a student loan or comply with the terms of a service scholarship.
- Specifies that the requirement for the DOH, or affiliated licensing boards, to refuse to allow a candidate to sit for an exam, or refuse to grant or renew a license because the applicant is on the United States Department of Health and Human Services (USHHS) Office of Inspector General's *List of Excluded Individuals and Entities* does not apply when the applicant is on the list solely because of default or delinquency on a student loan.
- Repeals the requirement that the DOH obtain a monthly list from the USHHS of the health care practitioners who have defaulted on their student loans, and the resulting requirement to notify a licensee that his or her license will be suspended, pending new payment terms.
- Requires the Department of Education, in its efforts to collect delinquent and defaulted debt, to comply with the protections for an individual's license established in the bill.

If approved by the Governor, these provisions take effect on July 1, 2020.

Vote: Senate 35-1; House 118-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/CS/SB 156 — Early Childhood Music Education Incentive Pilot Program
by Appropriations Committee; Education Committee; and Senators Perry, Stewart, and Diaz

The bill extends the scheduled expiration of the Early Childhood Music Education Incentive Pilot Program (program) within the Department of Education (DOE) until June 30, 2022. The bill revises school district eligibility for program participation by requiring specified elementary schools that have established a music education program to maintain a program that complies with the DOE's standards.

The bill requires the University of Florida's College of Education, in collaboration with Florida International University's School of Music, to evaluate the effectiveness of the program by measuring student academic performance and the success of the program. In addition, the bill requires the results of the program evaluation be shared with the Florida Center for Partnerships for Arts-Integrated Teaching.

If approved by the Governor, these provisions take effect July 1, 2020.
Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/SB 434 — Designation of School Grades

by Education Committee and Senator Montford

The bill modifies the high school acceleration component of the school grading model to add to the calculation students who complete career certificate dual enrollment courses resulting in 300 or more clock hours that are approved by the State Board of Education.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Education

HB 641 — Funds for the Operation of Schools

by Reps. Plasencia and Overdorf (SB 836 by Senator Simmons)

The bill establishes the Teacher Salary Increase Allocation within the Florida Education Finance Program (FEFP). The allocation:

- Requires school districts and charter schools to use the allocation to increase the minimum base salary for full-time classroom teachers to at least \$47,500, or to the maximum amount achievable and as specified in the General Appropriations Act (GAA).
- Provides for salary increases for full-time classroom teachers who did not receive a salary increase or who received an increase of less than two percent, or as specified in the GAA, and other full-time instructional personnel.
- Establishes reporting requirements for district school boards, charter school governing boards, and the Department of Education (DOE).

The bill also:

- Repeals the Florida Best and Brightest Teacher Program, Florida Best and Brightest Principal Program, and the Florida Best and Brightest Teacher and Principal Allocation.
- Provides the DOE with flexibility to establish timeframes for the advertisement and submission of bids for the 2020 instructional materials adoption cycle.
- Provides school district bonus funding through the FEFP for students who receive an Advanced Placement Capstone Diploma and meet the requirements for a standard high school diploma.
- Removes the limit of 30 postsecondary semester credit hours that a student may be awarded for successfully completing International Baccalaureate or Advanced International Certificate of Education course examinations.

If approved by the Governor, these provisions take effect July 1, 2020, except for the provision related to the 2020 instructional materials adoption cycle, which takes effect upon becoming law.

Vote: Senate 39-0; House 112-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/CS/SB 646 — Intercollegiate Athlete Compensation and Rights

by Innovation, Industry, and Technology Committee; Education Committee; and Senator Mayfield

The bill authorizes an intercollegiate athlete at a postsecondary educational institution to earn compensation for the use of her or his name, image, or likeness (NIL), and prohibits a postsecondary institution from preventing an athlete from earning NIL compensation. In addition, the bill prohibits a postsecondary institution, and specified entities and individuals associated with a postsecondary institution, from compensating or causing compensation to be directed to a current or prospective athlete for her or his NIL.

The bill prohibits an athlete from entering into a contract for NIL compensation if a term of the contract conflicts with a term of the athlete's team contract. The bill requires an athlete who enters into a contract for NIL compensation to disclose the contract to the postsecondary institution at which she or he is enrolled.

The bill prohibits a postsecondary institution from preventing or unduly restricting an athlete from obtaining professional representation by an appropriately licensed or registered athlete agent or attorney for the purpose of securing NIL compensation. The bill specifies that grant-in-aid awarded to an athlete by a postsecondary institution may not be reduced as a result of an athlete earning compensation or obtaining professional representation for the purposes of NIL.

The bill requires each postsecondary institution to conduct a financial literacy and life skills workshop at the beginning of the athlete's first and third academic years, with specified stipulations.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 37-2; House 98-14

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/CS/CS/SB 662 — Education and the Military

by Rules Committee; Military and Veterans Affairs and Space Committee ; Education Committee; and Senator Wright.

The bill provides greater flexibility to military families by specifying that a student whose parent is transferred or is pending transfer to a military installation within the state, rather than within a school district, while on active duty is considered a resident of the school district for purposes of enrollment.

The bill also modifies the school grading model for high schools, beginning in the 2022-2023 school year, by adding to the college and career acceleration component the percentage of students who earn a Category II Armed Forces Qualification Test score or higher on the Armed Services Vocational Aptitude Battery and earn a minimum of two credits in Junior Reserve Officers' Training Corps courses from the same branch of the United States Armed Forces.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/HB 901 — Vocational Rehabilitation Services

by Higher Education and Career Readiness Subcommittee and Rep. Ponder and others (CS/SB 1784 by Appropriations Committee and Senator Gainer)

The bill aligns Florida law with federal requirements for state vocational rehabilitation programs to provide preemployment transition services for eligible individuals with a disability who are between 14 and 21 years of age. Specifically, the bill:

- Clarifies that vocational rehabilitation services include preemployment transition services.
- Expands requirements for the Division of Vocational Rehabilitation (DVR) to cooperate with other agencies in coordinating preemployment transition plan services for eligible students.
- Modifies the requirements of the assessment performed by the Florida Rehabilitation Council to include an analysis of the alignment of preemployment transitions services with labor market demands.
- Requires the annual performance report provided by the DVR to include the timeframes for handling cases, the uses of matching federal funds, and preemployment transition services data.
- Modifies the membership of the Florida Rehabilitation Council and expands the Council's scope of review.
- Modifies provisions related to The Able Trust, including clarifying that administrative costs are based on actual expenditures in any fiscal year, adds the Director of the DVR, or his or her designee, as an ex officio member of the board, and revises board member terms.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 114-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/CS/HB 1213 — Educational Instruction of Historical Events

by Education Committee; PreK-12 Innovation Subcommittee; and Reps. Fine, Caruso, and others (CS/CS/SB 1628 by Appropriations Committee; Education Committee; and Senators Book, Hooper, Rader, Berman, Cruz, Stewart, and Rodriguez)

History of the Holocaust

The bill adds the policy, definition, examples, and prevention of anti-Semitism to the required public school instruction regarding the history of the Holocaust. Each school district must annually certify and provide evidence to the Department of Education (department) that instructional requirements concerning the history of the Holocaust are met. The bill requires the department to prepare and offer standards and curriculum for the required instruction, and authorizes the department to seek input from the Commissioner of Education’s Task Force on Holocaust Education or from recognized Holocaust educational organizations. The department may contract with recognized Holocaust educational organizations to develop training for instructional personnel and grade-appropriate classroom resources to support the developed curriculum.

The bill designates the second week in November as “Holocaust Education Week” in recognition of the anniversary of Kristallnacht, a precipitating event that led to the Holocaust.

1920 Ocoee Election Day Riots

The bill directs the Commissioner of Education’s African American History Task Force to examine ways in which the history of the 1920 Ocoee Election Day Riots (riots) will be included in required instruction on African-American history and submit its recommendations to the Commissioner of Education and the State Board of Education by March 1, 2021.

The bill directs the Secretary of State to determine ways in which the Museum of Florida History and other state museums will promote the history of the riots through exhibits and educational programs, and collaborate with the National Museum of African American History and Culture of the Smithsonian Institution to seek inclusion of the history of the riots in the museum’s exhibits.

The bill directs the Secretary of Environmental Protection to assess if any state park or facility will be named in recognition of any victim of the riots. Additionally, the bill encourages district school boards to assess opportunities for naming school facilities in recognition of victims of the riots.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/HB 7011 — Student Athletes

by Education Committee; PreK-12 Innovation Subcommittee; and Rep. Massullo and others (CS/CS/SB 1696 by Rules Committee; Education Committee; and Senators Perry and Cruz)

Automated External Defibrillators

The bill is cited as the “Zachary Martin Act” and requires each public school that is a member of the Florida High School Athletic Association (FHSAA) to make its automated external defibrillator (AED) available on school grounds in a clearly marked, publicized location for each athletic contest, practice, workout, or conditioning session, including those outside of the school year.

Training for School Employees or Volunteers

The bill requires, beginning June 1, 2021, a school employee or volunteer with current training in cardiopulmonary resuscitation and AED use to be present at each athletic event during and outside of the school year. Each employee or volunteer expected to use an AED must complete this training and be annually notified in writing of each AED’s location.

Heat Stress Monitoring, Hydration, and Cooling Zones

The bill specifies that the FHSAA must:

- Make training and resources available to each member school for the effective monitoring of heat stress;
- Require member schools to monitor heat stress and modify athletic activities based on heat stress guidelines, including making cooling zones available;
- Establish hydration guidelines, including appropriate introduction of electrolytes; and
- Require each school’s emergency action plan to include a procedure for onsite cooling using cold-water immersion or equivalent means before transporting a student for exertional heat stroke.

The bill specifies that each athletic coach and sponsor of extracurricular activities involving outdoor practices or events must annually complete training in exertional heat illness identification, prevention, and response, including effective administration of cooling zones.

Medical Evaluation

The bill requires all students participating in conditioning and activities that occur outside of the school year to pass a medical evaluation prior to participation in such activities each year.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 114-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/HB 7067 — K-12 Scholarship Programs

by Appropriations Committee; Education Committee; and Rep. Sullivan and others (CS/CS/SB 1220 by Appropriations Committee; Education Committee; and Senator Diaz)

The bill modifies provisions in the Family Empowerment Scholarship (FES) Program, the Florida Tax Credit (FTC) Scholarship Program, and the Hope Scholarship Program (HSP), and also establishes a dual enrollment funding incentive for school districts.

The bill modifies the Family Empowerment Scholarship Program to:

- Establish a priority order for award of an FES, and removes the requirement that the scholarship is awarded on a first-come, first-served basis. The priority order for award of an FES, as established in the bill, is as follows:
 - A student who received an FES during the previous school year.
 - A student who received an FTC scholarship in the previous school year but did not receive a renewal scholarship because of a lack of funds, and meets other FES eligibility requirements.
 - A student whose household income does not exceed 185 percent of the federal poverty level, or is placed in foster care or in-home care; and spent the prior year in full-time attendance at a Florida public school.
 - A student who whose household income does not exceed 185 percent of the federal poverty level, or is placed in foster care or in-home care; and is eligible to enroll in kindergarten.
 - A student who is in a household with an income level that does not exceed 300 percent of the federal poverty level, or an adjusted maximum; and, in priority order, spent the prior year in full-time attendance at a Florida public school; or is eligible to enroll in kindergarten.
- In order to implement the established priority order for award of scholarship, require the Department of Education (DOE) to set deadlines for receipt of initial applications and renewal notifications, and for eligible nonprofit scholarship-funding organizations (SFOs) to verify student eligibility.
- Allow the maximum household income level, which is currently sets at 300 percent of the federal poverty level, to increase by 25 percent in any year following a fiscal year in which more than 5 percent of available FES scholarships are not awarded.
- Change the annual growth of the FES from 0.25 percent to 1.0 percent of the state's total public school enrollment, starting in the 2020-2021 school year.
- Require the DOE to maintain and publish a list of identified nationally norm-referenced tests for purposes of satisfying the FES program testing requirement.
- Require each private school to, by August 15 of each year, report the test scores of all participating students to a state university for the purpose of annual reporting of performance data.

The bill modifies the Florida Tax Credit Scholarship Program to:

- Specify that a student who receives an FTC scholarship remains eligible until high school graduation or age 21, regardless of the student's household income level.
- Require each SFO to use all available funds under the FTC scholarship program and the Hope Scholarship Program for renewal FTC scholarships, prior to awarding initial scholarships.
- Require each SFO to refer any student who does not receive a renewal FTC scholarship because of a lack of available funds to another SFO that may have funds available.

The bill modifies the Hope Scholarship Program to specify that an SFO that uses excess contributions to the HSP to fund FTC scholarships must prioritize renewal scholarships before awarding any initial scholarships.

The bill also establishes a dual enrollment full-time equivalent (FTE) incentive for school districts, beginning in the 2020-2021 school year, which provides:

- A 0.16 FTE bonus for each early college program student who completes a general education core course with a grade of "A."
- A 0.08 FTE bonus for each student not enrolled in an early college program who completes a general education core course with a grade of "A."
- A 0.3 FTE bonus for any student who completes an associate degree through dual enrollment with at least a 3.0 grade point average.
- That the school district must allocate at least 50 percent of the funds received from the dual enrollment bonus FTE funding go to the schools that generated the funds to support student academic guidance and postsecondary readiness.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 21-14; House 81-39

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Education

HB 7075 — OGSR/Animal Medical Records

by Oversight, Transparency and Public Management Subcommittee and Rep. Stevenson (SB 7008 by Education Committee)

The bill saves from repeal the current public records exemption relating to animal medical records held by or transferred to any state college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 40-0; House 115-0

Committee on Ethics and Elections

CS/HB 1005 — Voting Systems

by State Affairs Committee and Rep. Byrd and others (CS/SB 1312 by Appropriations Committee; and Senators Montford and Gainer)

The bill gives county canvassing boards and supervisors of elections the option to use state-certified, digital-imaging, automated tabulating equipment that is not part of the county's voting system to conduct both machine and manual recounts. Currently, only nine counties — Bay, Broward, Columbia, Hillsborough, Indian River, Leon, Nassau, Putnam, and St. Lucie — are expected to use such equipment to conduct post-certification, automated audits for the 2020 election cycle.

The bill authorizes the logic and accuracy testing of voting tabulating equipment to start as early as 25 days before early voting begins, rather than 10 days before early voting begins as under current law, to avoid any delay in the canvassing of vote-by-mail ballots.

If approved by the Governor, these provisions take effect January 1, 2021, except as otherwise provided.

Vote: Senate 38-0; House 118-0

Committee on Ethics and Elections

CS/CS/CS/SB 1794 — Constitutional Amendments

by Rules Committee; Judiciary Committee; Ethics and Elections Committee; and Senator Hutson

The bill modifies the citizen initiative process for amending the State Constitution. Specifically, the bill:

- Expands the scope of Florida Supreme Court review to include facial validity of the proposal under the U.S. Constitution.
- Narrows the role of the Financial Impact Estimating Conference (FIEC) to estimating the proposal's financial impact on state and local governments and the state budget.
- Increases the geographic diversity and number of petition signatures that must be verified before the Secretary of State refers the proposal to the Attorney General and the FIEC.
- Creates a cause of action for citizens to challenge a petition circulator's registration.
- Provides that petition signatures are valid until the next February 1 of an even-numbered year, establishing a standardized 2-year petition cycle.
- Allows the Division of Elections or a supervisor of elections to provide a petition form in PDF format, with printing costs to be borne by the sponsor.
- Provides that a signature obtained illegally, including by an unregistered paid petition circulator, is invalid.
- Petition Signature Verification (costs):
 - Requires petition sponsors to pay the actual cost of signature verification, as determined by the supervisor of elections in each county;
 - Requires such costs to be posted on the supervisors' and Division of Elections' website, for the sake of transparency;
 - Locks in verification costs for the entire 2-year petition cycle and signature validity period, so sponsors know at the outset how much verification will cost; and,
 - Requires the Division of Elections and supervisors to review biennially any available, cost-reducing technology.
- Petition Signature Verification (process):
 - Requires supervisors to verify petition signatures within 30 days (not 60 days) in the two months immediately preceding the February 1 ballot position deadline in a general election year.
 - Requires the supervisors and Division of Elections to post and update monthly (weekly during the last 60 days before the February 1 ballot position deadline) certain information about the number of signature petitions received, verified, and processed.
- Requires the ballot to include a bold-font statement that the FIEC:
 - Estimates a positive financial impact, along with projected tax/revenue/government services impacts;
 - Estimates a negative fiscal impact, along with projected tax/government services impacts; or,
 - Estimates an indeterminate financial impact due to ambiguities/uncertainties or the FEIC being unable to reach a consensus.

The bill, by its express terms, applies to 2020 ballot initiatives, though it does not “affect the validity of any petition form gathered before the effective date of this act or any contract entered into before the effective date of this act.” However, it clarifies that the FIEC need not re-visit financial impact statements already submitted to the Secretary of State for 2020 initiatives.

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

Vote: Senate 23-17; House 73-45

Committee on Ethics and Elections

HB 7009 — Penalties for Violations of the Constitutional Prohibition Against Abuse of Public Position

by Public Integrity and Ethics Committee and Rep. Byrd (SB 7006 by Ethics and Elections Committee)

The bill reenacts s. 112.317, F.S., which provides penalties for violations of the Florida Code of Ethics for Public Officers and Employees and for any violation of Art. II, s. 8, State Constitution.

The reenactment of s. 112.317, F.S., will make the section applicable to amendments to the State Constitution by Amendment 12 adopted in the 2018 general election. The amended constitutional language prohibits a public officer or public employee from abusing his or her public position in order to obtain a disproportionate benefit. Penalties under s. 112.317, F.S., include impeachment and removal from office, public censure and reprimand, a civil penalty not to exceed \$10,000, and restitution, among other punishments.

Amendment 12 provides that the abuse of public position prohibition takes effect on December 31, 2020. The amendment also requires the Legislature to enact implementing legislation establishing penalties for violations of the prohibition to take effect on the same day.

The bill's reenactment of s. 112.317, F.S., effective December 31, 2020, makes the penalty provisions of the section applicable to the constitutional prohibition. This meets the requirement of the Amendment 12 schedule language.

If approved by the Governor, these provisions take effect December 31, 2020.

Vote: Senate 36-0; House 118-0

Committee on Environment and Natural Resources

CS/HB 73 — Environmental Regulation

by State Affairs Committee; and Rep. Overdorf and others (CS/SB 326 by Environment and Natural Resources Committee; and Senators Perry and Gibson)

The bill requires contracts between local governments and residential recycling collectors or recovered materials processing facilities for the collection, transport, or processing of residential recyclable material to address contamination. Such contracts must provide a definition of “contaminated recyclable material” that is appropriate for the local community, and must address topics regarding contamination that are listed in the bill. These requirements also apply to each request for proposal or other solicitation for collecting or processing residential recyclable material. After a contract is executed, a residential recycling collector or recovered materials processing facility is not required to collect, transport, or process contaminated recyclable material, except pursuant to a contract consistent with the bill. The bill applies to contracts that are executed or renewed after October 1, 2020.

The bill prohibits a local government from requiring a person claiming certain environmental permitting exceptions to provide further verification from the Department of Environmental Protection. The bill revises the exemption in current law from permits for the replacement or repair of existing docks or piers. Instead of requiring that the replaced or repaired dock or pier be in the same location and of the same configuration and dimensions as the dock or pier being replaced or repaired, the bill requires that it must be within 5 feet of the same location and no larger than the existing dock or pier. No additional aquatic resources may be adversely and permanently impacted by such replacement or repair.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 119-0

Committee on Environment and Natural Resources

CS/CS/SB 178 — Public Financing of Construction Projects

by Appropriations Committee; Infrastructure and Security Committee; and Senators Rodriguez and Berman

The bill requires a public entity that commissions or manages a construction project within the coastal building zone, using funds appropriated from the state, to conduct a sea level impact projection (SLIP) study prior to commencing construction. The Department of Environmental Protection (DEP) must establish, by rule, standards for the SLIP studies. The standards must include certain requirements specified in the bill for how the studies will be conducted and the information they must contain. The bill's requirement to conduct a SLIP study prior to commencing construction is effective one year after DEP's rule is finalized, and this requirement only applies to projects that commence after the rule is finalized.

SLIP studies must be conducted, submitted to DEP, and published on DEP's website for 30 days before construction can commence. DEP must publish and maintain a copy of all SLIP studies on its website for 10 years after receipt. The bill requires DEP to adopt rules as necessary to administer the section and authorizes DEP to enforce the requirements of the section.

The bill authorizes DEP to bring a civil action to seek injunctive relief to cease construction, enforce the section or rules adopted pursuant thereto, or seek recovery of state funds expended on a coastal structure, if construction commences without complying with the section. The bill states that the section may not be construed to create a cause of action for damages or otherwise authorize the imposition of penalties by a public entity for failure to implement what is contained in a SLIP study.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 38-0; House 115-0

Committee on Environment and Natural Resources

CS/HB 327 — Illegal Taking, Possession, and Sale of Bears

by Agriculture and Natural Resources Subcommittee and Rep. D. Smith and others (CS/CS/SB 688 by Criminal Justice Committee; Environment and Natural Resources Committee; and Senator Wright)

The bill increases the penalty for taking or possessing a freshly killed bear during the closed season. Under the bill, a person who commits such offenses commits a Level Three violation (a first-degree misdemeanor for the first offense) and forfeits any other Fish and Wildlife Conservation Commission (FWC) license or permit for three years from the violation date. A person who commits a subsequent offense of taking a bear or possessing a freshly killed bear is permanently ineligible for issuance of any FWC license or permit. A person who possesses for sale or sells an illegally-taken bear commits a Level Four violation (a third-degree felony).

The bill provides an exception to the prohibited acts if a person is acting under the authority of FWC Rules.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 114-0

Committee on Environment and Natural Resources

SB 384 — Harris Chain of Lakes

by Senator Baxley

The bill repeals s. 373.467, F.S., eliminating the Harris Chain of Lakes Restoration Council.

The bill amends s. 373.468, F.S., eliminating the Harris Chain of Lakes Restoration Council's responsibilities in initiating the Harris Chain of Lakes restoration program and in reviewing other restoration proposals.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 110-4

Committee on Environment and Natural Resources

CS/HB 549 — Public Records/Site-specific Location Information of Endangered and Threatened Species

by Agriculture and Natural Resources Subcommittee and Rep. Overdorf (CS/CS/SB 812 by Governmental Oversight and Accountability Committee; Environment and Natural Resources Committee; and Senator Hutson)

The bill creates a new public records exemption to exempt site-specific location information for endangered and threatened species from public inspection and copying requirements. The exemption does not apply to location information for animals held in captivity.

The bill contains legislative findings, including that “the release of such location information would jeopardize the continued existence of endangered or threatened species by increasing the risk of exposure to wildlife poachers or by threatening the integrity of the site due to increased use or traffic. This exemption protects private property owners from potential trespass and related liability issues when endangered or threatened species are found on their properties and encourages such property owners, as well as researchers, to provide agencies with information they might not otherwise provide if such location information were made public.”

The exemption is subject to the Open Government Sunset Review Act and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-1; House 117-0

Committee on Environment and Natural Resources

CS/HB 659 — Drones

by Agriculture and Natural Resources Appropriations Subcommittee and Rep. Fischer (CS/SB 822 by Governmental Oversight and Accountability Committee and Senator Albritton)

The bill creates an additional exception from the prohibition in existing law against law enforcement agencies using drones to gather evidence or information. The bill authorizes the use of drones by a non-law enforcement employee of the Fish and Wildlife Conservation Commission or of the Florida Forest Service for the purposes of managing and eradicating invasive exotic plants or animals on public lands and suppressing or mitigating wildfire threats.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 114-0

Committee on Environment and Natural Resources

CS/CS/CS/SB 680 — Shark Fins

by Rules Committee; Commerce and Tourism Committee; Environment and Natural Resources Committee; and Senators Hutson, Gruters, Stewart, Berman, and Book

The bill is named the “Kristin Jacobs Ocean Conservation Act.”

The bill prohibits the import, export, and sale of shark fins in the State of Florida with certain exceptions including:

- The sale of shark fins by any commercial fisherman who harvested sharks from a vessel holding a valid federal shark fishing permit on January 1, 2020;
- The export and sale of shark fins by any wholesale dealer holding a valid federal Atlantic shark dealer permit on January 1, 2020; and
- The export and sale of domestically sourced shark fins by any shark fin processor that obtains fins from a wholesale dealer holding a valid federal Atlantic shark dealer permit on January 1, 2020.

The bill requires the Fish and Wildlife Conservation Commission (FWC) to evaluate the potential economic impact to the commercial shark fishing industry associated with prohibition of the import, export, and sale of shark fins in Florida, and report its findings to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2021. In conducting the study, FWC shall include:

- Recommendations on how to lessen or offset impacts on the commercial shark fishing industry to the extent practicable if any negative economic impacts are identified;
- The potential impact on shark populations associated with the prohibition of the import, export, and sale of shark fins in Florida; and
- Any other information FWC believes is relevant to the management of shark fisheries.

The bill states that, upon receipt of the report, the Legislature may impose a ban on the domestic production of shark fins.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 40-0; House 119-1

Committee on Environment and Natural Resources

CS/SB 702 — Petroleum Cleanup

by Environment and Natural Resources Committee and Senator Albritton

The bill makes the following changes to the Petroleum Cleanup Participation Program:

- Requires that limited contamination assessment reports be sufficient to support the proposed course of action and to estimate the cost of the proposed course of action.
- Authorizes a demonstration of cost savings, as described in the bill, to replace or supplement the existing cost-share requirement.
- Provides definitions for Risk Management Option Levels I and II.
- Deletes the authorization that the costs for the report and copayment may be reduced or eliminated if the responsible owners and all operators demonstrate that they cannot financially comply with the copayment and report requirements.
- Deletes the 120-day time limitation for negotiations.

The bill makes the following changes to the Advanced Cleanup Program:

- Requires the applicant's contractor, upon acceptance of an application, to submit a scope of work to the Department of Environmental Protection (DEP) for the limited contamination assessment. Once the scope of work is agreed upon, DEP must issue purchase orders for the assessment of up to \$35,000 per purchase order.
- Requires that the property owner or responsible party must commit to continue to participate in the advanced cleanup program upon completion of the limited contamination assessment and finalization of the proposed course of action.
- Requires that proposed course of actions in the application be "conceptual."
- Deletes the prohibition on refunding costs incurred relating to conducting the limited contamination assessment report from the Inland Protection Trust Fund (IPTF).
- Deletes the requirement that the limited contamination assessment report be included in the application for the advanced cleanup program.

The bill authorizes DEP to use the IPTF to address damage or potential damage to storage tank systems caused by ethanol or biodiesel. DEP must pay up to \$10 million each fiscal year from the IPTF for the costs of labor and equipment to repair or replace petroleum storage systems that may have been damaged or for preventative measures reducing the potential for such damage. The bill establishes procedures by which petroleum storage system owners or operators may submit applications for purchase orders for authorized scopes of work and for payment of costs incurred between July 1, 2015 and June 30, 2019. DEP is authorized to pay up to \$200,000 annually per applicant for a single facility or \$500,000 annually per applicant in aggregate. The bill requires that, after July 1, 2019, DEP must only register new petroleum equipment meeting applicable standards for compatibility.

The bill requires DEP to disburse money to the Fish and Wildlife Conservation Commission for enforcement of the IPTF statute and the Water Quality Assurance Act.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 117-0

Committee on Environment and Natural Resources

CS/HB 1047 — Construction Materials Mining Activities

by Government Operations and Technology Appropriations Subcommittee and Rep. Avila and others (SB 1618 by Senator Diaz)

The bill creates a pilot program in the Division of the State Fire Marshal (Division) within the Department of Financial Services for the monitoring and reporting of each blast resulting from the use of explosives for construction materials mining activities in Miami-Dade County. The bill requires the State Fire Marshal to post the report on the Division's website and to adopt rules to implement and enforce the act.

The bill requires the State Fire Marshal to hire or contract with seismologists to monitor and report, at minimum, the ground vibration, frequency, intensity, air blast, and time and date of the blast. The bill prohibits the seismologists from certain conflicts of interest or dishonest practices.

The bill requires a person who engages in construction materials mining activities to provide written notice to the State Fire Marshal of the use of an explosive for such activities in Miami-Dade County before the detonation of the explosive.

The bill appropriates, for Fiscal Year 2020-2021, a recurring sum of \$600,000 and a nonrecurring sum of \$440,000 from the General Revenue Fund, and a nonrecurring sum of \$1,000,000 from the Insurance Regulatory Trust Fund to the Division for the purpose of implementing the pilot program created under the bill.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 38-0; House 118-0

Committee on Environment and Natural Resources

CS/CS/HB 1061 — Aquatic Preserves

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; and Rep. Massullo (SB 1042 by Senator Albritton)

The bill designates the coastal region of Citrus, Hernando, and Pasco counties as an aquatic preserve system under the Florida Aquatic Preserve Act of 1975 and names it the “Nature Coast Aquatic Preserve.” The bill also designates the region as an Outstanding Florida Water.

The bill includes legislative intent that the area “be preserved in an essentially natural condition so that its biological and aesthetic values may endure for the enjoyment of future generations.”

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 117-1

Committee on Environment and Natural Resources

CS/CS/HB 1091 — Environmental Accountability

by State Affairs Committee; Agriculture and Natural Resources Subcommittee; and Rep. Fine and others (CS/CS/SB 1450 by Appropriations Committee; Environment and Natural Resources Committee; and Senator Gruters)

The bill makes numerous changes to the penalties for violating Florida's environmental laws. The bill increases required or maximum environmental penalties in various sections of the Florida Statutes. Most of these changes increase a penalty by 50 percent. The bill increases the amount in administrative penalties that the Department of Environmental Protection may impose under ch. 403, F.S., in a notice of violation from \$10,000 to \$50,000.

The bill changes the duration that several penalties may run, so that each day during any portion of which certain violations occur constitutes a separate offense. For administrative penalties imposed under ch. 403, F.S., the bill provides that each day the cause of an unauthorized discharge of domestic wastewater is not addressed constitutes a separate offense. For civil penalties imposed under ch. 403, F.S., the bill provides that, if a violation is an unauthorized discharge of domestic wastewater, each day the cause of the violation is not addressed constitutes a separate offense until the violation is resolved by order or judgement.

The bill requires a seller of real property to disclose to a prospective purchaser, before executing a contract for sale, any defects in the property's sanitary sewer lateral that are known to the seller. The bill also encourages municipalities and counties to voluntarily establish within their respective jurisdictions an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties to identify and reduce extraneous flow from leaking sanitary sewer laterals. The bill sets out certain requirements for such programs.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 115-0

Committee on Environment and Natural Resources

CS/CS/CS/SB 1414 — Fish and Wildlife Activities

by Rules Committee; Agriculture Committee; Environment and Natural Resources Committee; and Senator Mayfield

The bill broadens the prohibition on the harassment of hunters, trappers, or fishers to include harassment on any public lands, public waters, or publicly or privately owned wildlife management and fish management areas.

The bill expands the number of free fishing days from 4 to 6.

The bill adds green iguanas and tegu lizards to the conditional nonnative snakes and lizards list and tightens the restrictions on the list from applying to possession of these species for sale or personal use to prohibiting any use except for educational, research, or eradication or control purposes.

The bill authorizes the Fish and Wildlife Conservation Commission (FWC) to grandfather certain persons holding a valid captive wildlife Class III exhibition or sale license to continue to exhibit, sell, or breed green iguanas or tegu lizards commercially as long as the license remains active and is not transferred or lapsed. The bill allows the sale of inventory of the species only outside of the state and prohibits import of the species into the state.

The bill requires FWC to adopt rules to establish reporting requirements, biosecurity measures to prevent the escape of the species, and grandfathering provisions for persons that are currently in possession of green iguanas or tegu lizards who do not qualify for the grandfathering provisions applicable to exhibition, sale, or breeding.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 118-0

Committee on Environment and Natural Resources

HB 6027 — Citrus/Hernando Waterways Restoration Council, Citrus County by Rep. Massullo (SB 388 by Senator Hooper)

The bill repeals the Citrus/Hernando Waterways Restoration Council and the Citrus/Hernando Waterways restoration program by repealing Chapters 2003-287 and 2006-43, L.O.F.

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

Vote: Senate 40-0; House 118-0

Committee on Finance and Tax

SB 7004 — OGSR/Taxpayer E-mail Address Held by a Tax Collector

by Finance and Tax Committee (HB 7007 by Oversight, Transparency and Public Management Subcommittee; and Rep. LaMarca)

The bill amends s. 197.3225, F.S., to continue to keep confidential and exempt from public disclosure e-mail addresses collected by tax collectors and used by tax collectors to obtain a taxpayer's consent to receive notices electronically, as well as to send to consenting taxpayers: quarterly prepayment tax notices; delinquent tax notices; and third-party, mortgagee, and vendee tax notices.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 37-1; House 117-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Finance and Tax

HB 7095 — Adoption of the Internal Revenue Code for Purposes of the Corporate Income Tax

by Ways and Means Committee and Rep. Avila (SB 7058 by Finance and Tax Committee)

The bill adopts provisions of the Internal Revenue Code in effect on January 1, 2020, for purposes of Florida's corporate income tax.

If approved by the Governor, these provisions take effect upon becoming law and operates retroactively to January 1, 2020.

Vote: Senate 39-0; House 113-0

Committee on Governmental Oversight and Accountability

CS/HB 101 — Public Construction

by Commerce Committee and Reps. Andrade and others (CS/SB 246 by Governmental Oversight and Accountability Committee and Senator Hooper)

Retainage is an amount that a state or local government entity may withhold from payment for construction services to the contractor during the construction process. This bill reduces the retainage cap from 10 percent of the costs due to five percent of the costs throughout the term of the contract for construction services.

The bill repeals:

- The authority granted to a contractor to request the government entity to release up to half of the retained amount after fifty percent of the project is completed; and
- The authority granted to a contractor to withhold more than five percent of each progress payment to his or her subcontractors after fifty percent of a project with a government entity is completed.

The bill specifies that the provisions do not apply to:

- Department of Transportation construction contracts authorized under ch. 337, F.S.; and
- Any contract for construction services entered into, pending approval, or advertised by a government entity, on or before October 1, 2020.

If approved by the Governor, these provisions take effect on October 1, 2020.

Vote: Senate 40-0; House 118-1

Committee on Governmental Oversight and Accountability

CS/HB 255 — Florida Commission on Human Relations

by Civil Justice Subcommittee and Rep. Antone (SB 726 by Senator Rouson)

The Florida Commission on Human Relations (Commission) is comprised of 12 members appointed by the Governor, subject to confirmation by the Senate. Currently, there are only 6 members active on the Commission. The bill reduces the quorum for conducting Commission business from seven to six members. The bill also allows the Commission to nominate fewer than 10 people for the Florida Civil Rights Hall of Fame each year.

The bill requires the Commission to provide notice to an aggrieved person of their failure to determine reasonable cause if the Commission fails to make a determination within one year of the complaint's filing, and revises various deadlines and time constraints regarding the Commission's fact-finding investigation period for a retaliation claim.

The bill removes the requirement that facilities and communities designed for the housing of elderly must register with the Commission and renew such registration every two years, and removes associated fees and fines. It also removes the requirement that the Commission or Attorney General investigate public housing discrimination complaints, and increases the time period the Attorney General has to resolve a complaint regarding discriminatory practices of certain clubs.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 37-0; House 116-0

Committee on Governmental Oversight and Accountability

CS/CS/HB 441 — Public Procurement of Services

by State Affairs Committee; Oversight, Transparency and Public Management Subcommittee; and Rep. DiCeglie and others (CS/CS/SB 506 by Appropriations Committee, Governmental Oversight and Accountability Committee; and Senator Perry)

The Consultants' Competitive Negotiation Act (CCNA) requires state and local government agencies to procure the "professional services" of an architect, professional engineer, landscape architect, or registered surveyor and mapper using a qualifications-based selection process. The CCNA permits the use of a continuing contract - a contract for professional services entered into between an agency and a firm whereby the firm provides professional services to the agency for several projects.

The bill amends the definition of "continuing contract" to increase the maximum dollar amount for each individual project and each individual study under the contract for construction projects. The maximum dollar amount for each individual project is increased from \$2 million to \$4 million, and the maximum dollar amount for each individual study is increased from \$200,000 to \$500,000.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 117-0

Committee on Governmental Oversight and Accountability

SB 830 — OGSR/Certain Personal Financial and Health Information

by Senator Benacquisto

The bill amends s. 1009.987, F.S., to continue to keep confidential and exempt from public disclosure the personal financial and health information of a consumer that is held by the Florida Prepaid College Board, the Florida ABLE, Inc., the Florida ABLE program, or an agent or service provider of one of these entities relating to an ABLE account, or a participating agreement or any information that would identify a consumer.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 40-0; House 114-0

Committee on Governmental Oversight and Accountability

SB 936 — Disability Retirement Benefits

by Senator Gainer

The bill provides a veteran with another option in establishing a proof of disability when he or she seeks a disability retirement benefit under the Florida Retirement System (FRS). Current law requires the FRS member, in establishing a proof of disability, to submit a certification of the members' total and permanent disability from two licensed physicians of the state, or of the state in which the member works full time. Under the bill, an FRS member who is receiving care at a federal Veterans Health Administration facility may alternatively offer two of that facility's physicians' certifications as proof of the member's total and permanent disability, regardless of where the physician is licensed.

The bill is not expected to impact state or local revenues or expenditures.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 115-0

Committee on Governmental Oversight and Accountability

CS/SB 952 — Senior Management Service Class

by Governmental Oversight and Accountability Committee and Senator Perry

This bill makes certain managerial employees of the criminal conflict and civil regional counsel offices members of the Senior Management Service Class (SMSC) (rather than the Regular Class) of the Florida Retirement System (FRS). For each employee participating in the pension plan of the FRS, this shift means the employee earns 2.0 percent service credit for each year of service rather than 1.6 percent service credit. For an employee participating in the investment plan of the FRS, the employee will receive contributions into the investment account equal to 7.67 percent of salary rather than 6.3 percent of salary.

Any employee shifted from the Regular Class to the SMSC may upgrade any retirement credit for service in the same position earned after October 1, 2007. The upgraded service credit may not be purchased by the member's employer.

The bill increases the aggregate personnel costs incurred by the five offices of the criminal conflict and civil regional counsel by an estimated \$288,234 annually for the positions enumerated in the bill for membership in the SMSC.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 114-0

Committee on Governmental Oversight and Accountability

CS/SB 1050 — Disaster Volunteer Leave for State Employees

by Governmental Oversight and Accountability Committee and Senator Diaz

The bill amends the Florida Disaster Volunteer Leave Act (the Act). The bill broadens the definition of “disaster” to mean an event that results in a state of emergency as declared by the governor of this state or any other state or territory in the United States. The bill adds the terms “disaster area” and “volunteer” to the Act.

The bill requires a request for disaster leave be made by the employee and specifies an employing agency must verify the employee’s volunteer status before granting leave. Leave for disasters occurring outside the boundaries of this state but within the United States requires the approval of the head of the employee’s employing agency. An employee receiving disaster leave must attest to his or her employing agency that he or she has completed his or her volunteer service and must specify the period of time served as a volunteer for that event and a description of the disaster response or recovery services provided.

If approved by the Governor, these provisions take effect on July 1, 2020.

Vote: Senate 38-0; House 118-0

Committee on Governmental Oversight and Accountability

CS/CS/HB 1393 — Pub. Rec./Financial Technology Sandbox

by State Affairs Committee; Insurance and Banking Subcommittee; and Rep. Grant, J. and others (CS/CS/SB 1872 by Banking and Insurance Committee; Governmental Oversight and Accountability Committee; and Senator Hutson)

The bill creates a public records exemption for certain sensitive business information relating to the Financial Technology Sandbox held by the Office of Financial Regulation confidential and exempt from public disclosure. Specifically, the bill makes confidential and exempt from public disclosure the following records:

- The reasons why certain general laws may prevent an innovative financial product or service from being made available to consumers;
- Certain sensitive business information submitted by an applicant when applying for the Financial Technology Sandbox; and
- Information provided by an applicant to evaluate whether the applicant has a sufficient plan to test, monitor, and assess the innovative financial product or service.

The bill authorizes the Office of Financial Regulation to release this information to appropriate state and federal agencies for the purposes of investigation.

The bill repeals the exemptions on October 2, 2025, unless the exemptions are reviewed and saved from repeal through reenactment by the Legislature. The bill provides a public necessity statement as required by the State Constitution.

The Office of Financial Regulation may incur costs relating to the redaction of records in responding to public records requests.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 117-0

Committee on Governmental Oversight and Accountability

SB 1714 — Sale of Surplus-owned Office Buildings and Associated Nonconservation Lands

by Senator Bradley

The bill removes the requirement that state universities and Florida College System institutions be offered the opportunity to lease a building or parcel of land with priority consideration before the same property is offered to another government entity or private party. The bill also requires that, when appraising the value of surplus lands, the Division of State Lands must base the value on the “highest and best use” of the property after considering any applicable developmental rights.

Funds received through the sale of surplus state-owned office buildings and associated nonconservation lands must be deposited into the Architects Incidental Trust Fund rather than into the Internal Improvement Trust Fund. These funds must be used for the acquisition, lease, planning, entitlement, design, permitting, construction, or maintenance of state-owned office buildings.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 115-0

Committee on Governmental Oversight and Accountability

HB 5007 — State-administered Retirement Systems

by Appropriations Committee and Rep. Cummings (SB 7044 by Governmental Oversight and Accountability Committee)

The bill establishes the contribution rates paid by employers participating in the Florida Retirement System (FRS) beginning July 1, 2020. These rates are intended to fund the full normal cost and the amortization of the unfunded actuarial liabilities of the FRS. With these modifications to employer contribution rates, the FRS Trust Fund will receive roughly \$404.5 million more in revenue on an annual basis beginning July 1, 2020. 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.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 111-5

Committee on Governmental Oversight and Accountability

CS/HB 7039 — Repeal of Advisory Bodies and Programs

by Health and Human Services Committee; State Affairs Committee; and Rep. Rodriguez, A.
(CS/SB 1636 by Governmental Oversight and Accountability Committee and Senator Baxley)

The bill abolishes specific advisory bodies and programs that are no longer active, necessary, or beneficial to the furtherance of a public purpose. Specifically, this bill abolishes the following entities and the statutory references relating to:

- Citrus/Hernando Waterways Restoration Council;
- My Safe Florida Home Program Advisory Council;
- Ad hoc committee for the Great Floridian Program within the Department of State;
- Geneva Freshwater Lens Task Force;
- Brownfield Areas Loan Guarantee Council;
- Nonmandatory Land Reclamation Committee;
- Sturgeon Production Working Group;
- Trap Certificate Technical Advisory Appeals Board;
- Clean Fuel Florida Advisory Board;
- Technical advisory council for water and domestic wastewater operator certification;
- Technical advisory panels for Florida Health Choices, Inc.;
- Technical advisory panel relating to result-oriented accountability program within the Department of Children and Families;
- Learning Gateway steering committee;
- Department of Elderly Affairs Advisory Council;
- Florida Agricultural Promotion Campaign Advisory Council;
- Healthy Schools for Healthy Lives Council;
- Tropical Fruit Advisory Council;
- Board of Governors Advisory board relating to online baccalaureate degree programs;
and
- Florida Early Learning Advisory Council.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 110-1

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 59 — Automated Pharmacy Systems

by Health and Human Services Committee; Health Quality Subcommittee; and Rep. Willhite and others (CS/CS/SB 708 by Rules Committee; Health Policy Committee; and Senator Hutson)

The bill expands current law to permit a licensed community pharmacy to provide outpatient pharmacy services for the dispensing of medicinal drugs through the use of an automated pharmacy system (APS) that need not be located at the same location as the community pharmacy if:

- The APS is under the supervision and control of the community pharmacy;
- The APS is housed in an indoor environment area and in a location to increase patients' access to their prescriptions, including, but not limited to:
 - Medical facilities;
 - Places of business where essential goods and commodities are sold;
 - Large employer workplaces; or
 - Locations where access to a community pharmacy is limited.
- The community pharmacy providing services through the APS notifies the Board of Pharmacy (BOP) of the location of the APS and any changes in such location;
- The APS has a mechanism that provides live, real time patient counseling by a pharmacist licensed in Florida, before the dispensing of any medicinal drug;
- The APS does not contain or dispense any controlled substance;
- The community pharmacy maintains a record of the drugs dispensed, including the identity of the pharmacist responsible for verifying the accuracy of the dosage and directions and providing patient counseling;
- The APS ensures confidentiality of personal health information; and
- The community pharmacy maintains written policies and procedures to ensure the proper, safe, and secure functioning of the APS.

A community pharmacy using an APS must annually review the policies and procedures and maintain a record of such policies and procedures for at least four years. The annual review must be documented in the community pharmacy's records and must be made available to the BOP upon request. The policies and procedures must address numerous issues relating to the operation, maintenance, filling, stocking, restocking, testing, and security of an APS, as well as the training of persons authorized to access the APS. The bill requires a community pharmacy to maintain an ongoing quality assurance program for the performance of its APS.

The bill requires that medicinal drugs stored in bulk or unit of use in an APS used for outpatient dispensing are part of the inventory of the pharmacy providing such outpatient dispensing with the APS.

The bill deletes the current-law requirement for the BOP to adopt rules governing a pharmacy's use of an APS and instead authorizes the BOP to adopt such rules.

If approved by the Governor, these provisions take effect July 1, 2020.
Vote: Senate 27-12; House 115-1

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 177 — Prescription Drug Donation Repository Program

by Health Care Appropriations Subcommittee and Rep. Yarborough and others (CS/SB 58 by Health Policy Committee; and Senators Book, Harrell, Stewart, and Cruz)

The bill creates the Prescription Drug Donation Repository Program (program) within the Department of Health (DOH) to facilitate the donation and distribution of prescription drugs and supplies to eligible patients in the state. The program:

- Enables Florida residents with valid prescriptions who are indigent, uninsured, or underinsured to receive donated prescription drugs and supplies under the program;
- Specifies a list of entities that may donate prescription drugs or medical devices to the program if the entities meet certain criteria, including nursing homes, hospices, hospitals, pharmacies, drug manufacturers or wholesale distributors, medical device manufacturers or suppliers, and prescribers who receive drugs or supplies directly from a manufacturer, distributor, or pharmacy;
- Requires donated prescription drugs to be approved for medical use in the U.S., be in unopened, tamper-evident packaging, and have an expiration date that is more than three months after the date of donation. Prescription drugs eligible under the program do not include controlled substances, cancer drugs, or drugs with an approved USDA risk evaluation and mitigation strategy that includes elements to assure safe use;
- Limits dispensing of prescription drugs under the program to persons who are licensed, registered, or otherwise permitted by state law;
- Authorizes health care practitioners' offices, pharmacies, hospitals, and nursing home facilities with closed drug delivery systems, and certain free clinics or nonprofit health clinics, to participate in the program as repositories. A repository may accept and dispense eligible donations to eligible patients under the program;
- Provides inspection, inventory, storage, dispensing, recordkeeping, and reporting requirements for repositories;
- Requires the DOH to maintain and publish on its website registries of all participating facilities and available donated drugs and supplies; and
- Requires the DOH to adopt rules necessary to implement the program.

The bill authorizes the Governor to waive the patient eligibility requirements of the program during a declared state of emergency.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 118-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/SB 218 — Licensure Requirements for Osteopathic Physicians
by Health Policy Committee and Senator Harrell

The bill updates the osteopathic internship and residency accrediting agencies.

The bill amends s. 459.0055, F.S., to recognize the agreement between the American Osteopathic Association (AOA) and the Accreditation Council for Graduate Medical Education (ACGME). Under the agreement, both organizations have committed to improving the patient care delivered by resident and fellow physicians and to do so in clinical learning environments characterized by excellence in care, safety, and professionalism, thereby creating a single path for graduate medical education (GME) for physicians.

This single path for GME allows osteopathic and allopathic medical school graduates to seek residencies and fellowship programs accreditation by ACGME. This will enable osteopathic medical school graduates, residents, and fellows to apply to the National Resident Match Program and participate in the Main Residency Match for internships, residencies, and fellowships, thereby creating more residency opportunities for osteopathic residents.

The bill deletes statutory reference to the Board of Trustees of the Bureau of Professional Education of the AOA as an internship and residency accrediting organization during the transition to a single path for GME, while maintaining reference to the AOA, and repeals the Board of Osteopathic Medicine's authority to accredit other internship programs upon a showing of good cause.

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

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/SB 226 — Athletic Trainers

by Health Policy Committee and Senator Harrell

The bill requires an athletic trainer to work within his or her scope of practice as defined by the Board of Athletic Trainers (BOAT) and revises the educational and internship requirements for licensure.

The bill amends s. 468.701, F.S., to remove a substantive statutory provision from the definition of “athletic trainer” and relocate that provision to s. 468.713, F.S. The provision in question restricts a licensed athletic trainer from providing, offering to provide, or representing that he or she is qualified to provide any care or services that he or she lacks the education, training, or experience to provide, or that he or she is otherwise prohibited by law from providing.

The bill also specifies within s. 468.713, F.S., that an athletic trainer must work within his or her allowable scope of practice as specified in BOAT rule.

The bill amends the licensure requirements for an athletic trainer in s. 468.707, F.S., to create a new licensure pathway for applicants who hold a bachelor’s degree, have completed the Board of Certification for athletic trainers (BOC) internship requirements, and hold a current certification from the BOC to become licensed in Florida.

The bill amends s. 468.711, F.S., relating to licensure renewal requirements to require an athletic trainer to maintain his or her BOC certification in good standing without lapse. A licensee will have to demonstrate the continuous good-standing of his or her BOC certification at the time of renewal.

The bill amends s. 468.723, F.S., to give the BOAT rulemaking authority to further define the supervision between an athletic training student and a licensed athletic trainer, rather than relying on compliance with standards set by the Commission on Accreditation of Athletic Training Education.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 115-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

SB 348 — Florida Kidcare Program

by Senators Bean, Harrell, and Perry

The bill repeals the \$1 million lifetime benefit maximum on covered expenses for a child enrolled in the Florida Healthy Kids (Healthy Kids) program. Under the bill, no child may be disenrolled from Healthy Kids because the dollar value of his or her benefits under the program has exceeded \$1 million.

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

Vote: Senate 38-0; House 115-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 389 — Practice of Pharmacy

by Health and Human Services Committee and Rep. Sirois and others (CS/SB 714 by Health Policy Committee and Senator Hutson)

The bill (Chapter 2020-7, L.O.F.) expands the scope of practice for pharmacists in two ways, by creating specified parameters under which pharmacists may:

- Enter into a collaborative pharmacy practice agreement with a physician to treat that physician’s patients for chronic health conditions; and
- Test or screen for and treat minor, nonchronic health conditions for any patient who qualifies for such testing and treatment under the provisions and requirements of a written protocol with a supervising physician.

Collaborative Pharmacy Practice for Chronic Health Conditions

Under the bill, a “collaborative pharmacy practice agreement” (collaborative agreement) means a written agreement between a pharmacist who meets qualifications specified in the bill and a Florida-licensed allopathic or osteopathic physician in which the collaborating physician authorizes the pharmacist to provide specified patient care to the physician's patients named in the agreement.

The bill defines “chronic health condition” to mean arthritis, asthma, chronic obstructive pulmonary diseases, type 2 diabetes, HIV/AIDS, obesity, or any other chronic condition adopted in rule by the Board of Pharmacy (BOP) in consultation with the Board of Medicine (BOM) and the Board of Osteopathic Medicine (BOOM).

Before providing services under a collaborative agreement, a pharmacist must be certified by the BOP according to rules adopted by the BOP in consultation with the BOM and BOOM. Requirements for certification include minimum standards for experience and education, including completion of an initial 20-hour course providing instruction on topics such as performing patient assessments, ordering and interpreting laboratory tests, evaluating and managing diseases and health conditions, and other subjects required by the BOP. Certification also requires a pharmacist to maintain at least \$250,000 in professional liability insurance coverage and to establish a system to maintain patient records for five years.

The terms and conditions of a collaborative agreement must be appropriate to the pharmacist’s training, and services delegated to the pharmacist must be within the collaborating physician’s scope of practice. A copy of the pharmacist’s certification issued BOP must be included as an attachment to the collaborative agreement. A collaborative agreement must, among other requirements, include:

- The names of the physician’s patient(s) who may be treated by the pharmacist;
- Each chronic health condition to be collaboratively managed;
- Specific drugs to be managed by the pharmacist for each patient;

- Circumstances under which the pharmacist may order, perform, or evaluate lab or clinical tests; and
- Conditions that require the pharmacist to notify the collaborating physician.

A pharmacist who enters into a collaborative agreement must submit a copy of the signed agreement to the BOP before the agreement may be implemented. A collaborative agreement will automatically terminate two years after execution if not renewed.

The bill prohibits a pharmacist from:

- Modifying or discontinuing drugs prescribed by a health care practitioner with whom he or she does not have a collaborative agreement; or
- Entering into a collaborative agreement while acting as an employee of a pharmacy without the written approval of the pharmacy owner.

The bill prohibits a physician from delegating the authority to initiate or prescribe controlled substances to a pharmacist.

A pharmacist who practices under a collaborative agreement must complete an eight-hour continuing education course approved by the BOP that addresses issues related to collaborative pharmacy practice with each biennial renewal of the pharmacist's license, in addition to continuing education requirements he or she must meet under preexisting law.

The bill requires the BOP, in consultation with the BOM and BOOM, to adopt rules to implement the bill's provisions for collaborative pharmacy practice.

Testing and Screening for and Treatment of Minor, Nonchronic Health Conditions by Pharmacists

The bill authorizes pharmacists who meet qualifications specified in the bill to test or screen for and treat minor, nonchronic health conditions within the framework of a written protocol with a supervising allopathic or osteopathic physician licensed in Florida. Under the bill, a minor, nonchronic health condition is typically a short-term condition that is generally managed with minimal treatment or self-care and includes:

- Influenza;
- Streptococcus;
- Lice;
- Skin conditions, such as ringworm and athlete's foot; and
- Minor, uncomplicated infections.

To qualify under the bill, a pharmacist must be certified by the BOP to have met certain educational requirements, including completion of a 20-hour education program approved by the BOP in consultation with the BOM and BOOM which must address patient assessments, point-of-care testing procedures, safe and effective treatments, and identification of contraindications.

A pharmacist so certified by the BOP must provide evidence of the certification to the supervising physician.

A pharmacist who tests and treats under the bill must also maintain at least \$250,000 in liability coverage; furnish a patient's records, upon the patient's request, to a health care practitioner designated by a patient; and maintain patient records for five years from each patient's most recent provision of service.

The BOP is required to adopt by rule a formulary of drugs that a pharmacist may prescribe under a test-and-treat protocol for minor, nonchronic health conditions covered under the protocol. Such drugs must be approved by the federal Food and Drug Administration which are indicated for the treatment of such conditions. The formulary may not include controlled substances.

The bill provides that a pharmacist who tests and treats may use any tests that guide the diagnosis or clinical decision-making which the federal Centers for Medicare & Medicaid Services has determined qualify for a waiver under the federal Clinical Laboratory Improvement Amendments of 1988, or federal rules adopted thereunder, or any established screening procedures that can safely be performed by a pharmacist.

A written protocol between a pharmacist and supervising physician must include particular terms and conditions imposed by the supervising physician relating to the testing and screening for and treatment of minor, nonchronic health conditions. The terms and conditions must be appropriate to the pharmacist's training. A pharmacist who enters into such a protocol with a supervising physician must submit the protocol to the BOP. The protocol must include:

- Specific categories of patients who the pharmacist is authorized to test or screen for and treat minor, nonchronic health conditions;
- The physician's instructions for obtaining relevant patient medical history for the purpose of identifying disqualifying health conditions, adverse reactions, and contraindications to the approved course of treatment;
- The physician's instructions for the treatment of minor, nonchronic health conditions based on the patient's age, symptoms, and test results, including negative results;
- A process and schedule for the physician to review the pharmacist's actions under the protocol;
- A process and schedule for the pharmacist to notify the physician of the patient's condition, tests administered, test results, and course of treatment; and
- Any other requirements as established by the BOP in consultation with the BOM and BOOM.

A pharmacist certified by the BOP to test and treat under the bill must complete a three-hour continuing education course approved by the BOP that addresses issue related to minor, nonchronic health conditions with each biennial renewal of the pharmacist's license, in addition to continuing education requirements he or she must meet under preexisting law.

A pharmacist providing test-and-treat services under the bill may not perform such services while acting as an employee of a pharmacy without the written approval of the pharmacy owner.

A pharmacist who tests and treats under the bill must provide a patient with written information to advise the patient to seek follow-up care from his or her primary care physician. The BOP must adopt rules for the circumstances under which such information must be provided.

A pharmacy in which a pharmacist tests and treats under the bill must prominently display signage indicating that any patient receiving testing, screening, or treatment services as authorized under the bill is advised to seek follow-up care from his or her primary care physician.

The bill provides that its test-and-treat provisions do not apply with respect to minor, nonchronic health conditions when treated with over-the-counter products.

Other Provisions

The bill:

- Provides that its two requirements for \$250,000 in professional liability coverage (the first for collaborative pharmacy practice and the second for testing for and treating minor, nonchronic health conditions) are not duplicative and that coverage for either satisfies both requirements;
- Adds pharmacists who are authorized to perform or order and evaluate laboratory or clinical tests under a collaborative pharmacy practice or test-and-treat protocol, to the list of health care practitioners and facilities that, upon the diagnosis or suspicion of the existence of a disease of public health significance, must immediately report that fact to the Department of Health; and
- Amends the statutory definition of “practice of the profession of pharmacy” to conform to the bill’s provisions.

These provisions became law upon approval by the Governor on March 11, 2020, and take effect July 1, 2020.

Vote: Senate 28-12; House 98-17

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 404 — Abortion

by Rules Committee; Health Policy Committee; and Senators Stargel, Hutson, Harrell, Gruters, Mayfield, Baxley, Diaz, Albritton, and Broxson

The bill amends the Parental Notice of Abortion Act in s. 390.01114, F.S., to add consent requirements and renaming the Act as the Parental Notice of and Consent for Abortion Act.

The bill prohibits a physician from performing an abortion on a minor unless the physician has received a notarized, written consent statement with specified language signed by the minor's mother, father, or legal guardian and the physician has been presented with proof of identification by the parent or legal guardian. However, the consent requirement does not apply if:

- Notice is not required under specified exceptions to the parental notice requirement;
- The abortion is performed during a medical emergency when there is insufficient time to obtain consent;
- The parent or guardian has waived the right to consent; or
- The minor petitions the circuit court where she resides and receives a judicial waiver of parental consent. The bill applies the preexisting statutory procedures for obtaining a judicial waiver of the notice requirement to the process of obtaining a judicial waiver of the consent requirement.

The bill requires that a physician keep the consent document and proof of identification in the minor's medical record for at least seven years. The bill also authorizes a third degree felony penalty for a physician who recklessly or intentionally performs, or attempts to perform, an abortion on an unemancipated minor without the required consent but provides a defense if the minor misrepresented her age or identity under certain circumstances.

The bill also amends s. 390.0111(12), F.S., to increase the penalty from a first degree misdemeanor to a third degree felony for violating requirements established for infants born alive during or immediately after an attempted abortion.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 23-17; House 75-43

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 406 — Public Records/Minor’s Petition to Waive Consent/Abortion

by Rules Committee; Health Policy Committee; and Senator Stargel

The bill creates s. 390.01118, F.S., to make confidential and exempt from public inspection and copying any information that can be used to identify a minor who is petitioning a circuit court for a judicial waiver pursuant to the Parental Notification of and Consent for Abortion Act established in CS/CS/SB 404. Specifically, the bill provides that any such information is:

- Confidential and exempt from Art. I, s. 24(a), State Constitution, if held by a circuit court or an appellate court; and
- Confidential and exempt from s. 119.07(1), F.S., and Art. I, s. 24(a), State Constitution, if held by the office of criminal conflict and civil regional counsel or the Justice Administrative Commission.

The bill provides legislative findings that the public records exemption is a public necessity and provides that the public records exemption is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2025, unless reviewed and saved from repeal by the Legislature.

If approved by the Governor, these provisions take effect on the same date as CS/CS/SB 404.

Vote: Senate 39-1; House 112-3

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 467 — Physical Therapy Practice

by Health and Human Services Committee and Rep. Stevenson and others (CS/CS/CS/SB 792 by Rules Committee; Banking and Insurance Committee; Health Policy Committee; and Senators Albritton and Harrell)

The bill amends several provisions within the Physical Therapy Practice Act. The bill amends the definition of “physical therapy assessment” to provide that the purpose of such assessments is for physical therapy treatment as opposed to making recommendations for treatment. The bill amends the definition of “practice of physical therapy” to add modalities of treatment while removing other modalities, including those relating to a physical therapist’s performance of acupuncture, along with related restrictions and the Board of Medicine’s oversight of the criteria for such acupuncture. The bill adds definitions of “dry needling” and “myofascial trigger point.”

The bill provides that the practice of physical therapy does not authorize a physical therapist to practice acupuncture. The bill requires the Board of Physical Therapy Practice (Board) to establish minimum standards of practice for physical therapy relating to dry needling, including requirements for experience and education.

The bill requires the Department of Health to submit a report to the President of the Senate and the Speaker of the House of Representatives on or before December 31, 2022, detailing the number of physical therapists in the state, the number of physical therapists in the state performing dry needling, any increases or decreases in the number of physical therapists in the state by geographic area, and any adverse medical incidents as defined by the Board involving physical therapists in the state performing dry needling.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-1; House 119-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 559 — Institutional Formularies Established by Nursing Home Facilities

by Health and Human Services Committee and Rep. Byrd and others (SB 1020 by Senator Bean)

The bill authorizes a nursing home facility to establish and implement an institutional formulary (a list of medicinal drugs) that a pharmacist may use as a therapeutic substitution to replace a resident's prescribed medicinal drug with a chemically different drug listed in the formulary that is expected to have the same clinical effect.

The bill:

- Provides definitions, requirements, and operational parameters for a nursing home facility's implementation of an institutional formulary and for participation by prescribers and pharmacists.
- Requires participating nursing home facilities to establish a committee to develop the institutional formulary and perform quarterly monitoring of clinical outcomes when a therapeutic substitution occurs.
- Requires each prescriber to approve, for each patient, the use of, and any subsequent changes made to, an institutional formulary and allows a prescriber to opt-out of the institutional formulary with regard to a medicinal drug or class of medicinal drugs for any resident.
- Requires a nursing home facility to notify the prescriber before each therapeutic substitution using a method of communication designated by the prescriber and to document the therapeutic substitution in the resident's medical records.
- Authorizes a prescriber to prevent a therapeutic substitution for a specific prescription by indicating "NO THERAPEUTIC SUBSTITUTION" on the prescription, or by making an overt action for a prescription that is provided orally.
- Requires a nursing home to obtain informed consent from a resident, the resident's legal representative, or his or her designee as to the use of the institutional formulary for the resident. The nursing home must inform such person of the right to refuse to participate and may not take adverse action against the resident for choosing not to participate.
- Prohibits a nursing home facility from taking adverse action against a prescriber for not agreeing to use the facility's institutional formulary.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 116-2

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 599 — Consultant Pharmacists

by Health and Human Services Committee; Health Quality Subcommittee and Rep. Rodriguez, A.M. (CS/CS/SB 1094 by Appropriations Committee; Health Policy Committee; and Senator Diaz)

The bill (Chapter 2020-8, L.O.F.) expands the scope of practice of consultant pharmacists. Under the bill, a pharmacist must complete additional training as required by the Board of Pharmacy to be licensed as a consultant pharmacist. A consultant pharmacist may provide medication management services in a health care facility within the framework of a written collaborative practice agreement between the pharmacist and a health care facility medical director, or a physician, podiatrist, or dentist who is authorized to prescribe medicinal drugs.

For the purpose of such authority, the bill defines the term “health care facility” to include:

- An ambulatory surgical center or hospital licensed under ch. 395, F.S.;
- An alcohol or chemical dependency treatment center licensed under ch. 397, F.S.;
- An inpatient hospice licensed under ch. 400, part IV, F.S.;
- A nursing home licensed under ch. 400, part II, F.S.;
- An ambulatory care center as defined in s. 408.07, F.S.; and
- A nursing home component under ch. 400, F.S., within a continuing care facility licensed under ch. 651, F.S.

A consultant pharmacist may only provide medication management services, conduct patient assessments, and order and evaluate laboratory or clinical testing for patients of the health care practitioner with whom the consultant pharmacist has a written collaborative practice agreement.

A written collaborative practice agreement must outline the circumstances under which the consultant pharmacist may:

- Order and evaluate laboratory or clinical tests to promote and evaluate patient health and wellness and monitor drug therapy and treatment outcomes;
- Conduct patient assessments as appropriate to evaluate and monitor drug therapy;
- Modify or discontinue medicinal drugs as outlined in the agreed-upon, patient-specific order or preapproved treatment protocol under the direction of a physician; and
- Administer medicinal drugs.

The bill prohibits a consultant pharmacist from modifying or discontinuing medicinal drugs prescribed by a health care practitioner who does not have a written collaborative practice agreement with the consultant pharmacist. The bill does not authorize a consultant pharmacist to diagnose any disease or condition.

The consultant pharmacist is also responsible for, and must maintain, all drug, patient care, and quality assurance records, and, with the collaborating practitioner, must maintain any written collaborative practice agreements which he or she has entered into and make them available upon request for inspection by the Department of Health.

This bill was approved by the Governor on March 11, 2020, and takes effect July 1, 2020.

Vote: Senate 40-0; House 115-2

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 607 — Direct Care Workers

by Health and Human Services Committee; Health Quality Subcommittee; Rep. Pigman and others (CS/CS/SB 1676 by Appropriations Committee; Health Policy Committee; and Senator Albritton)

The bill (Chapter 2020-9, L.O.F.) expands the scope of practice, and defines relevant terms for, registered nurses (RN), certified nursing assistants (CNA), home health aides (HHA), and advanced practice registered nurses (APRN). Effective upon the bill becoming a law, the bill:

- Authorizes nursing home facilities to use paid feeding assistants who have completed a 12-hour program developed by the Agency for Health Care Administration (AHCA). The bill specifies that paid feeding assistants do not count toward a nursing home’s minimum staffing standards.
- Authorizes an RN to delegate tasks, including the administration of medications, except controlled substances, to a CNA or HHA for a patient of a home health agency if the RN determines that the CNA or HHA is competent to perform the task, the task is delegable under federal law, and certain other requirements are met.
- Requires the AHCA, in consultation with the Board of Nursing (BON), to establish standards and procedures by rule that a CNA and HHA must follow when administering medication to a patient of a home health agency.
- Establishes disciplinary actions for RNs who knowingly delegate responsibilities to a person that is not qualified by training, experience, certification, or licensure to perform them.
- Requires the AHCA to establish an Excellence in Home Health Program and a Nurse Registry Excellence Program to award home health agencies and nurse registries, respectively, based on the achievement of specific standards. The AHCA must adopt rules to establish the criteria for the programs and annually evaluate the home health agencies or nurse registries that apply for the programs.
- Requires the AHCA to create a direct care workforce survey to be completed and submitted at the biennial license renewal by nursing homes, assisted living facilities, home health agencies, and homemaker and companion service providers. The AHCA must analyze the results of the survey and publish the information monthly on its website.

Effective July 1, 2020, the bill:

- Creates s. 464.0123, F.S., which authorizes an APRN to engage in “autonomous practice” in primary care, including family medicine, general pediatrics, and general internal medicine, as defined by the BON, or, if the APRN is also certified by the American College of Nurse Midwives and as a certified nurse midwife, he or she may engage in the “autonomous practice” of midwifery.
- Defines “autonomous practice” to mean advanced nursing practice by an APRN who is registered under s. 464.0123, F.S., and who is not subject to supervision by a physician or a supervisory protocol, after documenting the following with the BON:
 - An active, unencumbered license under s. 464.012, F.S.;
 - No disciplinary action against his or her license in last five years;

- Three thousand clinical hours supervised by a physician in the past five years;
- Completion of six college semester hours within the last five years, with three in pharmacology and three in differential diagnosis;
- Financial responsibility to pay claims and costs arising out of the rendering of or the failure to render nursing care, treatment, or services in an amount not less than \$100,000 per claim with a minimum annual aggregate of not less than \$300,000; and
- Any additional requirements the BON may impose by rule.
- Creates a nine-member Council on Advanced Practice Registered Nurse Autonomous Practice with four physicians, four experienced APRNs, and the State Surgeon General or his or her designee as chair.
- Requires an APRN registered under s. 464.0123, F.S., who wishes to remain registered to renew his or her registration, biennially, with his or her APRN license; and complete at least 10 hours of continuing education approved by the BON, in addition to completing the 30 hours of continuing education requirements established by BON rule, regardless of whether the registrant is otherwise required to complete this requirement. However, if the initial renewal period occurs before January 1, 2021, a registrant is not required to complete these continuing education requirements until the following biennial renewal period.
- Requires the Department of Health (DOH) to conspicuously distinguish an APRN registered under s. 464.0123, F.S., on the registrant's practitioner profile.
- Requires an APRN registered under s. 464.0123, F.S., and practicing autonomously to disclose to new patients in writing the nature of autonomous practice at the practitioner's initial visit with the patient.
- Requires an APRN registered under s. 464.0123, F.S., and practicing autonomously to report to the DOH defined adverse incidents within 15 days by certified mail.
- Creates additional grounds for discipline for APRNs registered under s. 464.0123, F.S., and practicing autonomously, including:
 - Paying or receiving any commission, bonus, kickback, or rebate from, or engaging in any split-fee arrangement with a health care practitioner, organization, agency, or person, directly or implicitly, for referring patients to providers of health care goods or services;
 - Exercising undue influence on a relationship with a patient for purposes of engaging a patient in sexual activity.
 - Making deceptive, untrue, or fraudulent representations, or employing a trick or scheme, in advanced or specialized nursing practice.
 - Soliciting patients by the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct;
 - Failing to keep legible medical records that identify the APRN who is responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient;
 - Exercising undue influence on a patient to exploit the patient for financial gain of the APRN or a third party;

- Performing unauthorized professional services, except as provided in ss. 766.103 or 768.13, F.S.;
- Performing any procedure or prescribing any therapy that, by the prevailing standards of advanced or specialized nursing practice in the community, would constitute experimentation on a human subject, without first obtaining full, informed, and written consent;
- Delegating professional responsibilities to a person not qualified by training, experience, or licensure to perform such responsibilities when the APRN knows, or should have known, the person is not qualified;
- Committing, or conspiring to commit, an act that would tend to coerce, intimidate, or preclude another APRN from advertising his or her services;
- Advertising or holding himself or herself out as having certification in a specialty that he or she has not received;
- Failing to comply with ss. 381.026 and 381.0261, F.S., relating to providing patients with information about their rights and how to file a complaint; and
- Providing deceptive or fraudulent expert witness testimony related to advanced or specialized nursing practice.
- Prohibits a major medical, group, blanket, or franchise health insurance policy, small employer health benefit plan, or health maintenance organization contract, any of which is delivered, issued, or renewed on or after January 1, 2021, from requiring an insured or subscriber, as applicable, to receive services from an APRN registered under s. 464.0123, F.S., instead of a physician.
- Amends the Health Care Education Reimbursement and Loan Repayment Program and adds APRNs registered to practice autonomously to the list of health care practitioners who may participate. The bill requires the DOH, from the funds available for the program, to make payments of up to \$15,000 per year to such APRNs who demonstrate, according to rules of the Department of Education, active employment providing primary care services in a public health program, in independent practice, or a group practice that serves Medicaid recipients and other low-income patients and that is located in a primary care health professional shortage area, as defined in the bill. Only the costs of tuition, books, medical equipment and supplies, uniforms, and living expenses may be covered.
- Appropriates for the 2020-2021 fiscal year:
 - The sum of \$5 million in recurring funds from the General Revenue Fund to the DOH for the Health Care Education Reimbursement and Loan Repayment Program for APRNs registered under s. 464.0123, F.S.;
 - Funds from the DOH's Medical Quality Assurance Trust Fund for the DOH to hire 3.5 full-time equivalent (FTE) positions for the purpose of implementing s. 464.0123, F.S., relating to the registration and regulation of APRN autonomous practice; and
 - Funds from the AHCA's Health Care Trust Fund for the AHCA to hire two FTE positions for the purpose of implementing the Excellence in Home Health Program, the Nurse Registry Excellence Program, and the direct care workforce survey, all of which are created under the bill.

The bill became law upon approval of the Governor on March 11, 2020.
Vote: Senate 30-10; House 107-8

Committee on Health Policy

CS/CS/CS/HB 713 — Health Regulation

by Health and Human Services Committee; Health Care Appropriations Subcommittee; Health Quality Subcommittee; and Rep. Rodriguez, A.M. (CS/CS/CS/SB 230 by Rules Committee; Appropriations Committee; Health Policy Committee; and Senator Harrell)

The bill makes numerous updates and changes to programs and health care professions regulated under the Department of Health (DOH) or the Agency for Health Care Administration (AHCA).

The bill:

- Provides that the statewide medical director for child protection reports directly to the DOH's deputy secretary in charge of the state's Children's Medical Services Program and the medical director of each child protection teams reports directly to the statewide medical director;
- Substitutes the term "human immunodeficiency virus" (HIV) in place of "acquired immune deficiency syndrome" (AIDS) to authorize the DOH to broaden the scope of the its regional patient care networks for persons with AIDS to also include persons with HIV;
- Grants rulemaking authority to the DOH for responsibilities relating to maximizing the use of existing programs and coordinating stakeholders and resources to develop a state strategic plan, including the process of selecting physicians under the Conrad 30 Waiver Program, and to encourage qualified physicians to relocate to Florida and practice in medically underserved and rural areas;
- Increases the period of time that certain cancer centers may continue to participate in the Florida Consortium of National Cancer Institute Centers Program while seeking National Cancer Institute designation as a cancer center or a comprehensive cancer, until June 30, 2024;
- Modifies the DOH's rulemaking authority pertaining to minimal standards governing ground ambulance and vehicle equipment and supplies for basic and advanced life support and for ground ambulance and vehicle design and construction;
- Defines "useful beam" radiation as that portion of a radiation beam designed to focus on a specific target and specifies the requirements for the maintenance and operation of a radiation machine, as well as the conditions for use on humans;
- Requires an applicant for a health care professional license to provide his or her date of birth on the application;
- Revises the DOH's health care practitioner licensing provisions to permit the DOH to issue a temporary license, that expires in 60 days instead of 30 days, to a non-resident or non-citizen physician who has accepted a residency, internship, or fellowship in Florida and has not yet received a social security number;
- Creates an exception to the 15-percent cap for self-referral for diagnostic imaging services normally imposed on solo or group practice settings for group practice entities that own an accountable care organization or an entity operating under an advanced alternative payment model, according to federal regulations, if such entity provides diagnostic imaging services and has more than 30,000 patients enrolled per year;

- Requires the AHCA to create a webpage dedicated to providing information to patients and families about direct care workers, including types, services, and relative relationships with patients;
- Repeals a health care practitioner's failure to repay student loans as grounds for discipline by the DOH;
- Authorizes the DOH to issue medical faculty certificates to certain full-time faculty members of Nova Southeastern University and Lake Erie College of Osteopathic Medicine;
- Repeals the requirement that the Board of Medicine (BOM) conduct a triennial review of organizations that board-certify physicians in dermatology;
- Revises the composition of the Council on Physician Assistants, under the BOM, from four physicians and one physician assistant, to two physicians and three physician assistants;
- Revises the requirements for osteopathic internships and residencies to include those accredited by the Accreditation Council for Graduate Medical Education;
- Deregulates registered chiropractic assistants;
- Effective upon the bill becoming a law, extends the sunset of the statutory requirement for the Florida Center for Nursing to provide an implementation study and annual report on the availability of nursing programs and production of quality nurses, to the Governor, the President of the Senate, and the Speaker of the House of Representatives until January 30, 2025;
- Effective upon the bill becoming a law, allows a nursing education program seeking accreditation to apply to the Board of Nursing (BON) for a single extension of not more than two years if the program meets specific criteria and grants the BON rulemaking authority on criteria to qualify for the extension;
- Grants rulemaking authority to the BON to establish standards of practice, including discipline, for certified nursing assistants (CNA);
- Recognizes CNA certification in a U.S. territory or the District of Columbia for certification in Florida and eliminates the element of intent for violations of the practice act by CNAs;
- Defines the supplemental general dentistry education required for dental licensure applicants who have not graduated from a dental school accredited by the American Dental Association (ADA) Commission on Dental Accreditation (CODA) to exclude education in an advanced dental specialty;
- Repeals the requirement that dental and dental hygienist licensure examinations must be graded by Florida-licensed dentists and dental hygienists;
- Effective upon the bill becoming a law and applying retroactively to January 1, 2020, revives, reenacts, and amends statutory provisions relating to health access dental licenses, notwithstanding their sunset on January 1, 2020;
- Requires dentists and dental hygienists to report adverse incidents to the Board of Dentistry (BOD) and gives the BOD rulemaking authority;

- Authorizes an employee or independent contractor of a dental laboratory to engage in onsite consultation with a licensed dentist during a dental procedure and requires a dental laboratory to be inspected at least biennially;
- Requires an athletic trainer to work within his or her scope of practice as defined by the Board of Athletic Trainers (BOAT) and revises the educational and internship requirements for licensure;
- Requires the DOH to issue a single prosthetist-orthotist license to qualified applicants and establishes the educational requirements for dual registration;
- Revises massage therapy licensure requirements to:
 - Repeal Board of Massage Therapy (BMT) departmental examinations and require a BMT-specified national examination;
 - Eliminate massage apprenticeships as a path to licensure by 2023; and
 - Revise the definition of a massage therapy “apprentice” to include only those persons approved by the BMT to study colonic irrigation under a licensed massage therapist;
- Updates the name of the accreditation body for psychology programs and revises the requirements for psychology licensure;
- Limits the Board of Clinical Social Work, Marriage and Family Therapists, and Mental Health Counseling to the issuance of only one additional internship registration;
- Revises the education, clinical, and licensure requirements for marriage and family therapists and licensed mental health counselors, including updating the program accrediting agencies;
- Defines the term “surf pool” to mean a pool that is designed to generate waves for surfing on a surfboard or an analogous surfing device intended for sport;
- Exempts surf pools larger than four acres from supervision as a public swimming or bathing facility by the DOH, if the surf pool is permitted by a local government special use permit in which the local government asserts regulatory authority over the construction of the surf pool and, in consultation with the DOH, establishes through the local government’s special use permitting process the conditions for the surf pool’s operation, water quality, and necessary lifesaving equipment;
- Adds a charge of battery of a vulnerable adult or a patient or resident of a hospital, nursing home, assisted living facility, or other assisted care community to the list of disqualifying offenses under a required level 2 background screening of health care practitioners and employees of health care facilities, regardless of adjudication; and
- Deletes obsolete language and makes technical and conforming changes.

If approved by the Governor, and except as otherwise expressly provided in the bill, the provisions of the bill take effect July 1, 2020.

Vote: Senate 37-0; House 110-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 731 — Agency for Health Care Administration

by Health and Human Services Committee; Health Market Reform Subcommittee; and Rep. Perez (CS/CS/SB 1726 by Appropriations Committee; Health Policy Committee; and Senator Bean)

The bill addresses statutory authority and duties of the Agency for Health Care Administration (AHCA) relating to the regulation of health care facilities and providers. The bill:

- Extends until June 30, 2024, the deadline for Florida-based cancer centers seeking NCI-designation to achieve such designation, in order to continue participating in the Florida Consortium of National Cancer Institute Centers Program.
- Modifies annual birth center reporting to the AHCA.
- Removes outdated language relating to certificate of need, to allow hospital licenses to correctly reflect the actual bed categories provided by a licensee.
- Reinstates the AHCA’s authority to require hospital adult cardiac programs to participate in national reporting and quality registries.
- Provides, by legislative fiat, rural hospital status to hospitals that were licensed as rural hospitals during the 2010-2011 or 2011-2012 fiscal years, regardless of whether such hospitals continue to qualify for rural status under statutory criteria. Under preexisting law, such legislative fiat would expire July 1, 2021. Under the bill, the deadline is extended through June 30, 2025.
- Repeals an unenforceable annual assessment from ambulatory surgical centers that was ruled unconstitutional.
- Removes provisions requiring fixed inspection time frames for nursing home facilities, hospices, assisted living facilities, and adult family care homes.
- Revises definitions and licensure requirements related to home health agencies.
- Creates an exemption to health care clinic licensure for federally certified providers.
- Removes the ability of a health care clinic to submit a surety bond instead of submitting certain documents as proof of financial ability to operate, in order to satisfy initial licensure requirements.
- Creates risked-based licensure inspections for nurse registries, home medical equipment providers, and health care clinics to provide the AHCA flexibility to inspect high-performing providers less frequently than poor performers.
- Authorizes the AHCA to adopt rules to waive a routine inspection, to waive an inspection for relicensure, or to allow an extended period between inspections for any provider type based upon specified factors.
- Authorizes the AHCA to issue a provisional license to all provider types.
- Revises requirements for the approval of comprehensive emergency management plans for newly-licensed facilities.
- Authorizes the AHCA to collect all legal fees incurred while defending a Medicaid case if the AHCA prevails.
- Clarifies the AHCA’s existing statutory authority to conduct retrospective reviews of Medicaid hospital inpatient claims and recover overpayments.

- Revises background screening regulations for health care provider staff.
- Eliminates the AHCA's authority to establish an alternative methodology to the DRG-based prospective payment system for setting reimbursement rates for class III psychiatric hospitals.
- Aligns the state Medicaid anti-kickback law with the federal anti-kickback law.
- Requires the AHCA to extend the term of contracts awarded to Statewide Medicaid Managed Care plans (the Managed Medical Assistance Program, Long-term Care Managed Care Program, and Dental Program) from five years to six years, effectively extending current contracts through December 31, 2024.
- Requires the Florida Center for Health Information and Transparency within the AHCA to publish an annual report identifying health care services with the most significant price variation at statewide and regional levels.
- Expands the list of shoppable health care services that qualify for a shared savings incentive for patients to include services with the most significant price variation. Allows cash and cash equivalent incentives in shared savings incentives.
- Repeals multiphasic health testing center licensure.
- Replaces several legislatively mandated reports with online publications and repeals obsolete reports.

If approved by the Governor, the bill takes effect July 1, 2020, except for the provisions to clarify the AHCA's existing authority to conduct retrospective reviews of Medicaid hospital inpatient claims and recover overpayments, which take effect upon the bill becoming a law.

Vote: Senate 38-0; House 100-14

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

HB 743 — Nonopioid Alternatives

by Rep. Plakon (SB 1080 by Senators Perry and Baxley)

The bill amends provisions in s. 456.44, F.S., related to the requirement for a health care practitioner to provide a patient with nonopioid alternatives before treating the patient with opioid drugs that are listed as Schedule II controlled substances. The bill provides an exception to the requirement to provide nonopioid alternatives when treating a patient in an emergency room, a critical care unit, or when the patient is receiving hospice services; eliminates the requirement to provide such alternatives when dispensing or administering Schedule II opioids; and allows information on the nonopioid alternatives to be provided to the patient's representative in addition to the patient directly.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 115-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 763 — Patient Safety Culture Surveys

by Health and Human Services Committee; Health Market Reform Subcommittee; and Rep. Grant, M. and others (CS/CS/SB 1370 by Appropriations Committee; Health Policy Committee; and Senator Harrell)

The bill amends several sections of law to require each hospital and ambulatory surgical center (ASC) to conduct a patient safety culture survey at least biennially. The bill specifies that facilities must use the appropriate hospital or ASC Survey on Patient Safety Culture developed by the federal Agency for Healthcare Research and Quality and requires the survey to be anonymous. The bill allows facilities to contract for the administration of the survey and requires each facility to submit survey data to the Agency for Health Care Administration (AHCA).

The bill requires the Florida Center for Health Information and Transparency within the AHCA to customize the survey with additional questions and to collect, compile, and publish aggregated survey data submitted by hospitals and ASCs.

The bill also requires the AHCA to customize the hospital survey to allow respondents to identify themselves as working in certain areas of a facility that are not currently identifiable in the survey, including, a pediatric cardiology patient care unit and a pediatric cardiology surgical services unit.

The bill appropriates funds from the AHCA's Health Care Trust Fund for the AHCA to hire one full-time equivalent position in Fiscal Year 2020-2021 for the purpose of implementing the bill.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 119-0

Committee on Health Policy

CS/CS/HB 767 — Assisted Living Facilities

by Health and Human Services Committee; Health Market Reform Subcommittee; and Rep. Grant and others (CS/CS/SB 402 by Appropriations Committee; Health Policy Committee; and Senator Harrell)

The bill amends various statutes related to the regulation of an assisted living facility (ALF). The bill:

- Allows the use of certain physical restraints in ALFs, including any device the resident chooses to use and is able to remove or avoid independently.
- Requires ALFs to submit a preliminary adverse incident report and final report through the Agency for Health Care Administration's (AHCA) online portal or by electronic mail if the portal is offline.
- Revises adverse incident reporting notifications for the AHCA and requirements for ALFs.
- Authorizes unlicensed ALF staff to change the bandages of residents for minor cuts and abrasions.
- Authorizes a resident or his or her representative, designee, surrogate, guardian, or attorney, as applicable, to contract for services with a third party and provides requirements for third-party communication with the facility and for an ALF to document that it received such communication.
- Removes the preexisting requirement for ALF staff assisting with the self-administration of medication to read the label of the medication to the resident. Instead, the bill requires staff to, in the presence of the resident, confirm the medication is correct and advise the resident of the medication name and dosage. The bill also allows the resident to sign a waiver to opt-out of being orally advised and provides that the waiver must be immediately updated each time the resident's medications and dosage change.
- Allows ALFs to admit residents that require 24-hour nursing care, residents that are receiving hospice services, or residents who are bedridden that meet specific criteria.
- Clarifies the requirements for a resident to be admitted to and retained in an ALF.
- Requires each resident to have a medical examination performed no longer than 60 days prior to or up to 30 days after admission to the ALF and requires the AHCA to adopt a form in rule that may be used by the health care practitioner performing the medical examination.
- Amends the Resident Bill of Rights to allow the State Long-Term Care Ombudsman Program to provide assistance to a resident who needs to be relocated due to the closure of a facility and requires the notice of relocation to include a statement that the resident may contact the ombudsman.
- Requires an ALF to notify a resident's representative or designee of the need for health care services and assist in making appointments if an underlying condition of dementia or cognitive impairment is determined to exist. If the resident does not have a representative or designee or the ALF cannot reach their representative or designee, the ALF must arrange for the necessary care and services to treat the condition with an appropriate health care provider.

- Amends the AHCA's rulemaking authority to account for technological advances in the provision of care, safety, and security.
- Clarifies who may approve an ALF's comprehensive emergency management plan and allows an ALF to submit the plan up to 30 days after receiving a license.
- Requires the AHCA to conduct a full inspection instead of an abbreviated biennial licensure inspection to review the key quality-of-care standards for a facility that has a class I, class II, or uncorrected class III violation resulting from a complaint referred by the State Long-Term Care Ombudsman Program.
- Consolidates provisions related to fire safety into their own section of law rather than being intermingled with the AHCA's rulemaking authority.
- Amends several provisions related to the ALF administrator core competency curriculum and examination to clarify that the AHCA must adopt an outline and learning objectives for such curriculum.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 119-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/CS/SB 810 — Tobacco and Nicotine Products

by Appropriations Committee; Innovation, Industry and Technology Committee; Health Policy Committee; and Senators Simmons, Flores, and Mayfield

The bill, consistent with federal law enacted in December 2019, increases the minimum age to lawfully purchase and possess tobacco products from 18 years of age to 21 years of age. The bill also expands the regulations of the retail sale of tobacco products by the Division of Alcoholic Beverages and Tobacco (the division) of the Department of Business and Professional Regulation to include vapor-generating electronic devices and nicotine products.

The bill modifies or adds the following definitions:

- Expands the preexisting definition of “tobacco products” to include “any nicotine product or vapor-generating electronic device.”
- Defines “nicotine product” as any product that contains nicotine, including liquid nicotine, which is intended for human consumption, whether inhaled, chewed, absorbed, dissolved, or ingested by any means. The term includes vapor-generating electronic devices.
- Defines “vapor-generating electronic device” as any product that employs an electronic, chemical, or mechanical means capable of producing vapor or aerosol from a nicotine product or any other substance, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product; any replacement cartridge for such device; and any other container of nicotine in a solution or other substance form intended to be used with or within an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, a vape pen, an electronic hookah, or other similar device or product. The term includes any component, part, or accessory of the device and also includes any substance intended to be aerosolized or vaporized during the use of the device, whether or not the substance contains nicotine.
- Defines “liquid nicotine product” as a tobacco product in liquid form composed of nicotine and other chemicals or substances, which is sold or offered for sale for use with a vapor-generating electronic device.
- Provides that the terms “vapor-generating electronic device” and “nicotine product” do not include:
 - Tobacco products as defined under preexisting law, i.e. traditional tobacco leaf-based products and cigarette wrappers;
 - Products regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act; or
 - Foods that contain incidental amounts of nicotine including, but not limited to, tomatoes, potatoes, eggplants, and cauliflower.

The bill modifies and adds the following permitting structure for the retail sale of tobacco products:

- Authorizes the division to issue a limited retail tobacco products dealer permit to an applicant only dealing, at retail, in liquid nicotine products, nicotine products, or vapor-generating electronic devices, or a combination thereof. The bill prohibits the division from assessing an annual permit fee for this limited permit.
- Prohibits a retailer with a limited permit from dealing, at retail, in tobacco products as defined under preexisting law, including loose tobacco leaves, and products made from tobacco leaves, in whole or in part, and cigarette wrappers, which can be used for smoking, sniffing, or chewing.
- Provides that any retailer that pays the annual permit fee for a retail tobacco products dealer permit may deal, at retail, in all tobacco products.

Regarding the retail sale of tobacco products, the bill:

- Prohibits the sale, delivery, bartering, furnishing, or giving, directly or indirectly, of flavored nicotine products to any person, regardless of age. Defines the term “flavored nicotine product” means a liquid nicotine product containing a natural or artificial constituent or additive that causes the liquid or its vapor to have a distinguishable taste or aroma other than tobacco or menthol, including, but not limited to, fruit, chocolate, vanilla, honey, candy, cocoa, a dessert, an alcoholic beverage, an herb or a spice, or any combination thereof. Provides an exception for products if the U.S. Food and Drug Administration issues a marketing order allowing such product to be sold.
- Maintains the preexisting age-verification requirements for tobacco products sold and delivered by mail order, Internet, or other remote sales while prohibiting deliveries to persons younger than 21 years of age. In this context, “tobacco products” means all cigarettes, smoking tobacco, snuff, fine-cut chewing tobacco, cut and granulated tobacco, Cavendish, and plug or twist tobacco.”
- Maintains the preexisting exemption that allows a person acting within their scope of his or her lawful employment to possess tobacco products, even if under the age of 21.
- Requires a two-step age verification for sales and deliveries of vapor-generating electronic devices and liquid nicotine products that are not conducted under the direct control or line of sight of the retail dealer.
- Eliminates exemptions allowing underage persons in the military and emancipated minors to possess and purchase tobacco products consistent with federal law.
- Requires age verification before a sale or delivery of tobacco products to a person under 30 years of age, as required by the federal law enacted in December 2019.

Regarding the penalties for violations of tobacco product restrictions, the bill:

- Prohibits smoking or vaping by any person younger than 21 years of age within 1,000 feet of public or private K-12 school property without regard to the time of day, as opposed to preexisting law that prohibits persons under 18 years of age from smoking or vaping in such locations between the hours of 6 a.m. and midnight. Maintains preexisting law regarding penalties for violating this prohibition. Any person issued a citation for the violation is deemed to be charged with a civil infraction punishable by a maximum civil penalty not to exceed \$25, or 50 hours of community service and, for persons under

18 years of age, successful completion of a school-approved anti-tobacco or anti-vaping “alternative to suspension” program.

- Provides that the school-approved anti-tobacco education requirement for persons under 18 years of age charged with underage violations relating to vape product purchases and possession, must also include anti-vaping education programs.
- Repeals s. 877.112, F.S., thereby eliminating the general restrictions on the sale or delivery of nicotine dispensing devices and nicotine products to persons under 18 years of age. Many of these provisions are incorporated into the provisions of ch. 569, F.S., as modified by the bill.

If approved by the Governor, these provisions take effect January 1, 2021.

Vote: Senate 27-9; House 99-17

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 1179 — Nondiscrimination in Organ Transplants

by Health Market Reform Subcommittee and Rep. Fischer and others (CS/CS/SB 1556 by Appropriations Committee; Banking and Insurance Committee; and Senator Bean)

The bill prohibits discrimination by specified “covered entities” from denying, refusing to allocate, or lowering an individual’s priority for organ transplant services, solely on the basis of an individual’s developmental or intellectual disability.

Under the bill, “covered entity” includes health care practitioners, health care facilities, and any other entity responsible for potential recipients of anatomical gifts or organ transplants. A covered entity may not do any of the following based solely on an individual’s disability:

- Consider an individual ineligible to receive an anatomical gift or a transplant.
- Deny medical or other services related to an organ transplant, including evaluation, surgery, counseling, and post-transplant treatment and services.
- Refuse to refer an individual to an organ procurement organization or a related specialist for evaluation or receipt of an organ transplant.
- Refuse to place an individual on an organ transplant waiting list.
- Place an individual at a lower priority position on an organ transplant waiting list because of the disability.

A covered entity may take an individual’s disability into account if, after an evaluation, a physician finds the individual’s disability is medically significant enough to cause impact on the receiving an anatomical gift or organ transplant, but only if the covered entity is making treatment or coverage recommendations. If an individual has the necessary support system to assist him or her in complying with post-transplant medical requirements, a covered entity may not consider the individual’s inability to independently comply with the post-transplant medical requirements to be medically significant.

Unless a covered entity can demonstrate that modifications to its policies, practices, or procedures for selecting candidates would fundamentally alter the nature of its services, a covered entity must make reasonable modifications when the modifications are necessary to allow an individual with a disability access to services.

If a covered entity violates the bill’s provisions, the bill provides that the qualified individual affected by the violation may bring an action for injunctive or other equitable relief.

The bill provides that it may not be construed to require a covered entity to make a referral or recommendation for or perform a medically inappropriate organ transplant.

The bill prohibits health insurers and health maintenance organizations that provide transplant coverage, from denying coverage for an organ transplant based solely on an individual’s disability. The bill provides that this restriction may not be construed to require an insurer or

health maintenance organization to provide coverage for an organ transplant that is not medically necessary.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 111-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/SB 1344 — Intermediate Care Facilities

by Appropriations Committee and Senator Harrell

The bill establishes a new certificate of need (CON) exemption for an intermediate care facility for the developmentally disabled (ICFDD) for use by clients exhibiting severe maladaptive behaviors and co-occurring psychiatric diagnoses, requiring increased levels of behavioral, medical, and therapeutic oversight.

The bill specifies requirements that an ICFDD must meet in order to obtain the CON exemption, including bed requirements and the types of clients the ICFDD must serve, and establishes additional licensure criteria for an ICFDD that has been granted the CON exemption.

The bill prohibits the Agency for Health Care Administration from granting more than three CON exemptions under the bill and requires any such CON exemptions to terminate 18 months after being issued, unless construction on the project has begun.

The CON exemption provided under the bill sunsets on July 1, 2022, unless saved from repeal by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 30-8; House 79-36

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 1373 — Long-term Care

by Health Market Reform Subcommittee and Rep. Webb and others (CS/SB 1544 by Health Policy Committee and Senator Albritton)

The bill amends s. 409.979, F.S., to provide additional clarity for individuals on the Medicaid Long-Term Care Managed Care waitlist regarding the likelihood that he or she will be eligible for services through the program. The bill provides that personnel of an aging resource center will annually rescreen a person on the waitlist only if that person has a high priority score or upon notification of a significant change in circumstances of a person with a low priority score. Preexisting law requires a rescreening to be conducted annually for all such persons or upon notification of a significant change in the person's circumstances, without regard to the person's priority score.

The bill amends s. 430.205, F.S., to allow a community-care-for-the-elderly service provider to dispute a referral from protective investigations of an elderly adult determined to be in need of services or to be the victim of abuse.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 111-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 1461 — Health Access Dental Licenses

by Health Quality Subcommittee and Rep. Brown (CS/SB 1296 by Health Policy Committee and Senators Berman and Rodriguez)

The bill revives and reenacts three sections of the Florida Statutes relating to the health access dental license program under the Department of Health (DOH), notwithstanding the sunset of those statutes on January 1, 2020.

Under the bill, ss. 466.0067, 466.00671, and 466.00672, F.S., are revived and reenacted to provide for the DOH's authority to issue, renew, and revoke such licenses, respectively. Sections 466.0067 and 466.00671, F.S., are amended only for the purpose of grammatical and stylistic corrections.

The bill provides that the amendments and reenactments contained in the bill are remedial in nature and apply retroactively to January 1, 2020.

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

Vote: Senate 38-0; House 116-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/SB 1742 — Home Medical Equipment Providers

by Appropriations Committee and Senators Mayfield and Bean

The bill amends s. 400.93, F.S., to exempt physicians licensed under chs. 458, 459, or 460, F.S., from the requirement to be licensed as a home medical equipment provider in order to sell or rent electrostimulation medical equipment and supplies to their own patients in the course of their practice. Medical doctors, osteopathic physicians, and chiropractic physicians are included in the exemption.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 116-0

Committee on Infrastructure and Security

CS/HB 37 — School Bus Safety

by State Affairs Committee and Rep. Zika and others (CS/SB 290 by Judiciary Committee and Senators Hooper and Berman)

The bill increases the minimum civil penalty for failure to stop for a school bus from \$100 to \$200. For a subsequent offense within five years, the Department of Highway Safety and Motor Vehicles (DHSMV) must suspend the driver license of the driver for not less than 180 days and not more than one year, instead of the current suspension of 90 days to six months.

The bill also increases the minimum civil penalty for passing a school bus on the side that children enter and exit, from \$200 to \$400. For a subsequent offense within five years, the DHSMV must suspend the driver license of the driver for not less than 360 days and not more than two years, instead of the current suspension of 180 days to one year.

If approved by the Governor, these provisions take effect January 1, 2021.

Vote: Senate 39-0; House 118-0

Committee on Infrastructure and Security

CS/CS/SB 70 — Alert Systems in Public Schools

by Appropriations Committee; Infrastructure and Security Committee; and Senators Book, Berman, Stewart, and Torres

The bill creates “Alyssa’s Law” and modifies school safety statute to require each public school, including charter schools, beginning with the 2021-2022 school year, to implement a mobile panic alert system, known as “Alyssa’s Alert.” The system must be capable of connecting diverse emergency services technologies to ensure real-time coordination between multiple first responder agencies.

A public school district may implement additional strategies or systems to any implemented mobile panic alert system to ensure real-time coordination between multiple first responder agencies in a school security emergency.

For the 2020-2021 fiscal year and subject to legislative appropriation, the Department of Education, in consultation with the Marjory Stoneman Douglas High School Public Safety Commission, the Florida Department of Law Enforcement, and the Division of Emergency Management is required to develop a competitive solicitation to contract for a mobile panic alert system that may be used by each school district.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 119-0

Committee on Infrastructure and Security

CS/CS/SB 78 — Transportation-related Facility Designations

by Appropriations Committee; Infrastructure and Security Committee; and Senators Broxson, Wright, Powell, Stewart, Bracy, Cruz, Book, Mayfield, Diaz, and Taddeo

The bill creates the following transportation-related facility designations:

- The Pensacola Bay Bridge between 17th Avenue in Escambia County and Baybridge Drive in Santa Rosa County as the “General Daniel ‘Chappie’ James, Jr., Bridge.”
- The portion of Bloxham Cutoff Road/S.R. 267 between U.S. 98 in Wakulla County and S.R. 20 in Leon County as the “J.D. Turner Highway.”
- Bridge Numbers 880050, 880051, 880052, and 880053 on S.R. 510 between Wabasso and Wabasso Beach in Indian River County as the “A.B. Michael Bridges.”
- The portion of W. Kennedy Boulevard between Lois Avenue and Dale Mabry Highway in Hillsborough County as the “Master Police Officer Lois Marrero Memorial Highway.”
- The portion of E. Laurel Street between N. Orange Avenue and N. Morgan Street in Hillsborough County as the “Officer James Ronco Memorial Highway.”
- Bridge number 930361 on S.R. A1A/Jack Nicklaus Driver in Palm Beach County as the “Gold Star Family Memorial Bridge, dedicated to Army Captain Joseph M. Berkson.”
- The portion of S.R. 408/Spessard L. Holland East-West Expressway between S. Crystal Lake Drive and S. Semoran Boulevard in Orange County as the “Sergeant Tracy Vickers Memorial Expressway.”
- The portion of S.R. 438 between Winters Landing Drive and Clarke Road in Orange County as the “Julius ‘July’ Perry Memorial Highway.”
- The portion of I-95 between the Florida state line in Nassau County and S.W. 32nd Road in Miami-Dade County as the “Purple Heart Memorial Highway.”
- The portion of U.S. 98 between C.R. 386 and Pine Street in Gulf County as the “Willis V. Rowan Memorial Highway.”
- The portion of U.S. 98 between Pine Street and C.R. 382/Industrial Road in Gulf County as the “John C. Gainous Memorial Highway.”
- The portion of I-10 between U.S. 29/S.R. 95 and S.R. 291 in Escambia County as the “Deputy Donald Ray Cook Memorial Highway.”
- The portion of I-95 between mile markers 105 and 110 in Martin County as the “Trooper Joseph Bullock Memorial Highway.”
- The portion of S.R. 281 between U.S. 90 and U.S. 98 in Santa Rosa County as the “Bart D. and John R. Broxson Parkway.”
- The portion of U.S. 90/Beaver Street between Chaffee Road and U.S. 301 in Duval County as the “John B. Coxwell Memorial Highway.”
- The portion of U.S. 41/S.W. 8th Street between S.W. 82nd Avenue and S.R. 973/87th Avenue in Miami-Dade County as the “Manuel H. ‘Manny’ Piedra Memorial Highway.”
- The portion of U.S. 441 between Deep Creek Bridge and C.R. 6 in Columbia County as the “Austin D. Gay Memorial Highway.”
- The portion of I-10 between the Suwannee County line and mile marker 275 in Suwannee County as the “Wesley L. Silas Memorial Highway.”

- The portion of U.S. 19 between Luther Wilson Road and the Econfina River Bridge in Taylor County as the “Joshua S. Montaad Memorial Highway.”
- The portion of the S.R. 90/S.W. 8th Street between S.W. 12th Avenue and S.W. 14th Avenue in Miami-Dade County as the “Rosa Maria Plasencia Way.”
- The portion of U.S. 129/S.R. 49 (31030000) between the Levy County line and the Suwannee County line in Gilchrist County as the “Slaughter, Read, Ramirez, Lindsey Memorial Highway.”
- The portion of the S.R. 223 (S.R. 200/U.S. 301 Truck Route) overpass bridge at S.R. 100 in Bradford County as the “Archibald Johns Thomas Bridge.”
- The portion of S.R. 285 between S.R. 20 and College Boulevard in Okaloosa County as “Mayor Randall Wise Memorial Highway.”
- The roundabout at S.R. 64 and Pope Road/Greyhawk Boulevard in Manatee County as “Chase Coyner and Matthew Powers Memorial Roundabout.”
- Bridge numbers 150213 and 150214 on I-275/U.S. 19/S.R. 93 in Pinellas County as “Phoebe Jonchuck Memorial Bridge.”
- The portion of South Dixie Highway/U.S. 1/S.R. 5 between the Monroe County line and S.R. 9A/I-95 Northbound in Miami-Dade County as the “Harriet Tubman Highway/U.S. 1/S.R. 5.”
- The portion of W. Dixie Highway/S.R. 909 between N.E. 163rd Street in Miami-Dade County as the “Harriet Tubman Highway/State Road 909.”
- The portion of C.R. 435/Apopka Vineland Road between S.R. 91/Florida’s Turnpike and S.R. 535 in Orange County as the “Robert L. ‘Bob’ Billingslea Highway.”
- The portion of S.R. 514 between I-95 and Babcock Street S.E. in Brevard County as the “Deputy Chief Lynne Nungesser Memorial Highway.”

The bill directs the Florida Department of Transportation (FDOT) to erect suitable markers.

For the Harriet Tubman designations, the bill requires the FDOT to examine the feasibility and impact to rename the roads and report its findings to the Legislature by October 1, 2020.

The bill designates the Florida Highway Patrol station located at 2929 N. 25th Street in Fort Pierce as the “Trooper Joseph Bullock Building” and directs the Department of Highway Safety and Motor Vehicles to erect suitable markers.

The bill amends a 2019 designation for the “Robert L. ‘Bob’ Billingslea Highway” to correct the description of the prior designation, and also amends a 2014 designation for “Brigadier General” Bud Day, to reflect a posthumous promotion from the rank of Colonel.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 116-0

Committee on Infrastructure and Security

CS/CS/HB 343 — Recreational Vehicle Industries

by Commerce Committee; Business and Professions Subcommittee; and Rep. Fetterhoff (CS/CS/SB 422 by Innovation, Industry, and Technology Committee; Infrastructure and Security Committee; and Senator Perry)

The bill makes a number of statutory changes related to recreational vehicle (RV) regulatory provisions.

Specifically, the bill:

- Specifies that the Department of Health (DOH) is the exclusive regulatory and permitting authority for sanitary and permitting standards and operational matters for RV parks, mobile home parks, lodging parks, and recreational camps;
- Requires when a mobile home park, lodging park, RV park or recreational camp is sold or its ownership transferred, the transferee must apply for a permit to DOH within 60 days after the date of transfer;
- Creates a rebuttable presumption that a RV park guest is a transient guest, when they occupy a RV in a RV park for less than six months;
- Allows a RV park to be rebuilt after a natural disaster using the original density standards and supersedes local regulation regarding lot size and density, or separation or setback distance;
- Provides that any property that is left by a RV park guest, which remains unclaimed after 90 days, who has vacated the premises without notice to the operator and who has an outstanding account is considered abandoned property, and disposition will be governed by the Disposition of Personal Property Landlord and Tenant Act;
- Allows an operator of a RV park to refuse to provide accommodations, service, or access to the premises to any transient guest or visitor for numerous reasons;
- Provides that a transient guest or visitor who refuses to leave an RV park at the operators request commits the offense of trespass and the operator may call law enforcement to have them and their property removed;
- Modifies the duties of a law enforcement officer called to assist with a person illegally on a RV park's premises to allow removal of such a person in lieu of arrest and limits the officer's liability;
- Requires the Department of Agriculture and Consumer Services (DACS) to establish by rule the requirements for agents qualified to administer liquefied petroleum (LP) gas examinations;
- Requires DACS to establish by rule a specific examination for RV dealers/installers; and
- Clarifies that in order to be eligible to apply for certification as a master qualifier for an LP gas business, "verifiable LP gas experience" or "professional certification" is required.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 35-1; House 115-0

Committee on Infrastructure and Security

CS/HB 387 — License Plate Fees

by Transportation and Infrastructure Subcommittee and Rep. Hogan Johnson and others
(CS/CS/SB 414 by Appropriations Committee; Infrastructure and Security Committee; and
Senators Bean and Harrell)

The bill creates a uniform annual use fee for specialty license plates. Specifically, the bill provides that unless the amount of an annual use fee is otherwise specified for a particular specialty license plate, the annual use fee of \$25 will be charged for any specialty license plate that is required to be developed.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 39-0; House 115-0

Committee on Infrastructure and Security

CS/CS/SB 538 — Emergency Management

by Community Affairs Committee; Infrastructure and Security Committee; and Senators Diaz, Book, Pizzo, and Perry

The bill directs the State Watch Office (SWO) to create and maintain a list of emergency related reportable incidents. The list must include, but is not limited to the following:

- Major fire incidents;
- Search and rescue operations;
- Bomb threats;
- Natural hazards and severe weather;
- Public health and population protective actions;
- Animal or agricultural events;
- Environmental concerns;
- Nuclear power plant events;
- Major transportation events;
- Major utility or infrastructure events; and
- Certain military events.

Political subdivisions must notify the SWO of incidents occurring within their geographic boundaries. The SWO may develop guidelines for reporting and must annually provide the list of reportable incidents to political subdivisions.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 115-0

Committee on Infrastructure and Security

CS/HB 705 — Emergency Sheltering of Persons with Pets

by Oversight, Transparency and Public Management Subcommittee and Reps. Killebrew, Toledo, and others (CS/CS/SB 752 by Community Affairs Committee; Infrastructure and Security Committee; and Senators Bean, Book, and Cruz)

The bill requires counties that maintain designated shelters to designate a shelter that can accommodate persons with pets. The shelter must be in compliance with applicable FEMA Disaster Assistance Policies and Procedures and with safety procedures regarding the sheltering of pets established in the shelter component of both local and state comprehensive emergency management plans.

The bill also requires the Department of Education to assist the Division of Emergency Management in determining strategies for the evacuation of persons with pets for the shelter component of the state comprehensive emergency management plan.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 115-0

Committee on Infrastructure and Security

CS/CS/HB 787 — Driver Licenses and Identification Cards

by State Affairs Committee; Transportation and Infrastructure Subcommittee; and Rep. Tomkow and others (CS/CS/SB 1692 by Appropriations Committee; Infrastructure and Security Committee; and Senator Flores)

The bill authorizes an optional “D” designation on the driver license of a person who has been diagnosed with a developmental disability. The licensee, or his or her parent or legal guardian, must present the Department of Highway Safety and Motor Vehicles (DHSMV) with sufficient proof that a licensed physician has diagnosed the licensee with a developmental disability. Additionally, a licensee, or his or her parent or legal guardian, may surrender his or her current driver license at any time to add or remove a “D” designation. If the applicant is not conducting any other transaction affecting the driver license, the standard \$25 replacement fee is waived.

The bill also requires the DHSMV to include an option on the driver license or identification card application form to make a voluntary contribution of \$1 or more to Childhood Cancer Care to be distributed to the Live Like Bella Childhood Cancer Foundation.

The bill is linked to HB 789, a fee bill, which provides for the payment of an additional \$1 fee for a new or renewed driver license with a “D” designation or a payment of a \$2 fee upon the surrender and replacement of a current driver license to add or remove a “D” designation.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 39-0; House 117-0

Committee on Infrastructure and Security

CS/CS/HB 789 — Driver License Fees

by State Affairs Committee; Transportation and Infrastructure Subcommittee; and Rep. Tomkow (CS/CS/SB 1694 by Appropriations Committee; Infrastructure and Security Committee; and Senator Flores)

The bill provides for the payment of an additional \$1 fee for a new or renewed driver license with a “D” designation or a payment of a \$2 fee upon the surrender and replacement of a current driver license to add or remove a “D” designation. The fees are deposited into the Highway Safety Operating Trust Fund.

The bill is linked to HB 787, which authorizes an optional “D” designation on the driver license of a person who has been diagnosed with a developmental disability.

If approved by the Governor, these provisions take effect on the same date that CS/CS/HB 787 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Vote: Senate 39-0; House 118-0

Committee on Infrastructure and Security

CS/CS/HB 915 — Commercial Service Airports

by State Affairs Committee; Transportation and Infrastructure Subcommittee; and Rep. Avila and others (CS/CS/SB 1258 by Rules Committee; Community Affairs Committee; and Senators Diaz and Baxley)

The bill requires the Auditor General to conduct an operational and financial audit of each large-hub commercial service airport (a publicly owned airport that has at least one percent of the annual passenger boardings in the United States as reported by the Federal Aviation Administration) at least once every seven years. Each member of the governing body of such airports is required to comply with the financial disclosure requirements of s. 112.3145(3), F.S., except for members required to comply with the full and public disclosure of financial interests set out in Art. II, s. 8, State Constitution. The bill also requires the governing body of each commercial service airport (a primary airport as defined by federal law which is classified as a large, medium, or small hub airport by the Federal Aviation Administration) to establish and maintain a website to post information relating to the operation of the airport.

The bill subjects commercial service airports to the requirements of Ch. 287, F.S., relating to procurement, for purchases of commodities or contractual services exceeding a threshold of \$65,000. Such contracts must use a competitive sealed bid, proposal, or reply process (unless an exception applies or an immediate danger to the public or other substantial loss to the airport requires emergency action) and must be posted (with confidential information redacted) on the airport website. After an opportunity for public comment, a governing body must approve, award, or ratify as a separate line item on its agenda each contract executed by or on behalf of a commercial service airport in amounts exceeding a threshold of \$325,000. Approval, award, or ratification of such contracts as part of a consent agenda is prohibited.

Members of a governing body and employees of a commercial service airport are subjected to ch. 112, part III, F.S., relating to the Code of Ethics for Public Officers and Employees, but the bill does not prohibit a county or municipal charter, ordinance, or resolution of the governing body from applying more stringent ethical standards. The bill also imposes on each member of a governing body annual ethics training requirements but exempts members that have completed the training for another public office.

Beginning November 1, 2021, and annually thereafter, each commercial service airport must submit its approved budget, federal financial reports, website link, and a statutory compliance statement to the Florida Department of Transportation (FDOT). The FDOT must review the information submitted and posted on the required websites to determine the accuracy of the information. Beginning January 15, 2022, and annually thereafter, the FDOT must submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report summarizing commercial service airport compliance with the bill's provisions. Until a commercial service airport demonstrates its compliance, the FDOT is prohibited from expending any funds allocated to the airport unless the funds are pledged for debt service.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 36-3; House 112-0

Committee on Infrastructure and Security

CS/SB 966 — Public Records/Disaster Recovery Assistance

by Governmental Oversight and Accountability Committee and Senator Gainer

The bill makes confidential and exempt from public disclosure requirements property photographs and personal identifying information of an applicant for or a participant in a federal, state, or local housing assistance program for the purpose of disaster recovery assistance for a presidentially declared disaster. The provision applies to photographs and personal identifying information held by the Department of Economic Opportunity, the Florida Housing Finance Corporation, a county, a municipality, or a local housing finance agency.

The bill is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2025, unless reviewed and reenacted by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 37-0; House 118-0

Committee on Infrastructure and Security

CS/CS/HB 971 — Electric Bicycles

by State Affairs Committee; Transportation and Infrastructure Subcommittee; and Rep. Grant and others (CS/SB 1148 by Infrastructure and Security Committee and Senator Brandes)

The bill addresses the definition and operation of electric bicycles (e-bikes) within a three-tiered classification system, revising a number of related definitions. The bill creates regulations governing the operation of e-bikes, affording an e-bike or e-bike operator with all of the rights and privileges, and subjecting them to all of the duties, of a bicycle or bicycle operator. E-bikes are authorized to operate where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, bicycle lanes, and bicycle or multiuse paths. However, the bill provides that the new e-bike regulations may not be construed to prevent a local government from regulating the operation of e-bikes on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; or to prevent a municipality, county, or agency of the state having jurisdiction over a bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an e-bike on such paths or trail networks.

The bill provides that an e-bike or an e-bike operator is not subject to the provisions of law relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles. Additionally, the bill sets out labeling requirements for manufacturers and distributors of electric bicycles and prohibits tampering with or modifying an electric bicycle unless the label is replaced after modification.

Lastly, the bill makes a number of technical and conforming changes throughout related statutory provisions.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 118-0

Committee on Infrastructure and Security

CS/CS/HB 977 — Motor Vehicle Dealers

by State Affairs Committee; Transportation and Infrastructure Subcommittee; and Rep. Rommel and others (CS/SB 1738 by Infrastructure and Security Committee and Senator Brandes)

The bill states that subjecting motor vehicle dealers and their leasing and rental affiliates to vicarious liability under the dangerous instrumentality doctrine when a temporary replacement vehicle is provided to a consumer is both unfair and economically disadvantageous in that it causes dealers and their affiliates to suffer higher insurance costs, which are then passed on to consumers.

Additionally, the bill provides that a motor vehicle dealer, or a motor vehicle dealer's leasing or rental affiliate, which provides a temporary replacement vehicle to a customer whose vehicle is being held for repair, service, or adjustment by the dealer is immune from vicarious liability in a civil proceeding. This immunity applies as long as there is no negligent or criminal wrongdoing by the dealer or affiliate. However, it does not apply when an agent or principal of a motor vehicle dealer or a motor vehicle dealer's leasing or rental affiliate is provided a temporary replacement vehicle. In addition, this immunity only applies to an employee of a motor vehicle dealer or a motor vehicle dealer's leasing or rental affiliate when they are provided a temporary replacement vehicle:

- While their personal vehicle is being repaired or serviced by the motor vehicle dealer;
- In the same manner as other customers who are provided a temporary replacement vehicle; and,
- The employee is not acting within the course and scope of their employment.

The bill provides that a motor vehicle dealer or affiliate must execute a written rental or use agreement and obtain a copy of the vehicle operator's driver license and insurance information to qualify for the immunity granted in the bill.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 111-0

Committee on Infrastructure and Security

CS/CS/HB 1039 — Transportation Network Companies

by State Affairs Committee; Transportation and Infrastructure Subcommittee; and Rep. Rommel and others (CS/CS/SB 1352 by Rules Committee; Innovation, Industry, and Technology; and Senator Brandes)

The bill establishes a regulatory framework for digital advertising on transportation network company (TNC) vehicles and for luxury ground TNC (LGTNC) vehicles. Specifically, the bill:

- Defines the term “transportation network company digital advertising device” or “TNC digital advertising device;” authorizes a TNC driver or his or her designee to contract with a company to install a TNC digital advertising device (DAD) on a TNC vehicle, which is a part of the vehicle; and provides equipment, operational, lighting, and testing requirements for a TNC DAD.
- Prohibits a TNC DAD from displaying advertisements for illegal products or services or that include nudity or violent images and subjects displayed advertisements to the Florida Deceptive and Unfair Trade Practices Act (FDUTPA).
- Provides immunity from liability for display of an advertisement in violation of the FDUTPA or the new section of law created by the bill for:
 - A TNC, TNC driver, TNC vehicle owner, or an owner or operator of a TNC DAD, unless the TNC, TNC driver, TNC vehicle owner, or an owner or operator of a TNC DAD had actual knowledge that the advertisement constitutes a violation.
 - A TNC that is not the owner or operator of a TNC DAD that displays an advertisement on a TNC DAD, unless the advertisement is displayed on behalf of the TNC.
- Exempts a TNC from liability under general law by reason of owning, operating, or maintaining the digital network accessed by a TNC driver or rider, or by being affiliated with a TNC driver, for harm to persons or property resulting or arising out of the use, operation, or possession of a motor vehicle operating as a TNC vehicle while the driver is logged on to the digital network if:
 - There is no negligence or criminal wrongdoing on the part of the TNC;
 - The TNC has fulfilled all of its obligations under s. 627.748, F.S., with respect to the TNC driver; and
 - The TNC is not the owner or bailee of the motor vehicle that caused the harm.
- Provides that a motor vehicle that is compliant with the Americans with Disabilities Act and is owned and used by a company that uses a digital network to facilitate prearranged rides to persons with disabilities for compensation may be used as a TNC vehicle.
- Revises and provides definitions to delete references to “for-hire vehicles” as the term relates to TNCs, effectively deeming TNC vehicles as for-hire vehicles providing for-hire vehicle service.
- Defines the term “luxury ground transportation network company” or “luxury ground TNC” to mean a company that:
 - Meets the requirements relating to election to be regulated as an LGTNC, and
 - Uses its digital network to connect riders exclusively to drivers who operate for-hire vehicles, including limousines and luxury sedans and excluding taxicabs.

- Authorizes an entity to elect, upon written notification to the Department of Financial Services, to be regulated as an LGTNC. The bill requires an LGTNC to:
 - Comply with all of the requirements of s. 627.748, F.S., applicable to TNCs which do not conflict with insurance coverage requirements or which do not prohibit the company from connecting riders to drivers who operate for-hire vehicles, including limousines and luxury sedans and excluding taxicabs; and
 - Maintain at all times insurance coverage as required by s. 627.748(7), F.S. The minimum insurance requirements applicable to a vehicle are dependent upon whether the vehicle is being operated as a limousine, or as an LGTNC.
- Authorizes a prospective LGTNC that satisfies minimum financial responsibility requirements at the time of written notification to the department by using self-insurance to continue to use self-insurance.

Includes LGTNCs, LGTNC drivers, and LGTNC vehicles in existing provisions relating to preemption to the state of regulation of TNCs, TNC drivers, and TNC vehicles, thereby preempting to the state regulation of LGTNCs, LGTNC drivers, and LGTNC vehicles.

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

Vote: Senate 37-2; House 117-0

Committee on Infrastructure and Security

CS/CS/HB 1095 — Infrastructure Regulation

by Commerce Committee; Energy and Utilities Subcommittee; and Rep. Fitzenhagen and others (CS/CS/CS/SB 1464 by Rules Committee; Banking and Insurance Committee; Infrastructure and Security Committee; and Senator Flores)

The bill amends provisions of law relating to the Underground Facility Damage Prevention and Safety Act and revises provisions relating to the Office of Public Counsel within the Public Service Commission.

Underground Facility Damage Prevention and Safety Act (The Act)

The Act is intended to identify and locate underground facilities (*e.g.*, pipes, pipelines, and cables) prior to an excavation or demolition to prevent injury to persons or property or interruption of services resulting from damages to those facilities. Specifically, the bill:

- Expands the list of entities that may issue citations for existing and new enhanced-penalty violations of ch. 556, F.S., to include the State Fire Marshal or his or her statutorily defined agents, and the fire chiefs of special districts, municipalities, and counties; and provides criminal penalties for willful failure to respond to a citation.
- Increases the maximum civil penalty (up to \$2,500, in addition to any other court costs) for certain violations of ch. 556, F.S., that involve an underground pipe or facility transporting hazardous materials regulated by the U.S.D.O.T. Pipeline and Hazardous Material Safety Administration. Eighty percent of the civil penalty will be distributed to the entity that issued the citation, and the remaining 20 percent will be retained by the clerk, in addition to any court costs.
- Requires each clerk of court to submit an annual report to the State Fire Marshal listing each violation notice written under ch. 556, F.S., which was filed in that county during the preceding calendar year.
- Provides a criminal penalty for knowingly and willfully removing or damaging a permanent marker.
- Requires member operators and excavators to transmit reports of incidents that involve high-priority subsurface installations for investigation by the State Fire Marshal, who replaces the Division of Administrative Hearings as the investigative authority. The State Fire Marshal may also issue a citation and impose a civil penalty for a violation of ch. 556, F.S., and 95 percent of any civil penalty imposed will be equally distributed between the Sunshine 811 system and the State Fire Marshal for specified uses. The remaining five percent is retained by the clerk of court to cover administrative costs.
- Requires Sunshine State One-Call of Florida, Inc., to review the reports submitted by the clerks of court to the State Fire Marshal, and any complaints of alleged violations of ch. 556, F.S., in order to identify issues and potential issues with damage prevention and enforcement. Sunshine State One-Call of Florida, Inc., is further required to submit an analysis of its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives on an annual basis.

Office of the Public Counsel

The bill also establishes a four-year term for the Public Counsel beginning March 1, 2021. It clarifies the Public Counsel serves at the pleasure of the Joint Committee on Public Counsel Oversight and is appointed by a majority vote of the committee appointees of each house of the Legislature. The bill provides the committee may remove the Public Counsel with a majority vote of the committee appointees of each house. The joint committee must receive applications, conduct interviews, and appoint a Public Counsel to a four-year term beginning on March 1, 2021, and every four years thereafter. The Public Counsel may continue in office beyond the four-year limit until his or her successor is appointed and takes office, unless removed by the committee. A person serving as the Public Counsel may be reappointed, but in no event may a person serve as the Public Counsel for more than 12 consecutive years. However, the time served by the Public Counsel before July 1, 2020, may not be considered in applying the limitation on consecutive years of service.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 37-1; House 115-0

Committee on Infrastructure and Security

HB 1135 — License Plates

by Rep. Grant, J. and others (CS/CS/SB 412 by Appropriations Committee; Infrastructure and Security Committee; and Senators Bean, Harrell, and Broxson)

The bill authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to issue specialty license plates (SLP) for fleet and motor vehicle dealer vehicles, and establishes a cap of 150 SLPs.

The bill increases the required number of voucher sales needed within 24 months before the DHSMV will manufacture a SLP, increasing the number from 1,000 to 3,000, and requires an out-of-state college or university SLP to meet a minimum sale of 4,000 vouchers.

The bill provides that new SLPs that have been approved by law but are awaiting issuance must be issued in the order they appear in statute as long as they have met the presale requirement and any other provisions of law. If the next awaiting SLP has not met the presale requirement, the DHSMV must proceed in the order provided in statute to identify the next qualified SLP that has met the presale requirement. The DHSMV must cycle through the list in statutory order.

The bill requires the DHSMV to discontinue the SLP with the fewest number of plates in circulation, including SLPs exempt from a statutory sales requirement on January 1 of each year. For the SLPs in the bottom ten percent of sales, the bill requires the DHSMV to mail a warning letter to the sponsoring organizations on December 1 of each year.

In addition to the above discontinuance, beginning July 1, 2023, the DHSMV must discontinue the issuance of an approved SLP if the number of valid registrations falls below 3,000 plates for 12 consecutive months. The threshold for out-of-state college or university SLPs is 4,000. The DHSMV must mail a warning letter to the sponsoring organization following the first month in which the total number of registrations is below 3,000, or 4,000 for out-of-state college or university SLPs. In addition to the existing exemption from the 3,000 plate sales requirement for in-state collegiate SLPs, the bill provides exceptions from the discontinuance requirement for SLPs:

- For institutions in and entities of the State University System;
- With statutory eligibility limitations for purchase;
- For which the annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention; and
- For Florida Professional Sports Teams.

The bill revises provisions regarding license plate design or uses of annual use fees for the following existing license plates:

- Special Olympics Florida;
- Live the Dream;
- In God We Trust;
- Fallen Law Enforcement Officers;

- Blue Angels;
- U.S. Paratroopers; and
- Gold Star.

The bill updates the reference from “Prevent Blindness Florida” to “Preserve Vision Florida” to reflect the change in the organization’s name for the distribution of a portion of the motorcycle SLP annual use fees.

The bill repeals the following SLPs that have been discontinued:

- American Red Cross;
- Support Soccer;
- Donate Organs Pass It On;
- St. Johns River; and
- Hispanic Achievers.

The bill creates the following license plates and specifies the design and the distribution of the associated annual use fees;

- Independent College or University;
- Ducks Unlimited;
- Auburn University;
- Beat Childhood Cancer;
- Walt Disney World;
- Florida 4-H;
- Donate Life Florida;
- Florida State Beekeepers Association;
- Rotary;
- Highwaymen;
- Dan Marino Campus;
- Orlando City Soccer Club;
- Daughters of the American Revolution;
- Gadsden Flag;
- America the Beautiful;
- Explore Off Road Florida;
- American Eagle;
- Guardian Ad Litem;
- Jumbo Shrimp;
- Thank A Lineman;
- Best Buddies;
- University of Georgia;
- Divine Nine;
- Florida Bay Forever;
- Bonefish and Tarpon Trust;

- Coastal Conservation Association;
- Johnson and Wales University;
- Florida Stands With Israel;
- Give Kids The World;
- Marine Corps League;
- K9s United;
- Florida Native; and
- University of Alabama.

The bill provides the Divine Nine and Independent College or University SLPs will be based on a standard template with a unique logo or graphic for each eligible entity. Individual SLP sales will be combined for meeting that standard template SLP's minimum sales threshold and for determining the SLP limit. These SLPs must be order directly from the DHSMV.

The bill creates three special use plates:

- Purple Heart motorcycle special use plate;
- Veteran motorcycle special use plate; and
- Bronze Star automobile special use plate.

The bill revises the provision related to the eligible use of fees and interest from the sale of SLPs, and requires the DHSMV to audit any SLP revenue recipient every three years if the organization is not subject to the Florida Single Audit Act. The purpose of this audit is to ensure that SLP proceeds have been used in compliance with Florida Statutes.

The bill revises the eligibility criteria for special license plates for current and former state legislators, requiring they must have served at least two years as a state senator or a state representative prior to January 1, 2021, and revises the eligibility criteria for special license plates for current and former Senate Presidents and House Speakers, requiring that they must have served as President or Speaker prior to January 1, 2021. The bill also repeals special license plates for former members of Congress.

The bill creates a permanent registration period on for-hire vehicles under nine passengers, provided payment of license taxes and fees occurs annually. It also provides that validation stickers for vehicles for hire under nine passengers may be valid for the life of a license plate, and become void if the proper license taxes and fees are not paid annually.

The bill removes existing provisions from law that delineate the \$25 annual use fee for various SLPs. The bill is linked to HB 387, a fee bill, which establishes an annual use fee of \$25 for any SLP unless the amount is otherwise specified in law.

If approved by the Governor, except as otherwise expressly provided in the bill, the bill shall take effect October 1, 2020, but only if HB 387 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Vote: Senate 39-0; House 112-0

Committee on Infrastructure and Security

HB 7001 — OGSR/E-mail Addresses/Department of Highway Safety and Motor Vehicles

by Oversight, Transparency and Public Management Subcommittee and Rep. Plasencia (SB 7022 by Infrastructure and Security Committee)

The bill amends s. 119.0712, F.S., to save from repeal the current exemption from public records disclosure for e-mail addresses provided to the Department of Highway Safety and Motor Vehicles for the purpose of providing notifications and renewal notices. The bill removes the scheduled repeal date of the exemption, thus continuing the exemption.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 40-0; House 118-0

Committee on Infrastructure and Security

CS/SB 7018 — Essential State Infrastructure

by Appropriations Committee and Infrastructure and Security Committee

The bill contains various provisions relating to essential state infrastructure, including provisions relating to emergency staging areas, utility permit application processing for use of county or municipal rights-of-way, development of a recommended plan for electric vehicle charging stations along the State Highway System, and use of agricultural land subject to a conservation easement for construction of a public or private linear facility and right of access. Specifically, the bill:

- Authorizes the Florida Department of Transportation (FDOT) to plan, design, and construct staging areas for emergency response on the turnpike system. These areas are for the staging of emergency supplies, equipment, and personnel to facilitate the prompt provision of emergency assistance to the public in response to a declared state of emergency;
- Directs the FDOT, in consultation with the Division of Emergency Management, to consider specified factors when selecting a proposed site; authorizes the FDOT to acquire property necessary for such staging areas; and requires the FDOT to give priority consideration to placement of such staging areas in counties with a population of 200,000 or less in which a multi-use corridor of regional significance is located;
- Grants the FDOT power to authorize other uses of a staging area and requires that staging-area projects be included in the FDOT's work program;
- Provides that a permit application by a county or municipality to use the right-of-way on any public road for a utility must be processed and acted upon within the expedited time frames of the "Advanced Wireless Infrastructure Deployment Act," s. 337.401(7)(d)7.,8., and 9., F.S.;
- Requires the FDOT, in coordination with the Public Service Commission (PSC) and the Office of Energy within the Department of Agriculture and Consumer Services, and any other public or private entities as necessary or appropriate, to develop and recommend a master plan for the development of electric vehicle charging station infrastructure along the State Highway System. The bill sets out a number of legislative findings and sets up a division of the workload between the FDOT and the PSC of goals and objectives of the recommended plan based on area of expertise;
- Authorizes the FDOT, the PSC, and the Office of Energy to agree to explore other issues deemed necessary or appropriate for purposes of the required report and requires the recommended master plan to be developed and submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2021. The plan must include recommendations for legislation and may include other recommendations as determined by the FDOT. The bill also requires the FDOT, by December 1, 2020, to file a status report containing any preliminary recommendations, including recommendations for legislation to the Governor, the President of the Senate, and the Speaker of the House; and
- Clarifies that ss. 570.71 and 704.06, F.S., not be interpreted to prohibit lands traditionally used for agriculture that are subject to a conservation easement from being utilized for the

construction of any public or private linear facility and right of access, if such rights are voluntarily negotiated.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 97-19

**Committee on Innovation, Industry,
And Technology**

CS/SB 476 — Law Enforcement Vehicles

by Innovation, Industry, and Technology Committee and Senator Hooper

The bill (Chapter 2020-5, L.O.F.) provides that condominium, cooperative, and homeowners' associations may not prohibit a law enforcement officer who is a unit or parcel owner, or the tenant, guests or invitee of an owner, to park his or her assigned law enforcement vehicle in an area where the owner, or the tenant, guest, or invitee of an owner, has a right to park.

These provisions were approved by the Governor and take effect upon becoming law.

Vote: Senate 39-0; House 116-0

Committee on Innovation, Industry, And Technology

CS/CS/HB 821 — Public Records and Meetings/Information Technology Security Information

by State Affairs Committee; Oversight, Transparency and Public Management Subcommittee; and Rep. Williamson and others (CS/SB 1170 by Senators Baxley and Hutson)

The bill expands two existing public records exemptions relating to information technology records to add “network schematics, hardware and software configurations, and encryption” records to an existing exemption; and streamline and simplify the exemptions by deleting duplicative provisions and restructuring the remaining provisions to maintain the same effect. It provides for the release of confidential and exempt records to the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the Division of State Technology and to the Chief Inspector General. The bill provides for retroactive application of the exemption.

The bill also creates a public meetings exemption for those portions of a public meeting which would reveal records that the above-discussed provisions make exempt. No exempt portion of an exempt meeting may be off the record, but must be recorded and transcribed. A recording and transcript is confidential and exempt from disclosure unless a court of competent jurisdiction, after an in camera review, determines that the meeting was not restricted to the discussion of data and information made confidential and exempt by this section. In the event of such a judicial determination, only that portion of the recording and transcript which reveals nonexempt data and information may be disclosed to a third party.

Pursuant to the Open Government Sunset Review Act, these public records and meetings exemptions are scheduled to repeal October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

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

Vote: Senate 37-0; House 117-0

Committee on Innovation, Industry, And Technology

CS/CS/SB 1060 — Public Records and Meetings/911, E911, or Public Safety Radio Communication System

by Rules; Innovation, Industry, and Technology; and Senator Thurston

The bill makes confidential and exempt from public records disclosure requirements certain plans and geographical maps relating to 911, E911, or public safety radio communication structures or facilities owned and operated by a state agency. Any portion of a meeting that would reveal the confidential and exempt information is made exempt from the public meeting requirements.

An agency is authorized to disclose the confidential and exempt information to:

- Another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities;
- A licensed architect, engineer, or contractor who is performing work on or related to the 911 or E911 communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911 or E911 communication services, or other 911 or E911 communication structures or facilities owned and operated by an agency; or
- Upon a showing of good cause before a court of competent jurisdiction.

The bill provides for the scheduled repeal of the public records and public meetings exemptions on October 2, 2025, pursuant to the Open Government Sunset Review Act and contains legislative findings of public necessity for the exemptions.

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

Vote: Senate 40-0; House 116-0

Committee on Innovation, Industry, And Technology

CS/HB 1193 — Deregulation of Professions and Occupations

by Commerce Committee and Rep. Ingoglia and others (Appropriations Committee; Commerce and Tourism Committee; Innovation, Industry, and Technology Committee; and Senators Albritton and Gruters)

The “Occupational Freedom and Opportunity Act,” relates to businesses and professions regulated by the Department of Business and Professional Regulation (DBPR) and health professionals regulated by the Department of Health (DOH). The bill:

- Repeals the authority of the DOH and the DBPR to suspend or revoke a professional license because of a default on a student loan or failure to comply with service or work-conditional scholarship obligations;
- Waives the requirement to pass the commercial driver license skills test for a military service member or veteran with specified training;
- Provides an exemption from the requirement to be licensed as a dietitian or nutritionist for a person who provides information, wellness recommendations, or advice concerning nutrition, or who markets food, food materials, or dietary supplements for remuneration if the person does not provide such services to a person under the direct care of a medical doctor for a medical condition requiring nutritional intervention and does not represent themselves as a dietitian or nutritionist or as a licensed or registered dietitian or nutritionist;
- Permits certain employees or agents of public and private animal shelters, humane organizations, and animal control organizations to implant radio identification microchips in dogs and cats, and permits such persons to contact the person listed on the identification microchip to verify pet ownership;
- Provides additional continuing education option for licensed landscape architects by authorizing such professionals to receive hour-for-hour credit for certain approved continuing education courses approved by the Landscape Architecture Continuing Education System or another nationally recognized clearinghouse for continuing education;
- Increases the maximum contract price from \$1,000 to \$2,500 for the “handyman exception,” which permits an unlicensed person to perform services that fall within the scope of a contractor’s license;
- Permits a person who has received a Bachelor of Arts degree from an accredited four-year college and has a 3.0 GPA to qualify for a contractor’s license if the person only passes the finance portion of the license examination;
- Preempts the regulation of mobile food dispensing vehicles (food trucks) to the state to prohibit local government (but not port authorities, aviation authorities, airports, or seaports) from requiring a license, registration, or permit, and prohibiting the operation of food trucks in the entirety of their jurisdiction; and
- Revises the membership of the Florida Building Commission and reduces its membership from 27 members to 19 members.

The bill repeals license or registration requirements for the following businesses or professions regulated by the DBPR:

- Labor organizations and their business agents;
- Hair braiders, hair wrappers, and body wrappers; and
- Boxing announcers and timekeepers.

The regulation of interior design is revised by the bill to provide for a voluntary certificate of registration to practice interior design in place of the current license requirement. A certificate of registration is not required to practice interior design. To qualify for registration, an interior designer must have satisfactorily passed a qualification examination. Only a registered interior designer may use a seal issued by the DBPR if a seal is required by the permitting authority when submitting documents for the issuance of a building permit. The bill reduces the biennial fee to register as an interior designer to a fee of no more than \$75 (from a fee of no more than \$500).

The bill repeals the requirement that a yacht and ship broker must have a separate license for each branch office. It repeals the license requirement for cosmetology salons, and also eliminates the additional business organization for the following professional licensees:

- Architects and interior designers;
- Landscape architects; and
- Geologists.

The bill provides additional options or reduces the requirements for the following professionals, if licensed in another state, to qualify for a professional license in Florida:

- Building code administrators and inspectors;
- Home inspectors;
- Engineers;
- Certified public accountants;
- Veterinarians;
- Barbers;
- Cosmetologists;
- Architects;
- Construction contractors;
- Electrical and alarm contractors;
- Landscape architects; and
- Geologists.

Effective January 1, 2021, the bill reduces the minimum:

- Hours of training required for a barber's licensure from 1,200 hours to 900 hours;
- Hours of continuing education required for the biennial renewal of a cosmetology license from 16 hours to 10 hours; and
- Training hours required to be registered as a nail, facial, or full specialist.

If approved by the Governor, these provisions take effect July 1, 2020.
Vote: Senate 38-0; House 103-11

Committee on Innovation, Industry, And Technology

CS/CS/CS/HB 1391 — Technology Innovation

by State Affairs Committee; Government Operations and Technology Appropriations Subcommittee; Insurance and Banking Subcommittee; and Rep. Grant and others (CS/CS/CS/SB 1870 by Appropriations; Banking and Insurance; Innovation, Industry, and Technology; and Senators Hutson and Harrell)

The bill abolishes the Division of State Technology within the Department of Management Services and establishes the Florida Digital Service and the Division of Telecommunications within the department. The bill also creates the Financial Technology Sandbox within the Office of Financial Regulation.

Florida Digital Service

The bill tasks the Florida Digital Service (FDS) with creating innovative solutions that securely modernize state government, achieving value through digital transformation and interoperability, and supporting the previously established cloud-first policy. The bill requires the FDS to develop a comprehensive enterprise architecture and addresses how information technology infrastructure may be modernized to achieve cloud-first objectives, with interoperability as a priority. The bill directs the FDS, contingent on an appropriation, assist agencies with the deployment of new interoperability applications or solutions. It provides procedures for Cabinet agencies to adopt alternatives for enterprise architecture standards for data interoperability.

Financial Technology Sandbox

The bill creates the Financial Technology Sandbox, within the Office of Financial Regulation (OFR), to license financial technology innovators to test new products and services within the areas of a regulatory sandbox using exceptions of specified general law and waivers of the corresponding rule requirements under defined conditions in the consumer finance, payment instruments sellers, and money transmitter programs.

The bill appropriates \$50,000 in nonrecurring funds for Fiscal Year 2020-2021 from the Administrative Trust Fund to the OFR to implement the Financial Technology Sandbox provisions.

If approved by the Governor, these provisions take effect July 1, 2020, except for section 12, on the Financial Technology Sandbox, which takes effect January 1, 2021.

Vote: Senate 39-0; House 118-0

**Committee on Innovation, Industry,
And Technology**

HB 6055 — Telegraph Companies

by Rep. Gregory and others (SB 1256 by Senator Albritton)

The bill repeals ch. 363, F.S., which provides for the liability of telegraph or telegram companies for specified negligent acts, penalties, damages, and attorney fees, and legal procedures.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 117-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/HB 103 — Subpoenas

by Civil Justice Subcommittee; Reps. Gottlieb and Fernandez-Barquin (SB 1002 by Senator Rodriguez)

The bill expands the methods by which a law enforcement officer may effect service of an investigative subpoena, court order, or search warrant on an out-of-state corporation that provides electronic communication services or remote computing services. As expanded, service of the documents may be had on the corporation's registered agent under the laws of the state in which service will be effected. The bill also states that out-of-state corporations doing business in Florida through the Internet may be served at any location where the corporation regularly accepts service.

The bill also specifies the means to enforce a subpoena on an in-state or out-of-state corporation that provides electronic communication services or remote computing services. If a corporation fails to comply with a properly-served subpoena, the bill allows a court, upon petition from the authority seeking the subpoena, to hold the non-complying corporation in indirect criminal contempt, and subject the entity to fines.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/HB 131 — Security in Trial Court Facilities

by Judiciary Committee and Rep. McClain (SB 118 by Senator Gruters)

The bill addresses the decision-making authority and responsibilities of the chief judge of a circuit court and the county sheriff in providing court security. In a recent opinion by the Second District Court of Appeal, the court resolved the competing claims of authority and responsibility at issue in the case by holding that a chief circuit judge may require a sheriff in the circuit, because the sheriff is an officer of the court, to comply with the judge's order requiring the sheriff to provide security at court facilities.

The bill reiterates that sheriffs are officers of the court, and requires each sheriff to coordinate with his or her local chief judge and county commissioners in developing a court security plan. However, the bill provides that sheriffs retain authority to implement and provide law enforcement services associated with the plan. Finally, the bill provides that the chief judge retains decision-making authority to carry out his or her administrative functions concerning the protection of due process rights and the scheduling and conduct of trials and other judicial proceedings.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 118-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/SB 344 — Courts

by Judiciary Committee and Senator Bradley

The bill clarifies ambiguities in current law to better enable public guardians to meet the needs of their incapacitated wards. The bill clarifies that public guardians are exempt from paying any court-related fees or charges for accessing public records. The bill also requires courts to waive court costs and filing fees in proceedings involving the appointment of a public guardian or the estate of a public guardian's ward.

In an effort to make the evaluation process more efficient, the bill allows a physician assistant or advanced practice registered nurse to complete a ward's annual medical evaluation and prepare and sign the report for the court, when the physician delegates that responsibility. Currently, only physicians are allowed to conduct the annual medical exams and prepare the reports.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 114-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

SB 374 — Housing Discrimination

by Senator Rouson

The bill “extinguishes” “discriminatory restrictions” from certain real estate documents, such as deeds, and clarifies that under the Florida Fair Housing Act a victim of housing discrimination is not required to exhaust administrative remedies before filing a civil action.

Current federal and state law prohibit discrimination on the basis of race and several other characteristics in the sale, lease, or use of real property. Nonetheless, discriminatory restrictive covenants and other instruments remain in the records of many counties and can still be found in a title search. Moreover, current law does not appear to provide a way to strike or otherwise disavow these provisions in the public records.

The bill “extinguishes” “discriminatory restrictions” from title transactions, such as deeds, and expressly states that the restrictions are unlawful, unenforceable, and null and void. The bill also provides for summary removal of discriminatory restrictions from the governing documents of a property owners’ association.

Additionally, the bill clarifies that under the Florida Fair Housing Act (FFHA) an alleged victim of housing discrimination may file a civil action regardless of whether:

- He or she has filed a complaint with the Florida Commission on Human Relations;
- The Commission has resolved a complaint (if the victim chose to file one); or
- Any particular amount of time has passed since the victim filed a complaint with the Commission.

Alternatively, a victim may proceed directly to filing a petition with the Division of Administrative Hearings.

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

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/HB 505 — Estates and Trusts

by Civil Justice Subcommittee and Rep. Driskell and others (CS/SB 358 by Judiciary Committee and Senator Berman)

The bill amends several sections of the probate code relating to compensation of attorneys who serve as personal representatives, who may sue to recover property for an estate, conflicts of interest by personal representatives, and notice in probate proceedings. The bill also amends the trust code regarding compensation of attorneys who serve as trustees.

More specifically, the bill:

- Prohibits an attorney who prepared or supervised the preparation of a will from being compensated as a personal representative of the estate unless the attorney is a relative of the decedent or makes specified disclosures to the testator before the will is prepared;
- Prohibits an attorney who prepared or supervised the preparation of a trust from being compensated as a trustee unless the attorney is a relative of the “settlor” (trust creator) or makes specified disclosures to the settlor before the trust is created;
- Provides that causes of action that a decedent held at death are estate property, and therefore subject to the control and possession of the personal representative (not the beneficiaries);
- Brings more types of transactions involving a personal representative’s conflict of interest under the statute that renders these transactions voidable by an interested person;
- Clarifies what constitutes sufficient notice for a court to exercise personal jurisdiction over a person in a probate proceeding; and
- Categorizes as tangible property bullion and coins that are not used as money, such as collectible coins.

If approved by the Governor, these provisions take effect October 1, 2020, except where otherwise provided.

Vote: Senate 39-0; House 118-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/SB 580 — Uniform Partition of Heirs Property Act

by Community Affairs Committee; Judiciary Committee; and Senators Bracy and Broxson

This bill adopts the Uniform Partition of Heirs Property Act by the Uniform Law Commission. The bill provides special procedures for the partition of “heirs property,” which generally includes inherited real property owned by relatives as tenants in common. A partition involves a legal action by a cotenant to force the sale or division of real property.

The bill provides a right of first refusal, allowing heirs property cotenants to purchase the property interests of cotenants seeking partition before the property is divided or sold. The bill requires a court to determine the fair market value of the property, either through court-ordered appraisal or based on the agreement of the parties, before the court proceeds to partition. The bill generally requires partitions by sale to be made in an open-market sale by a court appointed real estate broker, instead of an auction as the statutes currently require.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 116-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/CS/SB 664 — Verification of Employment Eligibility

by Rules Committee; Commerce and Tourism Committee; Judiciary Committee; and Senators Lee, Gruters, Harrell, and Simmons

The bill requires public employers, contractors, and subcontractors to use E-Verify, and requires private employers to use E-Verify or to use the Form I-9 and maintain copies of the documents used to complete the I-9 for 3 years. E-Verify is a free, Internet-based system through which an employer may quickly confirm that a newly hired employee is authorized to work in the United States. To use E-Verify, an employer inputs information from an employee's I-9 and, usually within seconds, obtains a result. In FY 2019, 98.5 percent of the persons run through E-Verify were automatically confirmed as "work authorized."

The bill requires a party to a public contract to terminate the contract if it believes in good faith that another party is employing an unauthorized alien or is not registered with and using E-Verify. The bill specifies that the termination is not a breach of contract. However, a contractor whose contract is terminated for failing to use E-Verify or for knowingly employing an unauthorized alien is liable for any additional costs incurred by the public employer resulting from the termination.

To enforce the eligibility-verification requirements for *private* employers, the bill requires an employer to provide an employee's eligibility-verification documents to any of several government agencies upon request. These agencies, in turn, must request the federal government to check the employee's work-eligibility status.

Moreover, if a private employer does not use E-Verify or the bill's I-9 procedure to verify and document an employee's eligibility for employment, the Department of Economic Opportunity must send the employer a notice, and the employer must terminate any unauthorized employees, begin using E-Verify or the bill's I-9 procedure, and respond with an affidavit of compliance within 30 days. If the employer does not do so, it faces the potential suspension of its business licenses. If an employer fails to properly respond to a DEO notice three times in any 36 month period, it could permanently lose its business licenses.

Employers and contractors have until January 1, 2021 to begin verifying employment eligibility as required in the bill.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 23-17; House 73-45

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/SB 698 — Reproductive Health

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

The bill establishes protections for people who are dealing with infertility and seek medical assistance to artificially conceive a child.

Under the bill, the Department of Health, the Board of Medicine, or the Board of Osteopathic Medicine may take disciplinary action against the health care practitioner's license if he or she intentionally transfers an embryo or reproductive material into a recipient without the recipient's consent. Additionally, the Department of Health may issue an emergency order suspending the practitioner's license if he or she is found guilty of committing the felony of reproductive battery, which is discussed below.

The bill also requires a health care practitioner, a medical student, or any other student who is receiving training as a health care practitioner to obtain the written consent of a patient or a patient's representative before performing a pelvic exam. Written consent for the pelvic exam is not required if a court orders the exam to collect evidence or if the exam is necessary to avert a serious risk of irreversible impairment of a major bodily function of the patient.

The bill creates the crime of reproductive battery. It is a third degree felony for a health care practitioner to intentionally transfer human reproductive material into the body of a recipient or implant a human embryo of a donor, knowing that the recipient has not consented to the use of the reproductive material or embryo from that donor. If the health care practitioner is the donor of the reproductive material, the penalty is increased to a second degree felony.

The statute of limitations for prosecuting the crime of reproductive battery does not begin to run until the date that the violation is discovered and reported to a law enforcement agency or any other governmental agency. Additionally, it is not a defense to the crime that the recipient consented to the use of an anonymous donor.

If approved by the Governor, these provisions take effect July 1, 2020, except where otherwise provided.

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/SB 738 — Jury Service

by Rules Committee and Senator Harrell

The bill allows students who are 18 to 21 years of age to be excused from a specific jury summons upon request if they are enrolled as a full-time student at a high school, state university, private post-secondary educational institution, Florida College System institution, or career center.

The bill will not affect jury service for students older than 21 years of age.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 37-2; House 113-1

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/HB 783 — Uniform Commercial Real Estate Receivership Act

by Judiciary Committee and Rep. Beltran (CS/SB 660 by Commerce and Tourism Committee and Senator Berman)

The bill adopts the Uniform Commercial Real Estate Receivership Act and authorizes a court to appoint a receiver, who acting as the court's agent, takes possession of, manages, and, in some cases, transfers or sells property that is in danger of waste, loss, or diminution in value.

The bill covers interests in real property, as well as personal property related to the use or operation of real property. However, the bill does not apply to residential real property of an individual owner or the owner's family.

The bill in large part, codifies the common law of receivership, in some cases clarifying or providing more specific procedures for the rules governing receiverships.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 114-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

SB 886 — Errors in Deeds

by Senator Powell

The bill provides that, in certain instances, a deed containing a scrivener’s error in the legal description of property (and subsequent deeds containing the same error) may be corrected by the filing of a curative notice with a clerk of court.

The bill defines the errors or omissions that constitute “scrivener’s errors” and describes the circumstances under which such errors may be corrected by a curative notice. A curative notice corrects all deeds for the same property containing the same scrivener’s error, and releases any cloud or encumbrance that an erroneous deed may have created as to other properties.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 116-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/HB 1049 — Office of the Judges of Compensation Claims

by Government Operations and Technology Appropriations Subcommittee and Rep. Stone and others (CS/SB 1298 by Appropriations Committee and Senator Simmons)

The bill requires judges of compensation claims to be paid “a salary equal to that of a county court judge,” which is currently \$27,258 higher than the salary of a judge of compensation claims. The bill sets the salary of the Deputy Chief Judge of Compensation Claims at \$1,000 more than that of a county court judge. County court judges are currently paid \$151,822 per year.

To fund these salary increases, the bill appropriates \$1,114,078 in recurring funds from the Division of Administrative Hearing’s Operating Trust Fund.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 118-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/HB 1089 — Trusts

by Civil Justice Subcommittee and Rep. Caruso (CS/SB 1366 by Judiciary Committee and Senator Gruters)

The bill grants a trustee of a “grantor trust” sole discretion to use trust assets to pay the settlor’s (grantor’s) taxes on trust income. A grantor trust is one in which the grantor retains certain rights or powers over the trust such that federal tax law treats the grantor and the trust as one entity, thus making the grantor tax-liable for trust income.

Under current law, a trustee may pay the grantor’s trust-income taxes only if the trust instrument authorizes it. Under the bill, the trustee generally may pay these taxes unless the trust instrument prohibits it or the trustee is:

- A beneficiary of the trust;
- Treated as the owner of part or all of the trust under federal or state tax law; or
- A “related or subordinate party” with respect to:
 - A person treated as the owner of all or part of the trust under federal or state tax law; or
 - A beneficiary of the trust.

Moreover, the bill specifies that a life insurance policy held in the trust, the policy’s cash value, or a loan secured by the policy may not be used to pay the grantor’s income taxes.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 118-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

SB 1362 — Rental Agreements

by Senator Rodriguez

The bill provides for the protections of the federal Protecting Tenants at Foreclosure Act (PTFA) to take effect as a state law if the federal act is repealed.

Under the PTFA, a person who acquires a foreclosure property (“successor in interest”) must give the tenant at least 90 days’ notice before evicting him or her. And if the tenant had signed a “bona fide” lease before foreclosure, the successor in interest must allow him or her to remain for the term of the lease, even if that exceeds 90 days, unless the successor in interest sells to a person who intends to occupy the property as a primary residence.

Additionally, the bill repeals this state’s current statute that protects the rights of tenants of foreclosed properties, which affords less protection than the federal statute.

If approved by the Governor, these provisions take effect July 1, 2020, except where otherwise provided.

Vote: Senate 38-1; House 115-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/SB 1392 — Courts

by Appropriations Committee; Judiciary Committee; and Senator Simmons

The bill provides that a District Court of Appeal (DCA) judge who lives more than 50 miles from his or her DCA's courthouse or other headquarters is eligible to have an alternative official headquarters and to be reimbursed for trips between these locations. Additionally, the bill expands the list of work-travel expenses for which a Supreme Court justice may be reimbursed. Finally, the bill transfers much of the appellate jurisdiction of the circuit courts to the DCAs.

A DCA judge who is approved for an alternative headquarters is eligible for reimbursement of the cost of the travel, lodging, and meals necessitated by travel to the DCA courthouse. However, the bill prohibits the payment of state funds for use of the space.

As to Supreme Court justices, the bill provides for reimbursement of additional expenses incurred on work-related trips compared to current law and allows a justice, with approval of the Chief Justice, a choice in how his or her reimbursement amount is determined.

Finally, the bill changes the appellate jurisdiction of the circuit courts and DCAs by:

- Eliminating the authority of the circuit courts to hear appeals from county courts in civil and criminal cases; and
- Specifying that a county court's final judgment must be appealable to the circuit court for the county court to have the option to certify a question involved in the judgment to the DCA.

If approved by the Governor, these provisions take effect July 1, 2020, except where otherwise provided.

Vote: Senate 40-0; House 118-0

Committee on Military and Veterans Affairs And Space

CS/HB 171 — Postsecondary Education for Certain Military Personnel

by Higher Education and Career Readiness Subcommittee; and Reps. Ponder, Hattersley, and others (CS/SB 372 by Education Committee and Senators Lee, Cruz, Harrell, Broxson, Perry, and Stewart)

This bill requires the Florida Department of Education to establish a uniform process for awarding postsecondary college and career education credit for training and education acquired in the military. The Board of Governors of the State University System and the State Board of Education will adopt regulations and rules, respectively, in consultation with the state Department of Veterans' Affairs, to create this process.

The bill requires the Articulation Coordinating Committee (committee) to convene a 13-member workgroup by July 15, 2020, to select postsecondary course equivalencies and the minimum postsecondary credit or career education clock hours to be awarded for courses taken and occupations held by servicemembers.

The bill provides for the following membership of the workgroup: 1 member who is the chair of the Articulation Coordinating Committee, or a designee; 4 members who represent academic affairs administrators and faculty from state universities, appointed by the chair of the Board of Governors; 4 members who represent academic affairs administrators and faculty from Florida College System institutions, appointed by the chair of the State Board of Education; 2 members who are faculty from career centers, appointed by the State Board of Education; and 2 members who are veterans, appointed by the Department of Veterans' Affairs.

After meeting, the workgroup must provide recommendations to the Board of Governors and the State Board of Education by December 1, 2020, for approval at the next meeting of each board. After approval of the recommendations, the committee will approve a prioritized list, to be annually updated, of equivalencies and credit or clock hours to be awarded for courses taken and occupations held by servicemembers.

Awarded credit and clock hours are transferrable to other state universities, Florida College System institutions, and career centers.

The bill also provides for a waiver of fees for transcript requests by active duty servicemembers and honorably discharged veterans, and their spouses and dependents. Specifically, state universities, Florida College System institutions, career centers operated by a school district, and charter technical career centers are required to waive the fee on transcripts.

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

Vote: Senate 39-0; House 111-0

Committee on Military and Veterans Affairs And Space

CS/CS/HB 205 — Unlawful Use of Uniforms, Medals, or Insignia

by Criminal Justice Subcommittee; Local, Federal and Veterans Affairs Subcommittee; and Reps. Avila, Sabatini, and others (CS/SB 352 by Military and Veterans Affairs and Space Committee and Senators Hutson and Diaz)

This bill revises the existing prohibition on a person misrepresenting himself or herself as a member or veteran of the United States Armed Forces. The law that this bill amends forbids misrepresentation while a person is soliciting for charitable contributions or seeking a material gain.

The bill specifies that the material gain prohibited include obtaining paid employment or public office.

As in existing law, a person who violates these provisions commits a third-degree felony, punishable by up to 5 years imprisonment and a \$5,000 fine.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 38-0; House 116-0

Committee on Military and Veterans Affairs And Space

SB 294 — Crimes Against Veterans

by Senators Wright and Baxley

This bill creates the Florida Veterans Protection Act, which amends the White Collar Crime Victim Protection Act. The Florida Veterans Protection Act provides that a person commits an aggravated white collar crime if he or she obtains or attempts to obtain \$50,000 or more by committing at least two associated white collar crimes against 10 or more veterans.

A person who violates this act commits a first degree felony ranked at a level 9 out of 10 possible levels for incarceration purposes on the offense severity ranking chart of the Criminal Punishment Code. The person must also pay all court costs and restitution to each victim. Additionally, the court may order payment of a fine of \$500,000 or double the value of the pecuniary gain or loss, whichever is greater.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 40-0; House 116-0

Committee on Military and Veterans Affairs and Space

CS/HB 717 — Space Florida Financing

by Commerce Committee and Rep. Sirois (CS/CS/SB 1070 by Military and Veterans Affairs and Space Committee; and Appropriations Committee and Senators Wright and Albritton)

The bill revises the authority of Space Florida to issue bonds. Space Florida is authorized to issue revenue bonds or any other type of debt, including bank loans. The bill repeals both the requirement that Space Florida notify the presiding officers and appropriations chairs of both houses of the Legislature before presenting a bond proposal to the Governor and Cabinet and the requirement for the Governor and Cabinet to approve the bond's issuance.

The bill clarifies that Space Florida is subject to the minimum credit-worthiness requirements in s. 189.051, F.S., and authorizes the entity to validate its bonds pursuant to ch. 75, F.S., which provides generally for government-issued bond validation. The term for which Space Florida may issue a bond is shortened to 30 years from 40 years.

Conforming changes to bond references are made to relevant sections of ch. 331, F.S., and statutes that address pledging the full faith and credit of Space Florida, the issuance of bond anticipation notes, and short-term borrowing are repealed.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 115-0

**Committee on Military and Veterans Affairs
And Space**

**HJR 877 — Ad Valorem Tax Discount for Spouses of Certain Deceased
Veterans Who Had Permanent, Combat-Related Disabilities**

by Rep. Killebrew and others (SJR 1076 by Senators Wright and Albritton)

This Joint Resolution proposes an amendment to the State Constitution to allow a homestead property tax discount for disabled veterans to transfer to a veteran's surviving spouse upon the death of the veteran, provided the veteran had received the discount.

The discount on homestead property taxes is currently available for veterans aged 65 or older who have permanent, combat-related disabilities.

If approved by the voters, these provisions take effect January 1, 2021.

Vote: Senate 40-0; House 115-0

Committee on Military and Veterans Affairs And Space

HB 879 — Surviving Spouse Ad Valorem Tax Reduction

by Rep. Killebrew and others (CS/SB 1074 by Military and Veterans Affairs and Space Committee and Senators Wright and Albritton)

This bill is the implementing legislation for Senate Joint Resolution 1076, which allows the homestead property tax discount for disabled veterans to transfer to a veteran's surviving spouse upon the death of the veteran, provided the veteran had received the discount.

The discount on homestead property taxes is currently available for veterans aged 65 or older who have permanent, combat-related disabilities.

If approved by the voters, these provisions take effect January 1, 2021.

Vote: Senate 40-0; House 114-0

Committee on Rules

HB 5301 — Judges

by Justice Appropriations Subcommittee and Reps. Yarborough and Beltran (SB 7050 by Appropriations Committee)

The bill amends s. 26.031, F.S., to establish four new circuit judgeships (one each in the First and Fourteenth Judicial Circuits, and two in the Ninth Judicial Circuit) and amends s. 34.022, F.S., to add six county judgeships (one in Lee County, one in Orange County and four in Hillsborough County). This bill will result in a cost for FY 2020-2021 of \$3,418,513 and 21 full-time equivalent positions (ten judges, ten judicial assistants and one law clerk), with an annual recurring cost of \$3,368,134, which is included in the Fiscal Year 2020-2021 General Appropriations Act.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 117-0

Committee on Rules

HB 7049 — International Affairs

by Transportation and Tourism Appropriations Subcommittee and Rep. Trumbull (CS/SB 1212 by Governmental Oversight and Accountability Committee and Senator Gruters)

The bill provides that the Secretary of State shall serve as the state protocol officer. Section 15.182, F.S., is revised to provide that the Department of State (department) is the only entity that must receive notice of intent to travel internationally by state-funded musical, cultural or artistic organizations. The department is authorized to establish citizen support organizations to provide assistance, funding, and promotional support for its intergovernmental programs.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 115-0

CS/CS/HB 6501 — Relief of Dontrell Stephens by the Palm Beach County Sheriff's Office

by Judiciary Committee; Civil Justice Subcommittee; and Representatives Fernandez-Barquin and Joseph (CS/SB 4 by Judiciary Committee and Senator Flores)

The bill authorizes and directs the Palm Beach County Sheriff's Office to draw a warrant for \$4,500,000 as relief for injuries and damages sustained by Dontrell Stephens as a result of an officer-involved shooting. Of this amount, \$3,375,000 is payable to Evett L. Simmons (guardian of the property of Dontrell Stephens) for the future care of Dontrell Stephens, and as compensation for injuries and damages, attorney fees, lobbying fees, and costs.

Additionally, the bill notes the intent of the Legislature to waive liens, excluding the federal portions of any liens, and makes the Palm Beach County Sheriff's Office responsible for up to an additional \$1,500,000 of such liens.

Attorney fees are limited to 25 percent of the amount awarded.

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

Vote: Senate 37-2; House 116-0

SB 28 — Relief of Clifford Williams by the State of Florida

by Senators Gibson and Bradley

The bill provides \$2,150,000 from the General Revenue Fund to an irrevocable trust for Clifford Williams as relief for his 43 years of wrongful incarceration. Additionally, the bill waives tuition and fees for Clifford Williams for up to 120 hours of instruction at a career center, Florida College System institution, or state university.

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

Vote: Senate 40-0; House 116-0