Florida House of Representatives

2015 Session Summary

Steve Crisafulli, Speaker

May 2015

2015 LEGISLATIVE SESSION
END OF SESSION REPORT

This report was compiled by the staff of the Florida House of Representatives upon completion of the 2015 Legislative Session. This information is intended to provide Florida legislators and their constituents with a summary of the bills that passed both legislative chambers. This document is not an in-depth description of the bills noted.

For your convenience, an "Index of Passed Legislation" is included in the back of this report. The index is presented in bill number order. This index also serves as a cross-reference index, which identifies bills passed as components of other bills. As you review this index it will become evident that a House bill number may be listed under a Senate bill number or vice versa, indicating that each bill contains all or a portion of another bill.

The complete text of the bills included in this report and a section-by-section analysis of each bill can be found by accessing the following website:

House Bills: www.myfloridahouse.gov

The website includes both the current (or latest) version of a bill or analysis and all earlier versions:

- The enrolled version of a bill is the one that passed both chambers and is presented to the Governor - this is the version of the bill that has, or will, become law unless vetoed
- Earlier versions of the bill do not reflect the exact language as passed by both chambers

It should be noted that at the time of publication of this report, May 20, 2015, some acts have not been presented to the Governor and the time allotted for the Governor to approve or veto an act has not expired. Therefore, some acts identified as "passed" by both chambers may not have become law.

To verify the status of acts passed by the Legislature, visit the Legislature's website or call the Division of Legislative Information at 1-850-488-4371.

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Appropriations Committee

Representative Richard Corcoran, Chair

Representative Jim Boyd, Vice Chair

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Agriculture & Natural Resources Appropriations Subcommittee

Representative Ben Albritton, Chair

Representative Ray Pilon, Vice Chair

Education Appropriations Subcommittee

Representative Erik Fresen, Chair

Representative H. Marlene O'Toole, Vice Chair

Government Operations Appropriations Subcommittee

Representative Jeanette Nuñez, Chair

Representative Charles Van Zant, Vice Chair

Health Care Appropriations Subcommittee

Representative Matt Hudson, Chair

Representative W. Travis Cummings, Vice Chair

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Agriculture & Natural Resources Appropriations Subcommittee

CS/SB 428 (ch. 2015-8, L.O.F.) - Trust Funds Administered by the Department of Environmental Protection
By: Appropriations; Hays
Tied Bills: None
Companion Bills: HB 7087
Committee(s) of Reference: Appropriations
Category: Budget, Environmental Protection

CS/SB 428 codifies in chapters 20, 376, and 403, F.S., the Administrative Trust Fund, the Environmental Laboratory Trust Fund, the Working Capital Trust Fund, the Air Pollution Control Trust Fund, and the Minerals Trust Fund within the Department of Environmental Protection. The bill also directs federal grant revenue be deposited into the Federal Grants Trust Fund instead of the Grants and Donations Trust Fund. Finally, the bill changes the percentage distribution of revenue from the Solid Waste Management Trust Fund for solid waste management and mosquito control programs. This bill has no fiscal impact on state or local funds.

The bill became law on April 16, 2015, chapter 2015-8, Laws of Florida, and becomes effective July 1, 2015.

Education Appropriations Subcommittee

CS/SB 426 (ch. 2015-7, L.O.F.) - Trust Funds of the Department of Education and the Board of Governors of the State University System
By: Appropriations; Gaetz
Tied Bills: None
Companion Bills: HB 7077
Committee(s) of Reference: Appropriations
Category: Budget, Higher Education and Workforce

CS/SB 426 terminates five obsolete trust funds within the Department of Education or Board of Governors of the State University System: the Building Fee Trust Fund, the Replacement Trust Fund, the State University System Concurrency Trust Fund, the State University Law Enforcement Trust Fund, and the Uniform Payroll Trust Fund. The bill also clarifies the administration of the Capital Improvement Fee Trust Fund by statutorily placing it under the Board of Governors, where it currently resides in practice. Finally, the bill directs state universities to deposit proceeds accrued

pursuant to the Florida Contraband Forfeiture Act into the appropriate local account. The bill has no fiscal impact on state or local funds.

The bill became law on April 16, 2015, chapter 2015-7, Laws of Florida, and becomes effective July 1, 2015.

Government Operations Appropriations Subcommittee

The Government Operations Appropriations Subcommittee was not first reference on any bill that passed both houses of the Legislature.

Health Care Appropriations Subcommittee

The Health Care Appropriations Subcommittee was not first reference on any bill that passed both houses of the Legislature.

Justice Appropriations Subcommittee

The Justice Appropriations Subcommittee was not first reference on any bill that passed both houses of the Legislature.

Transportation & Economic Development Appropriations Subcommittee

SB 430 (ch. 2015-9, L.O.F.) - Central Florida Beltway Trust Fund/Department of Transportation
By: Latvala
Tied Bills: None
Companion Bills: HB 7073
Committee(s) of Reference: Appropriations
Category: Budget, Transportation

SB 430 terminates the Central Florida Beltway Mitigation Trust Fund within the Department of Transportation. The bill has no fiscal impact on state or local funds.

The bill became law on April 16, 2015, chapter 2015-9, Laws of Florida, and becomes effective July 1, 2015.

HOUSE OF REPRESENTATIVES

Economic Affairs Committee

Representative Jose Oliva, Chair

Representative MaryLynn Magar, Vice Chair

2015 SUMMARY OF PASSED LEGISLATION

Economic Development & Tourism Subcommittee

Representative Frank Artiles, Chair

Representative Mike La Rosa, Vice Chair

Highway & Waterway Safety Subcommittee

Representative W. Gregory Steube, Chair

Representative Holly Raschein, Vice Chair

Transportation & Ports Subcommittee

Representative Patrick Rooney, Jr., Chair

Representative David Santiago, Vice Chair

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Economic Development & Tourism Subcommittee

CS/SB 526 (ch. 2015-23, L.O.F.) - Notaries Public
By: Commerce and Tourism; Grimsley
Tied Bills: None
Companion Bills: CS/HB 523
Committee(s) of Reference: Commerce and Tourism; Criminal Justice; Rules
Category: Courts, Law Enforcement

Law enforcement officers, correctional officers, correctional probation officers, traffic accident investigation officers, and traffic infraction enforcement officers are authorized to perform the notarial act of administering oaths when performing official duties. Such officers are not currently authorized to verify official documents.

The bill authorizes law enforcement officers, correctional officers, correctional probation officers, traffic accident investigation officers, or traffic infraction enforcement officers to:

- verify documents pursuant to s. 92.525, F.S., when performing official duties; and
- administer oaths by reliable electronic means or in the physical presence of the affiant.

The bill defines the term "reliable electronic means" to mean the signing and transmission of a document through means compliant with criminal justice information system security measures.

The bill does not have a fiscal impact on state or local government revenues.

The bill became law on May 14, 2015, chapter 2015-23, Laws of Florida, and becomes effective July 1, 2015.

HB 553 - Public Libraries
By: Perry
Tied Bills: None
Companion Bills: SB 434
Committee(s) of Reference: Economic Development & Tourism Subcommittee; Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee
Category: Government in the Sunshine, Government Operations

The Department of State's Division of Library and Information Services (division) provides library, records management, and archival services to the state and local governments. The division also provides direct library services to state government, management services, technical assistance,

education, financial aid, and cooperative services. Working in partnership with archivists, librarians, records managers, government officials, and citizens, the division seeks to ensure access to materials and information of past, present, and future value to enable state agencies, educational institutions, and local libraries to provide effective information services for the benefit of the citizens of Florida.

The bill revises the powers and duties of the division and removes outdated and burdensome practices required for the submission and collection of documents. The bill establishes the State Publications Program requiring each state official, department, court, or agency to designate a state publications liaison; and defines the terms "depository library" and "state publication." Revisions to the State Publications Program, such as removing the requirement for state entities issuing public documents to furnish the State Library with 35 copies of each document, may lower postage, shipping, and staff costs. The savings cannot be quantified, but are likely minimal.

The bill also restructures the composition of the State Library Council and specifies that the Council's purpose is to assist the division with planning, policy, and priorities related to the development of statewide information services. The division is directed to coordinate with the Department of Education's Division of Blind Services to provide services to the blind and physically handicapped persons. The bill amends other sections of law to reflect the changes in the bill.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/SB 620 - Emergency Management
By: Governmental Oversight and Accountability; Richter
Tied Bills: None
Companion Bills: HB 7007
Committee(s) of Reference: Military and Veterans Affairs, Space, and Domestic Security; Governmental Oversight and Accountability; Fiscal Policy
Category: Emergency Management, Public Employees

The Emergency Management Assistance Compact (EMAC) is an agreement between all 50 states, the Commonwealth of Puerto Rico, the District of Columbia, and all other United States territorial possessions, to provide each other mutual assistance in managing an emergency or disaster declared by the governor of the affected state. EMAC directs all party states that receive aid from another party state pursuant to EMAC to reimburse the aiding party state for its expenses.

Despite EMAC's reimbursement requirements, current law does not permit state employees traveling on an EMAC mission to receive travel reimbursement based on the agreed reimbursement amount. Rather, Department of Emergency Management staff who are deployed on an EMAC mission are reimbursed according to the established per diem and travel reimbursement provisions under s. 112.061, F.S. Thus, current law may prevent a state employee from being fully reimbursed as certain EMAC missions take place in certain states and under certain circumstances where expenses exceed authorized reimbursement levels.

The bill creates s. 252.9335, F.S., and provides that the per diem and travel expense reimbursement provisions under s. 112.061(6), F.S., do not apply to state employees traveling on an EMAC mission

when such expenses are reimbursed pursuant to an amount agreed upon in an interstate mutual aid request for assistance.

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

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/SB 1216 (ch. 2015-30, L.O.F.) - Community Development
By: Fiscal Policy; Community Affairs; Simpson
Tied Bills: None
Companion Bills: CS/CS/CS/HB 933
Committee(s) of Reference: Community Affairs; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Fiscal Policy
Category: Local Government, Natural Resources, Transportation

This bill addresses the following areas related to community development and redevelopment:

Developments of Regional Impact (DRI)
The bill requires a comprehensive plan amendment related to a development that qualifies as a DRI to be reviewed under the State Coordinated Review Process. Additionally, the bill provides that new developments are not subject to DRI review.

Regional Planning Councils (RPCs)
The bill reduces the number of RPCs from 11 to 10 and designates the counties assigned to each RPC. Additionally, the bill removes numerous outdated, duplicative, or otherwise unnecessary RPC responsibilities.

Sector Plans
The bill:

- Allows conservation easements included in applications for detailed specific area plans (DSAP) to be based on digital orthophotography prepared by a licensed surveyor and mapper.
- Provides that applicants may utilize and the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, or the appropriate water management district may accept recorded conservation easements as compensatory mitigation for permitting purposes.
- Requires an applicant for a DSAP to transmit copies of the application to the reviewing agencies for comment.
- Provides that a water management district may issue to an applicant for a DSAP, upon request, a consumptive use permit in certain circumstances.
- Specifies that a local government in its exclusive discretion may require information from an applicant beyond the minimum criteria established in the state statute.

Community Redevelopment Areas (CRAs)
The bill expands the definition of a "blighted area" for purposes of the Community Redevelopment Act to include areas where a substantial number or percentage of properties have been damaged by sinkhole activity and have not been sufficiently repaired or stabilized.

Connected-City Corridors

The bill names Pasco County as a 10-year pilot community that may adopt connected-city corridor plan amendments. Projects located within a connected-city corridor are deemed to have satisfied all

concurrency transportation mitigation requirements under certain circumstances and are exempt from DRI review requirements. In addition, the bill provides that the exclusive manner to create a community development district of 2,000 acres or less within a connected-city corridor is by adoption of an ordinance by the county commission.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) must submit to the Governor and Legislature by December 1, 2024, a report regarding the pilot program and include recommendations for implementing a statewide program.

Water Supply Facilities

The bill provides that certain local governments that do not own, operate, or maintain their own water supply facilities are not required to amend their comprehensive plans in response to an updated regional water supply plan, or to maintain a work plan.

Areas of Critical State Concern/Tourist Impact Tax

The bill authorizes land authorities to use tourist impact tax revenues received pursuant to s. 125.0108, F.S., for the construction, redevelopment, or preservation of affordable housing in certain areas of critical state concern under the land authority's jurisdiction.

According to the Department of Transportation, the bill will have an indeterminate negative fiscal impact on department revenues as the department will be unable to recover any impact fees within the geological boundaries of a connected-city corridor plan.

The bill became law on May 14, 2015, chapter 2015-30, Laws of Florida, and became effective upon that date.

CS/HB 7019 - Workforce Services
By: Economic Affairs Committee; Economic Development & Tourism Subcommittee; Drake
Tied Bills: None
Companion Bills: CS/SB 7002
Committee(s) of Reference: Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee
Category: Federal Government, Government Operations, Higher Education and Workforce

The bill relates to Workforce Florida, Inc.'s, name change to CareerSource Florida, Inc. (CareerSource), and the implementation of the Workforce Innovation and Opportunity Act (2014).

CareerSource Florida, Inc.

In 2012, Workforce Florida, Inc. (WFI), changed its name to CareerSource Florida, Inc., as part of a system-wide rebranding effort. At the time, each of the 24 Regional Workforce Boards (RWBs), which WFI oversees, maintained individual names, logos, and branding. According to the Department of Economic Opportunity (DEO), WFI, and the RWBs, the lack of a unified brand contributed to confusion among job seekers and employers.

The bill replaces “Workforce Florida, Inc.,” with “CareerSource Florida, Inc.,” throughout the Florida statutes to reflect the name change.

The Workforce Innovation and Opportunity Act

The federal Workforce Innovation and Opportunity Act (WIOA) became law on July 22, 2014. WIOA replaces the federal Workforce Innovation Act of 1998 (WIA). Until the enactment of WIOA, WIA was the primary federal platform that provided investment and support in employment services, workforce development activities, job training, adult education, and vocational training throughout the country.

The bill creates a task force to make recommendations to CareerSource Florida, Inc., to prepare for Florida’s implementation of WIOA. The task force must organize no later than June 1, 2015, and be composed of numerous members representing various state agencies and entities that are partners in Florida’s workforce development system. The bill directs the task force to dissolve by June 30, 2016.

The bill may have an insignificant fiscal impact to the various state agencies represented by task force members. However, it is anticipated that such impact will be absorbed within each agency’s existing resources.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

Highway & Waterway Safety Subcommittee

CS/HB 27 - Driver Licenses & Identification Cards
By: Highway & Waterway Safety Subcommittee; Gaetz; Workman and others
Tied Bills: None
Companion Bills: CS/SB 240; SB 1398
Committee(s) of Reference: Highway & Waterway Safety Subcommittee; Veteran & Military Affairs Subcommittee; Economic Affairs Committee
Category: Motorists, Military

The bill provides for the Department of Highway Safety and Motor Vehicles (DHSMV) to accept a military personnel identification card as proof of a social security card number during the application process to acquire a driver license or identification card.

The bill further authorizes DHSMV to replace the veteran designation “V” with the word “Veteran” exhibited on the driver license or identification card of a veteran who qualifies and chooses to have such designation. The replacement of the “V” with the word “Veteran” will apply upon implementation of new designs for the driver license and identification card by DHSMV.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2015.

CS/SB 132 (ch. 2015-11, L.O.F.) - Disabled Parking Permits
By: Transportation; Joyner
Tied Bills: None
Companion Bills: CS/HB 51
Committee(s) of Reference: Military and Veterans Affairs, Space, and Domestic Security; Transportation; Fiscal Policy
Category: Military, Motorists

The bill authorizes a veteran who is evaluated and certified by the United States Department of Veterans Affairs (VA) or any branch of the United States Armed Forces as permanently and totally disabled due to a service connected disability to provide a VA Form 27-333, or its equivalent, issued within the previous 12 months in lieu of a certificate of disability in order to renew or replace his or her disabled parking permit.

The bill became law on May 14, 2015, chapter 2015-11, Laws of Florida, and becomes effective July 1, 2015.

CS/HB 145 - Commercial Motor Vehicle Review Board
By: Highway & Waterway Safety Subcommittee; Beshears
Tied Bills: None
Companion Bills: CS/CS/CS/SB 220
Committee(s) of Reference: Highway & Waterway Safety Subcommittee; Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee
Category: Motorists, Transportation

The bill revises the membership of the Commercial Motor Vehicle Review Board (board) by adding four appointed members who have private sector experience in the State of Florida. The Governor will appoint three of the members from the private sector: one from the road construction industry, one from the trucking industry, and one with a general business or legal background. The Commissioner of Agriculture will appoint the final member of the board from the agriculture industry. Appointments must be made by September 1, 2015, for terms beginning October 1, 2015.

The bill provides that the Governor may remove appointed members of the board for misconduct, malfeasance, misfeasance, or nonfeasance in office. Each member must take an oath of office pledging to honestly, faithfully, and impartially perform his or her duties before beginning official action on the board.

The bill provides that official action may be taken by a quorum of the board. Four members will constitute a quorum.

The bill also provides that whenever a driver is issued a citation for exceeding weight limits established by s. 316.535, F.S., by means of a portable scale, the driver may request to proceed to the next weigh station or certified public scale for verification of weight. The officer who issued the citation must escort the driver at all times and must attend the reweighing. If the vehicle is found to be in compliance with the weight requirements at the fixed scale, then the citation is void.

The bill further provides that as an alternative to physical appearance, the Florida Department of Transportation shall provide space and video conference capability at each district office to allow a person who requested a hearing to appear before the board remotely.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/SB 160 - Rural Letter Carriers
By: Fiscal Policy; Evers
Tied Bills: None
Companion Bills: HB 409
Committee(s) of Reference: Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Fiscal Policy
Category: Motorists, Transportation

The bill exempts rural letter carriers of the United States Postal Service (USPS) from mandatory seat belt usage while in the course of employment serving a designated postal route.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 264 (ch. 2015-15, L.O.F.) - Traffic Enforcement Agencies and Traffic Citations
By: Fiscal Policy; Bradley
Tied Bills: None
Companion Bills: CS/HB 421
Committee(s) of Reference: Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Fiscal Policy
Category: Motorists, Transportation

The bill clarifies that any agency or governmental entity vested with the powers to enforce traffic laws of the state, including any county or municipal agency or entity, is a traffic enforcement agency and prohibits a traffic enforcement agency from establishing a traffic citation quota.

The bill further requires a county or municipality to submit a report to the Legislative Auditing Committee if the total revenue from traffic citations received in a fiscal year exceeds 33 percent of the total expenses incurred to operate that county's or municipality's law enforcement agency in the same fiscal year. If required to submit the report, the report must be submitted within six months after the end of the fiscal year and must detail the following:

- Total revenue from traffic citations of the county or municipality
- Total expenses for law enforcement of the county or municipality

The bill became law on May 14, 2015, chapter 2015-15, Laws of Florida, and becomes effective July 1, 2015.

CS/CS/HB 329 - Special License Plates
By: Economic Affairs Committee; Highway & Waterway Safety Subcommittee; Ingram and others
Tied Bills: None
Companion Bills: CS/CS/SB 112
Committee(s) of Reference: Highway & Waterway Safety Subcommittee; Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee
Category: Military, Motorists

The bill authorizes the Department of Highway Safety and Motor Vehicles to issue new special use license plates for Combat Action Ribbon, Air Force Combat Action Medal, Distinguished Flying Cross, World War II Veteran, Woman Veteran, and Navy Submariner.

Revenue generated from the sale of Combat Action Ribbon, Air Force Combat Action Medal, Distinguished Flying Cross, World War II Veteran, and Navy Submariner special use plates will be deposited into the Grants and Donations Trust Fund, and the State Homes for Veterans Trust Fund within the Department of Veterans Affairs to support the Veterans' Homes Program.

Any revenue generated from the sale of the Woman Veteran license plate will be deposited into the Operations and Maintenance Trust Fund administered by the Department of Veterans Affairs to be used solely for the purpose of creating and implementing programs to benefit women veterans.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/HB 471 - Disabled Parking
By: Highway & Waterway Safety Subcommittee; DuBose; Moraitis and others
Tied Bills: None
Companion Bills: SB 788
Committee(s) of Reference: Highway & Waterway Safety Subcommittee; Economic Affairs Committee
Category: Military, Motorists

The bill exempts a vehicle displaying a Disabled Veteran "DV" license plate issued under s. 320.084, F.S., from paying parking fees charged by a county, municipality, or any agency thereof, in a facility or lot that provides parking spaces outside certain conditions.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

SB 676 - Voluntary Contributions to End Breast Cancer
By: Benacquisto
Tied Bills: None
Companion Bills: HB 621
Committee(s) of Reference: Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Fiscal Policy
Category: Motorists

The bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to include language permitting a voluntary contribution of $1 or more on a motor vehicle registration and driver license application listed as "End Breast Cancer." Such contributions will be distributed by DHSMV to the Florida Breast Cancer Coalition Research Foundation, Inc., and shall be used for breast cancer research and education.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/SB 7040 (ch. 2015-32, L.O.F.) - Public Records/E-mail Addresses/Department of Highway Safety and Motor Vehicles
By: Rules; Governmental Oversight and Accountability; Transportation
Tied Bills: None
Companion Bills: CS/HB 7041
Committee(s) of Reference: Governmental Oversight and Accountability; Rules
Category: Motorists

The Department of Highway Safety and Motor Vehicles (department) is authorized to collect electronic mail addresses and use electronic mail in lieu of the United States Postal Service for the purposes of issuing a certificate of title, providing motor vehicle renewal notices, and providing driver license renewal notices.

The bill creates a public record exemption for electronic mail addresses held by the department for the purpose of providing notices and renewal notifications. The exemption applies to e-mail addresses held by the department before, on, or after the effective date of the exemption.

The public record exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also provides a public necessity statement as required by the State Constitution.

The bill became law on May 14, 2015, chapter 2015-32, Laws of Florida, and becomes effective July 1, 2015.

CS/HB 7055 - Highway Safety and Motor Vehicles
By: Economic Affairs Committee; Highway & Waterway Safety Subcommittee; Steube
Tied Bills: None
Companion Bills: HB 621; CS/HB 1091; CS/CS/HB 7075; CS/HB 7079; SB 676; SB 964; CS/SB 1184; CS/SB 1186; CS/CS/SB 1296; CS/SB 1554; CS/SB 7072
Committee(s) of Reference: Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee
Category: Motorists, Transportation

The bill makes various changes to current law related to highway safety and motor vehicles. The bill provides the following:

- Authorizes the employing agency to pay up to $5,000 directly to venue to cover funeral and burial expenses of a law enforcement officer killed in the line of duty
- Allows for use of golf carts on a two-lane county road located within the jurisdiction of a municipality designated by that municipality for use by golf carts
- Requires an 18-inch square, red flag on all loads that extend four feet or more beyond a vehicle's perimeter
- Authorizes the Department of Transportation to permit transport of multiple sections or single units on an overlength trailer of no more than 80 feet
- Increases the fine from $100 to $500 for a violation of unlawfully displaying vehicles for sale, hire, or rental
- Extends the Rebuilt Inspection Pilot Program until 2018 and includes additional requirements
- Allows for the titling of a residential manufactured building when located on a mobile home lot
- Directs DHSMV to include language permitting a voluntary contribution of $1 or more on a motor vehicle registration and driver license application listed as "End Breast Cancer;" such contributions will be distributed by the department to the Florida Breast Cancer Foundation
- Removes requirements for establishing a specialty plate that were declared unconstitutional in 2011 by the U.S. Middle District Court in Orlando, Florida
- Removes provisions for the issuance of the Corrections Foundation license plate, the Children First license plate, and the Veterans of Foreign Wars license plate, which are no longer in circulation
- Provides for Major League Soccer to be included as part of Florida's professional sports teams for specialty license plate purposes
- Revises the identification of a motor vehicle's ancient and antique status to model year instead of manufactured year and discontinues verification of the age of the engine
- Requires DHSMV and its authorized agents to provide each applicant for a motor vehicle registration or driver license the option to register emergency contact information and the option to be contacted with information about state and federal benefits available as a result of military service
- Expands an existing public record exemption for personal injury protection and property damage liability insurance policies to allow DHSMV to provide personal injury protection and property damage liability insurance policy numbers to department-approved third parties that provide data collection services to an insurer of any person involved in such accident

- Provides that certified emergency medical technicians with proper training can administer emergency allergy treatment

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

Transportation & Ports Subcommittee

HB 257 - Freight Logistics Zones
By: Ray
Tied Bills: None
Companion Bills: SB 956
Committee(s) of Reference: Transportation & Ports Subcommittee; Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee
Category: Economic Development, Transportation

The bill creates s. 311.103, F.S., defining a freight logistics zone as a grouping of activities and infrastructure associated with freight transportation and related services around an intermodal logistics center. The bill allows a county, or two or more contiguous counties, to designate a geographic area or areas within its jurisdiction as a freight logistics zone. The designation must be accompanied by a strategic plan adopted by the county or counties.

The bill provides that projects within freight logistics zones, which are consistent with the Department of Transportation's Freight Mobility and Trade Plan, may be eligible for priority in state funding and incentive programs relating to freight logistics zones under applicable programs in parts I, III, and V of ch. 288, F.S.

The bill provides criteria for evaluating projects within a designated freight logistics zone to determine funding or incentive program eligibility.

The bill has an indeterminate fiscal impact on both state and local governments since incentives will vary from project to project and are ultimately subject to the availability of funds provided in the annual General Appropriations Act.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/HB 369 - Human Trafficking
By: Economic Affairs Committee; Transportation & Ports Subcommittee; Kerner; Spano
Tied Bills: None
Companion Bills: CS/SB 534
Committee(s) of Reference: Transportation & Ports Subcommittee; Criminal Justice Subcommittee; Economic Affairs Committee
Category: Health, Law Enforcement, Safety, Social Services, Transportation

The bill requires the Department of Transportation (DOT) to display human trafficking public awareness signs in every rest area, turnpike service plaza, weigh station, primary airport, passenger rail station and welcome center open to the public.

The bill requires human trafficking public awareness signs to be displayed in emergency rooms at general acute care hospitals.

The bill requires employers at strip clubs or other adult entertainment establishments and businesses that offer massage or bodyworks services that are not owned by a health care profession to display human trafficking public awareness signs.

The bill provides the required size and wording of the human trafficking public awareness signs.

The bill authorizes a county commission to adopt an ordinance to enforce the placement of human trafficking public awareness signs, where a violation is a noncriminal violation punishable by a fine not to exceed $500.

The bill has an indeterminate, but likely insignificant negative fiscal impact on DOT for placing signs. The bill also has an indeterminate, but likely insignificant fiscal impact on businesses required to display human trafficking awareness signs.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2016.

HOUSE OF REPRESENTATIVES

Education Committee

Representative H. Marlene O'Toole, Chair

Representative W. Keith Perry, Vice Chair

2015 SUMMARY OF PASSED LEGISLATION

Choice & Innovation Subcommittee

Representative Manny Diaz, Jr., Chair

Representative Charlie Stone, Vice Chair

Higher Education & Workforce Subcommittee

Representative Elizabeth Porter, Chair

Representative Jake Raburn, Vice Chair

K-12 Subcommittee

Representative Janet Adkins, Chair

Representative Ross Spano, Vice Chair

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CS/HB 7069 (ch. 2015-6, L.O.F.) - Education Accountability
By: Education Appropriations Subcommittee; Education Committee; O'Toole and others
Tied Bills: None
Companion Bills: CS/CS/SB 616
Committee(s) of Reference: Education Appropriations Subcommittee
Category: Pre-K through 12 Education, Public Employees

The bill reduces student testing, enhances transparency, and increases district and school flexibility to measure student performance and evaluate personnel by:

- allowing districts to set the school start date as early as August 10 each year;
- eliminating prescriptive remediation and progress monitoring requirements for low-performing students and emphasizing targeted instructional support in K-3 reading;
- eliminating the 11th grade English Language Arts (ELA) assessment, eliminating required administration of the Postsecondary Education Readiness Test, allowing districts to choose how to measure student performance in courses not associated with state assessments, and prohibiting final exams in addition to state end-of-course assessments;
- limiting administration of state and local assessments to no more than five percent of a student's total school hours and requiring written parental consent for local assessments that exceed the cap;
- allowing teacher assistants and other district employees to administer state assessments;
- requiring the Department of Education (DOE), school districts, and public schools to publish a uniform assessment calendar developed pursuant to state board rule and specifying information to be included in the calendar;
- reducing the student performance and instructional practice portions of instructional personnel and school administrator evaluations to at least one-third each and allowing school districts to use other criteria to determine any remaining portion of the evaluation;
- specifying professional development activities for teachers rated less than "effective;"
- requiring districts to provide local assessment results to teachers and parents within 30 days;
- requiring future state testing contracts to provide assessment results to parents and teachers by the end of the school year;
- requiring the state board to publish a comparison of district evaluation and state performance results;
- requiring DOE to collect and distribute any liquidated damages resulting from the Spring 2015 assessment administration;
- requiring 3rd grade students who receive scores in the bottom quintile on the 2014-2015 ELA assessment to be identified as "at risk of retention" until the assessment's validity is confirmed and requiring these students to receive intensive instruction and support;
- suspending issuance of school grades and teacher evaluations for the 2014-2015 school year until an independent entity confirms the validity of first-time state assessments; and
- providing for a panel to select the independent entity to verify the state assessments and establishing criteria the panel must consider in its selection.

The bill became law on April 14, 2015, chapter 2015-6, Laws of Florida, and became effective upon that date.

Choice & Innovation Subcommittee

CS/HB 153 - Literacy Jump Start Pilot Project
By: Choice & Innovation Subcommittee; Lee and others
Tied Bills: None
Companion Bills: CS/SB 1116
Committee(s) of Reference: Choice & Innovation Subcommittee; Education Appropriations Subcommittee; Education Committee
Category: Pre-K through 12 Education

The bill requires the Office of Early Learning (OEL) to establish a five-year Literacy Jump Start Pilot Project in St. Lucie County to provide emergent literacy instruction to low-income, at-risk children. OEL must select a local nonprofit organization to administer the pilot project in one or more municipalities where there is locally- or federally-subsidized housing. The organization may also coordinate with the St. Lucie County Health Department to provide child health screenings and immunizations.

To participate in the pilot project, a child must be two or three years of age, eligible for a federally-subsidized childcare program, and a member of a family that is economically disadvantaged and who resides in locally- or federally-subsidized housing. Under the bill, "economically disadvantaged" means having a family income that does not exceed 150 percent of the federal poverty level. Childcare personnel who serve children participating in the pilot project must undergo level 2 background screening. Additionally, individuals who provide emergent literacy instruction must complete an OEL-approved training course.

The organization must submit an annual accountability report to OEL, the St. Lucie County Early Learning Coalition, the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must specify expenditures of state funds and the number of children who received emergent literacy instruction, health screenings, and immunizations through the pilot project.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

Higher Education & Workforce Subcommittee

SB 446 (ch. 2015-19, L.O.F.) - Florida College System Boards of Trustees
By: Bradley
Tied Bills: None
Companion Bills: CS/CS/HB 759
Committee(s) of Reference: Higher Education; Fiscal Policy
Category: Higher Education and Workforce

SB 446 requires the St. Johns River State College board of trustees to have seven trustees from the three-county area that the college serves and clarifies that all trustees of Florida College System institutions are appointed by the Governor to staggered four-year terms, subject to confirmation by the Senate.

Current law allows Florida College System institutions with service areas that contain two or more school districts to have up to nine members on the board of trustees and authorizes the State Board of Education to adopt rules regarding the membership of the boards. This bill effectively provides St. Johns River State College an exemption from the requirements of the State Board of Education rule.

The bill became law on May 14, 2015, chapter 2015-19, Laws of Florida, and became effective upon that date.

HB 461 - Independent Nonprofit Higher Educational Facilities Financing
By: Sullivan; Moraitis and others
Tied Bills: None
Companion Bills: SB 622
Committee(s) of Reference: Higher Education & Workforce Subcommittee; Appropriations Committee; Education Committee
Category: Higher Education and Workforce

HB 461 expands the types of projects that may be financed by the Higher Educational Facilities Financing Authority (authority), a public corporation that assists eligible institutions of higher education in financing and refinancing educational facilities construction.

Current law allows the authority to issue privately financed tax-exempt or taxable revenue bonds to be used for construction projects, such as dormitories, parking and student services facilities, administration and academic buildings, and libraries, and loans made in anticipation of tuition revenue. The bill redefines a project to include financing of the costs for construction of dining halls, student unions, laboratories, research facilities, classrooms, athletic facilities, healthcare facilities, maintenance, storage, or utility facilities, and related facilities or structures required or useful for the instruction of students, research, or the operation of an educational institution and certain purchases of equipment

and machinery. This definition allows institutions to include related projects such as wetland mitigation when financing a building project. Costs related to books, fuel, supplies or other items that are customarily deemed to be operating costs may not be financed.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

SB 7028 - Educational Opportunities for Veterans
By: Military and Veterans Affairs, Space, and Domestic Security
Tied Bills: None
Companion Bills: CS/HB 35
Committee(s) of Reference: Appropriations Subcommittee on Education; Appropriations
Category: Higher Education and Workforce, Military

SB 7028 expands the Congressman C.W. Bill Young Veteran Tuition Waiver Program to allow any person receiving educational assistance through the U.S. Department of Veterans Affairs who resides in Florida while enrolled in a public postsecondary institution to be eligible for an out-of-state fee waiver. The waivers may be used for courses at a state university, Florida College System institution, career center operated by a school district, or charter technical career center. This bill also implements the federal Veterans Access, Choice and Accountability Act of 2014 signed into law in August 2014. To receive G.I. Bill educational benefits, public postsecondary institutions must provide in-state tuition rates to veterans and eligible dependents.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

K-12 Subcommittee

CS/SB 954 - Involuntary Examinations of Minors
By: Fiscal Policy; Garcia
Tied Bills: None
Companion Bills: HB 291
Committee(s) of Reference: Education Pre-K - 12; Appropriations Subcommittee on Education; Fiscal Policy
Category: Health, Health Care Facilities, Pre-K through 12 Education

The bill requires each county school health services plan to provide for immediate notification to a student's parent, guardian, or caregiver if the student is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination. Each district school board and charter school governing board must develop policies and procedures for such notification. Each public school principal or the principal's designee must provide immediate notification to the parent of a student removed for an involuntary examination.

The bill revises notification requirements for minors held for an involuntary examination. When a minor is being held by a receiving facility for an involuntary examination, the receiving facility must notify the minor's parent, guardian, caregiver, or guardian advocate immediately upon the minor's arrival. The facility must attempt notification until confirmation is received, the patient is released, or a petition for involuntary placement is filed. The facility must provide documentation of each notification attempt.

The bill allows the school principal, or his or her designee, and the receiving facility each to delay notification by up to 24 hours if there is suspected abuse, abandonment, or neglect and the delay has been deemed to be in the student's or minor patient's best interest. Delay in notification may occur only after a report of suspected abuse, abandonment, or neglect is submitted to the Department of Children and Families' central abuse hotline.

The bill revises notification requirements for individuals held for an involuntary examination by requiring the notification also be provided to the individual's health care surrogate or proxy, in addition to the individual's guardian, guardian advocate, attorney, and representative. The bill repeals a provision that allows the individual to request that the notification not be made and the requirement that the receiving facility notify the Florida local advocacy council.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

HOUSE OF REPRESENTATIVES

Finance & Tax Committee

Representative Matt Gaetz, Chair

Representative Ray Rodrigues, Vice Chair

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HB 213 - Property Appraisers
By: Moraitis
Tied Bills: None
Companion Bills: SB 266
Committee(s) of Reference: Finance & Tax Committee; Local & Federal Affairs Committee
Category: Local Government

Current law requires property appraisers to submit a proposed budget for the operation of the appraiser's office to the Department of Revenue (DOR). DOR may amend the initial budget submission. After reviewing further information that may be submitted by the property appraiser and appropriate board of county commissioners (board), DOR issues a final budget determination. The property appraiser or board may appeal DOR's final budget to the Governor and Cabinet sitting as the Administration Commission. The Administration Commission has discretion as to whether to accept the appeal or not. The DOR-approved budget request, as amended by the Administration Commission, shall be the budget for the property appraiser in the ensuing local fiscal year.

The bill provides that boards must fund property appraisers according to the amount determined by DOR in its final budget determination, and must fund the department-approved budget during the pendency of an ongoing appeal to the Administration Commission. A board's obligation to fund the property appraiser's office at the level set by DOR is not affected merely by the filing of an appeal to the Administration Commission. Only if the commission chooses to amend the budget will the board's obligation change.

The bill is expected to have no impact on state or local government revenue or spending levels.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/HB 361 - Military Housing Ad Valorem Tax Exemptions
By: Local & Federal Affairs Committee; Finance & Tax Committee; Trumbull; Smith and others
Tied Bills: None
Companion Bills: CS/SB 686
Committee(s) of Reference: Finance & Tax Committee; Veteran & Military Affairs Subcommittee; Local & Federal Affairs Committee
Category: Military, Taxes

Current Florida law provides an exemption from ad valorem taxation for property owned by the United States. This exemption specifically applies to leasehold interests in property owned by the United States government when the lessee serves or performs a governmental, municipal or public purpose or function. Federal law also recognizes the immunity of property of the United States from ad valorem taxation.

The bill recognizes in statute that leaseholds and improvements constructed and used to provide housing pursuant to the federal Military Housing Privatization Initiative on land owned by the federal government are exempt from ad valorem taxation.

The bill is expected to have a local government property tax revenue impact of either zero or negative, indeterminate.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015, and applies retroactively to January 1, 2007.

CS/HB 489 - Value Adjustment Board Proceedings
By: Local & Federal Affairs Committee; Sullivan
Tied Bills: None
Companion Bills: CS/SB 260
Committee(s) of Reference: Finance & Tax Committee; Local & Federal Affairs Committee
Category: Local Government, Taxes

Current law gives property owners the opportunity to challenge the property appraiser's valuation of their property for ad valorem taxation purposes. One way to challenge is to petition the county value adjustment board (VAB). The bill makes the following revisions to the process for petitioning a VAB:

- The clerk of the VAB must have available and distribute petition forms (a function already performed by the property appraiser)
- An owner of multiple, similar items of tangible personal property may file a single, joint petition protesting the assessment of such property
- During the evidence exchange process, the property appraiser must include the petitioner's property record card regardless of whether the card was provided by the clerk

The bill is expected to have a negative fiscal impact of approximately $100,000 annually on VAB fee revenues in the aggregate, and may result in minimal additional expenditures by VAB clerks and property appraisers.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

HB 7009 (ch. 2015-35, L.O.F.) - Corporate Income Tax
By: Finance & Tax Committee; Sullivan; Campbell
Tied Bills: None
Companion Bills: SB 7014
Committee(s) of Reference: None
Category: Taxes

Florida imposes a 5.5 percent tax on the taxable income of corporations doing business in Florida. The starting point for calculating taxable income for Florida tax purposes is taxable income used for federal income tax purposes. This linkage to the federal Internal Revenue Code requires annual updates to Florida's tax code if the administrative and bookkeeping benefits of "piggybacking" on the federal system are to be retained.

The bill updates Florida's tax code by adopting the Internal Revenue Code as in effect on January 1, 2015. However, similar to prior years, the bill does not allow taxpayers, for Florida tax purposes only, to utilize the accelerated deductions provided by recent federal law changes. Instead, the bill requires taxpayers to spread over a seven-year period the amount of the accelerated deductions allowed by federal law.

The bill is expected to have an indeterminate General Revenue impact because of uncertainty as to the mix of affected assets owned by Florida taxpayers.

The bill became law on May 14, 2015, chapter 2015-35, Laws of Florida, became effective upon that date, and applies retroactively to January 1, 2015.

The Finance & Tax Committee has no subcommittees under it.

HOUSE OF REPRESENTATIVES

Health & Human Services Committee

Representative Jason Brodeur, Chair

Representative MaryLynn Magar, Vice Chair

2015 SUMMARY OF PASSED LEGISLATION

Children, Families & Seniors Subcommittee

Representative Gayle Harrell, Chair

Representative Kathleen Peters, Vice Chair

Health Innovation Subcommittee

Representative Kenneth Roberson, Chair

Representative Doug Broxson, Vice Chair

Health Quality Subcommittee

Representative Cary Pigman, Chair

Representative W. Gregory Steube, Vice Chair

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CS/HB 7013 - Adoption and Foster Care
By: Health Care Appropriations Subcommittee; Health & Human Services Committee; Brodeur
Tied Bills: None
Companion Bills: CS/SB 320
Committee(s) of Reference: Health Care Appropriations Subcommittee
Category: Social Services

The bill seeks to advance the permanency, stability, and well-being of children in the child welfare system by increasing the number and quality of adoptions. The bill:

- creates an adoption incentive program that rewards community-based care lead agencies (CBCs) and their subcontractors for achieving specified adoption performance standards;
- reestablishes an adoption benefit for qualifying employees of state agencies who adopt a child from the child welfare system;
- requires CBCs to make reasonable attempts to contact adoptive families to offer post-adoption services and report to the Department of Children and Families (DCF) on outcomes and recommendations for improvement;
- directs the Governor to present adoption achievement awards to one or more individuals, families, or entities that have made significant contributions to the adoption of children from foster care each year;
- requires DCF to prioritize educational stability for foster children, when in the child's best interest, and include homeschooling as one of several educational options;
- specifies that child-placing agencies that conduct intercountry adoption must maintain certain records and comply with federal requirements regarding the Hague Convention;
- states that a person cannot be prohibited from adopting solely because he or she desires to educate the child at home; and
- removes a statutory provision prohibiting adoption by homosexuals that has been declared unconstitutional by the Florida Third District Court of Appeal.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

Children, Families & Seniors Subcommittee

CS/CS/HB 21 - Substance Abuse Services
By: Health & Human Services Committee; Children, Families & Seniors Subcommittee; Hager; Harrell and others
Tied Bills: None
Companion Bills: CS/CS/SB 326
Committee(s) of Reference: Children, Families & Seniors Subcommittee; Health & Human Services Committee
Category: Consumer Protection, Controlled Substances, Health

The bill establishes voluntary certification programs for recovery residences and recovery residence administrators. The bill sets certification criteria, and requires the Department of Children and Families

(DCF) to select at least one credentialing entity by December 1, 2015, to issue certificates of compliance. The bill requires credentialing entities to conduct a precertification inspection and subsequently inspect certified recovery residences at least once annually. The credentialing entities must deny, suspend or revoke certification if a recovery residence or a recovery residence administrator fails to meet certain criteria. Certification is valid for one year and will automatically terminate if not timely renewed.

The bill requires all owners, directors, and chief financial officers of a recovery residence, as well as individuals seeking certification as administrators, to pass a Level 2 background screening. The bill allows DCF to exempt an individual from the disqualifying offenses of a Level 2 background screening, under certain circumstances.

The bill requires certified recovery residences to be actively managed by a certified recovery residence administrator. The bill requires DCF to publish a list of all certified recovery residences and recovery residence administrators on its website by April 1, 2016.

Effective July 1, 2016, the bill prohibits licensed service providers from referring patients to a recovery residence unless the recovery residence holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator or is owned and operated by a licensed service provider or a licensed service provider's wholly owned subsidiary.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015, except as otherwise provided.

CS/HB 79 - Crisis Stabilization Services
By: Health Care Appropriations Subcommittee; Cummings and others
Tied Bills: None
Companion Bills: CS/SB 340
Committee(s) of Reference: Children, Families & Seniors Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee
Category: Health, Health Care Facilities, Mental Health

The bill creates the Crisis Stabilization Services Utilization Database. The Department of Children and Families (DCF) must develop, implement, and maintain standards under which a behavioral health managing entity must collect utilization data from public receiving facilities located within its geographic service area. DCF must also develop standards and protocols to be used by managing entities and public receiving facilities for the collection, storage, transmittal, and analysis of data. Managing entities must comply with these requirements by August 1, 2015.

The bill requires public receiving facilities to submit specified utilization data to managing entities in real time or at least daily. Managing entities must perform reconciliations monthly and annually to ensure data accuracy. After ensuring data accuracy, managing entities must submit reconciled data to DCF monthly and annually. The bill requires DCF to use the reconciled data to develop a statewide database to analyze payments to and use of crisis stabilization services funded by the Baker Act on both a statewide and individual public receiving facility basis.

The bill requires DCF to adopt rules and submit a report by January 31, 2016, and annually thereafter, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/HB 437 - Guardians for Dependent Children who are Developmentally Disabled or Incapacitated
By: Civil Justice Subcommittee; Children, Families & Seniors Subcommittee; Adkins
Tied Bills: None
Companion Bills: CS/CS/CS/SB 496
Committee(s) of Reference: Children, Families & Seniors Subcommittee; Civil Justice Subcommittee; Health & Human Services Committee
Category: Social Services, Courts

CS/CS/HB 437 creates a framework for identifying and appointing guardian advocates, limited guardians, and plenary guardians for children who have a developmental disability or are incapacitated who may require decision-making assistance beyond their 18th birthday. The bill:

- requires the court to conduct an annual review of the continued necessity of a guardianship for young adults in extended foster care who already have a guardian advocate or guardian;
- requires the Department of Children and Families (DCF) to develop an updated case plan for any child, 17 years of age or older, who may require the assistance of a guardian advocate, limited guardian, or plenary guardian;
- requires that upon a judge's finding that no less restrictive decision-making assistance will meet the child's needs, DCF must complete a report and identify individuals who are willing to serve as a guardian advocate or as a plenary or limited guardian;
- allows guardianship courts to exercise jurisdiction over dependent children who are 17 ½ years of age for the purpose of appointing a guardian advocate, limited guardian, or plenary guardian and requires that the minor receives all the due process rights of an adult during the guardianship proceeding; and
- allows the child's parents to remain the child's natural guardians unless the parents' rights have been terminated or the dependency or guardianship court determines it is not in the child's best interest.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/SB 642 - Individuals with Disabilities
By: Banking and Insurance; Benacquisto
Tied Bills: CS/CS/SB 644, CS/CS/SB 646
Companion Bills: CS/HB 935
Committee(s) of Reference: Banking and Insurance; Appropriations Subcommittee on Education; Appropriations
Category: Financial Services, Social Services

CS/SB 642 creates the Florida Achieving a Better Life Experience (ABLE) program, to establish tax-advantaged savings plans for qualified disability expenses, as authorized under the federal Achieving a Better Life Experience Act of 2014. The bill requires the Florida Prepaid College Board to create Florida ABLE, Inc., as a direct support organization operating under contract with the Florida Prepaid College Board to implement the ABLE program.

The bill allows ABLE accounts for individuals with significant disabilities that occurred before age 26. Family members and others may contribute funds to ABLE accounts. ABLE account balances have no effect on Medicaid eligibility, and balances below $100,000 will not affect the individual's eligibility for Supplemental Security Income. Earnings of, and distributions from, ABLE accounts do not count as taxable income.

The bill allows ABLE account funds to be used only for qualified disability expenses as authorized under federal law, such as education, housing, transportation, employment training and support, assistive technology, health, prevention and wellness, financial management, legal fees, and other expenses.

The bill makes the Agency for Health Care Administration a creditor of ABLE accounts, allowing recovery after an individual's death of funds expended to provide Medicaid services.

The bill provides a $2,166,000 recurring and $1,220,000 nonrecurring appropriation to the Department of Education to fund the program.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/SB 644 - Florida ABLE Program Trust Fund/State Board of Administration
By: Appropriations; Banking and Insurance; Benacquisto
Tied Bills: CS/SB 642
Companion Bills: HB 937
Committee(s) of Reference: Banking and Insurance; Appropriations Subcommittee on Education; Appropriations
Category: Financial Services, Social Services

CS/CS/SB 644, tied to CS/SB 642, creates the Florida ABLE Program Trust Fund (trust fund) within the State Board of Administration. The trust fund will hold appropriations and moneys acquired from

private or governmental sources for the operation of the Florida ABLE program. The trust fund will also hold ABLE account moneys deposited for beneficiaries.

Subject to the Governor's veto powers, the effective date of this bill is on the same date that SB 642 or similar legislation takes effect.

CS/CS/SB 646 - Public Records/Information Held by the Florida Prepaid College Board, the Florida ABLE, Inc., and the Florida ABLE program
By: Appropriations; Banking and Insurance; Benacquisto
Tied Bills: CS/SB 642
Companion Bills: CS/CS/HB 939
Committee(s) of Reference: Banking and Insurance; Governmental Oversight and Accountability; Appropriations
Category: Social Services, Financial Services, Government in the Sunshine

CS/CS/SB 646, tied to CS/SB 642, creates a public records exemption for personal financial and health information of a consumer, or any information that would identify a consumer, that is held by the Florida Prepaid College Board, Florida ABLE, Inc., or Florida ABLE. The bill authorizes the release of such information in certain instances.

The bill provides that the exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature. The bill provides a public necessity statement as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is on the same date that SB 642 or similar legislation takes effect.

CS/CS/HB 1055 - Child Protection
By: Health & Human Services Committee; Children, Families & Seniors Subcommittee; Harrell
Tied Bills: None
Companion Bills: CS/CS/SB 760
Committee(s) of Reference: Children, Families & Seniors Subcommittee; Health & Human Services Committee
Category: Social Services

CS/CS/HB 1055 makes several changes regarding members of child protection teams. The bill requires:

- the statewide medical director for child protection to be a board-certified pediatrician and hold a sub-specialty certification in child abuse pediatrics;
- the district child protection team medical directors to be board-certified pediatricians and hold either a sub-specialty certification in child abuse pediatrics or an approved credential in child abuse pediatrics;

- Department of Health approval of one or more third-party credentialing entities to develop and administer a credential in child abuse pediatrics, subject to appropriation; and
- the inclusion of a child protection team medical director on any Critical Incident Rapid Response Team initiated by the Department of Children and Families to conduct investigations of certain child deaths or other serious incidents.

The bill also adds testimony in child abuse and neglect cases as an authorized use of the expert witness certificate for physicians and osteopathic physicians.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/SB 7018 (ch. 2015-31, L.O.F.) - State Ombudsman Program
By: Appropriations; Children, Families, and Elder Affairs
Tied Bills: None
Companion Bills: CS/CS/HB 293
Committee(s) of Reference: Appropriations Subcommittee on Health and Human Services; Appropriations
Category: Consumer Protection, Health, Health Care Facilities, Social Services

CS/SB 7018 revises the operating structure and internal procedures of the State Long-Term Care Ombudsman Program, housed in the Department of Elder Affairs, to reflect current practices, maximize operational and program efficiencies, and conform to the federal Older Americans Act (OAA). The bill:

- provides the state ombudsman with final authority to appoint district ombudsmen;
- revises the duties of and the appointment process for at-large positions to the State Long-Term Care Ombudsman Council;
- revises and clarifies the application and training requirements for appointment as an ombudsman, including requiring a level 2 background screening;
- expands the duties of ombudsmen in the local districts to comply with the OAA, to include the authority to establish resident and family councils within long-term care facilities;
- clarifies that complaint investigations and administrative assessments are separate processes;
- conforms the complaint investigation and resolution processes to the requirements of the OAA; and
- requires the long term care facility to provide information to a resident upon first entering the facility to confirm that retaliatory action against a resident for filing a grievance or exercising rights is prohibited.

The bill became law on May 14, 2015, chapter 2015-31, Laws of Florida, and becomes effective July 1, 2015.

CS/SB 7078 - Child Welfare
By: Fiscal Policy; Children, Families, and Elder Affairs
Tied Bills: None
Companion Bills: CS/HB 7121
Committee(s) of Reference: Fiscal Policy
Category: Social Services, Health

CS/SB 7078 makes changes to the child welfare system, continuing the reform work of SB 1666 (2014), to improve the child death review system in the Department of Health, and the Critical Incident Rapid Response Team (CIRRT) process in the Department of Children and Families (DCF). The bill:

- specifies the purpose of the Child Abuse Death Review (CADR) system as a data-based epidemiological review of child deaths, clarifies the roles of the two types of committees within the CADR system, imposes specific reporting requirements, and defines the role of local county health department directors in relation to the local review committees;
- permits the Secretary of DCF to deploy CIRRTs in response to other child deaths in addition to those with verified abuse and neglect in the last 12 months, and requires more frequent reviews and reports by the CIRRT advisory committee;
- limits multiagency medical neglect staffings for child abuse and neglect cases in which medical neglect is substantiated by the child protection team; and
- prioritizes evidence-based and trauma-informed services in legislative intent as well as in the lead agency duties.

The bill also addresses several other issues related to children. The bill:

- removes a requirement for counties with certain population sizes to create a ballot initiative to retain its children's services special district;
- allows children who are adopted or enter extended foster care and are Medicaid eligible to stay in the Medicaid Specialty Plan for children in the child welfare system;
- adds local licensing agencies to the list of "specified agencies" that can use and access the Background Screening Clearinghouse; and
- requires schools to put up posters with information on abuse and neglect reporting, making that information readily available to children.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

Health Innovation Subcommittee

CS/CS/HB 269 - Experimental Treatments for Terminal Conditions
By: Insurance & Banking Subcommittee; Health Innovation Subcommittee; Pilon
Tied Bills: None
Companion Bills: CS/CS/SB 1052
Committee(s) of Reference: Health Innovation Subcommittee; Insurance & Banking Subcommittee; Health & Human Services Committee
Category: Health, Insurance, Health Care Practitioners

The Food and Drug Administration (FDA) has regulatory authority over drugs, biological products, and medical devices marketed and sold in the United States. Investigational drugs have not been approved by the FDA and are in the process of being tested for safety and effectiveness. FDA approval of an investigational drug involves three phases and can take as long as 11 years. The FDA has a procedure to gain access to investigational drugs known as expanded access, by which physicians may submit an emergency use application to request an investigational drug for a single patient. However, this process is considered burdensome, time-consuming, and confusing.

CS/CS/HB 269 creates the "Right to Try Act," which allows a manufacturer to provide a post-phase 1 investigational drug, biological product, or device to an eligible patient with a terminal condition, bypassing the emergency use expanded access program. To receive the investigational drug, biological product, or device, the patient must provide an informed consent document, signed by the patient or the patient's parent, guardian, or healthcare surrogate containing the following information and attestations:

- An explanation of the currently approved products and treatments
- An attestation that the patient agrees with his or her physician in believing that all currently approved products and treatments are unlikely to prolong the patient's life
- The specific name of the investigational drug, biological product, or device
- A realistic description of the most likely outcome and a statement that death could be hastened by use of the investigational drug, biologic product, or device
- A statement that the patient's health plan or third-party administrator and physician are not obligated to pay for treatment, unless required to do so by law
- A statement that the patient's eligibility for hospice care may be withdrawn
- A statement that the patient understands he or she is liable for all expenses, unless negotiated otherwise

The bill protects the license of a physician who recommends an investigational drug from disciplinary action as a result of making such a recommendation. The bill provides liability protection for manufacturers, persons, and entities involved in the use of the investigational drug. The bill also provides protection for hospitals against providing new or additional services associated with the investigational drug unless approved by the hospital or facility. The bill permits health plans, third party administrators, or governmental agencies to pay for investigational drugs and also removes liability for eligible patients' heirs for any outstanding debt associated with the use of the investigational drug.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/HB 279 - Pharmacy
By: Health Innovation Subcommittee; Pigman and others
Tied Bills: None
Companion Bills: CS/SB 792
Committee(s) of Reference: Health Innovation Subcommittee; Health & Human Services Committee
Category: Health, Health Care Practitioners

Section 465.189, F.S., authorizes pharmacists to administer the influenza, pneumococcal, meningococcal, and shingles vaccines to adults within an established protocol with a supervising physician. Before administering a vaccine, a pharmacist must apply to the Board of Pharmacy (board) for immunization certification and pay a $55 fee. To obtain certification, a pharmacist must demonstrate successful completion of a board-approved, 20-hour program on the safe and effective administration of vaccines.

CS/HB 279 bill adds the following vaccines to the list of vaccines a certified pharmacist may provide:

- Vaccines listed in the Centers for Disease Control and Prevention (CDC) Adult Immunization Schedule
- Vaccines listed in the CDC's Health Information for International Travel
- Vaccines approved by the board in response to a state of emergency declared by the Governor

The bill authorizes pharmacy interns to administer vaccines upon completion of a board-approved, 20-hour program on the safe and effective administration of vaccines and payment of a $55 fee. A pharmacy intern who is authorized to administer vaccines must be under the supervision of a pharmacist who is certified to administer vaccines, with a supervision ratio of one certified pharmacist to one intern.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/HB 309 - Patient Admission Status Notification
By: Health Care Appropriations Subcommittee; Harrison and others
Tied Bills: None
Companion Bills: CS/SB 768
Committee(s) of Reference: Health Innovation Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee
Category: Consumer Protection, Health, Health Care Facilities, Insurance

For a patient in a hospital, the term "observation status" means the patient is considered an outpatient, but is receiving observation services to determine if inpatient admission is necessary. Observation services include laboratory tests, medication, minor procedures, x-rays, and other imaging services.

A patient on observation status may experience higher costs than a patient on admission status for time spent in a hospital because Medicare covers inpatient and outpatient hospital services differently. In addition, observation status may affect Medicare coverage for care in a skilled nursing facility (SNF). A

patient must have a qualifying inpatient hospital stay, defined as three consecutive days of inpatient care, to be covered by Medicare for SNF care.

CS/HB 309 requires a hospital to document observation status services in the patient's discharge papers. The bill requires hospitals to give notice of observation status to the patient or patient's proxy through the discharge papers, which may include brochures, signage, or other forms of communication.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

SB 332 (ch. 2015-16, L.O.F.) - Nursing Home Facility Pneumococcal Vaccination Requirements
By: Grimsley
Tied Bills: None
Companion Bills: HB 411
Committee(s) of Reference: Health Policy; Appropriations Subcommittee on Health and Human Services; Appropriations
Category: Health, Health Care Facilities

Pneumococcal disease is an illness caused by the pneumococcus bacteria that can lead to serious infections such as pneumonia, bacteremia, and meningitis. Such infections are more likely to occur in older adults and persons with decreased immune function. The Centers for Disease Control and Prevention (CDC) recommends two pneumococcal vaccines for adults aged 65 years or older: the pneumococcal polysaccharide vaccine and the pneumococcal conjugate vaccine.

In Florida, nursing homes require newly admitted residents to be assessed and, if eligible, vaccinated for pneumococcal disease with the pneumococcal polysaccharide vaccination.

SB 332 removes the specific reference to the pneumococcal polysaccharide vaccine in statute and permits eligible nursing home residents to receive any CDC-recommended pneumococcal vaccine to satisfy the vaccination and revaccination requirement, when indicated, within 60 days after admission.

The bill became law on May 14, 2015, chapter 2015-16, Laws of Florida, and becomes effective July 1, 2015.

HB 441 (ch. 2015-33, L.O.F.) - Regulation of Health Care Facilities and Services
By: Rodrigues and others
Tied Bills: None
Companion Bills: CS/SB 816
Committee(s) of Reference: Health Innovation Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee
Category: Health, Health Care Facilities

A home health agency (HHA) that is a Medicare or Medicaid provider, or shares a common controlling interest with a provider that is a Medicare or Medicaid provider, must submit a quarterly report to the Agency for Health Care Administration (AHCA), within fifteen days after the end of each quarter. An HHA that submits the report late is fined $200 per day until AHCA receives the report, but the total fine imposed may not exceed $5,000 per quarter. The report must include the number of patients receiving certain services, and information on nurses receiving a certain level of remuneration.

HB 441 removes the quarterly reporting requirement, and associated fines for late submittal. Instead, the bill requires all HHAs to submit the number of patients receiving home health services to AHCA during the licensure renewal process.

The bill also creates an exemption from certificate of need (CON) review for the establishment of any health care facility or project if the applicant was previously licensed within the past 21 days, failed to submit a renewal application, had a license that expired on or after January 1, 2015, and meets the following conditions:

- The applicant must not have a license denial or revocation action pending with AHCA at the time of the request for exemption
- The applicant's request for exemption must be for the same service type, district, service area, and site for which the applicant was previously licensed
- The applicant's request for exemption, if applicable, must include the same number and type of beds as were previously licensed
- The applicant must agree to the same conditions that were previously imposed on the CON or on an exemption related to the applicant's previously licensed health care facility or project
- The applicant must apply for initial licensure within 21 days after AHCA approves the exemption request

The bill permits an applicant whose license expired between January 1, 2015, and the effective date of the bill to apply for a CON exemption within 30 days of the bill becoming a law.

The bill became law on May 14, 2015, chapter 2015-33, Laws of Florida, and became effective upon that date.

CS/SB 682 (ch. 2015-25, L.O.F.) - Transitional Living Facilities
By: Appropriations; Grimsley
Tied Bills: None
Companion Bills: CS/HB 111
Committee(s) of Reference: Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; Appropriations
Category: Health, Health Care Facilities, Health Care Practitioners

Transitional living facilities (TLFs) provide specialized healthcare services to individuals who sustain brain or spinal cord injuries. CS/SB 682 creates part XI of chapter 400, F.S., to consolidate the oversight of TLFs under the Agency for Health Care Administration (AHCA), and provide more specific licensure requirements. Specifically, the bill:

- requires a TLF licensed on June 30, 2015, to be licensed under the existing statute and licensed under part XI of chapter 400, F.S., by July 1, 2016;
- requires a TLF licensed on or after July 1, 2015, to be licensed under part XI of chapter 400, F.S.;
- requires TLFs to maintain accreditation by an accrediting organization specializing in rehabilitation facilities;
- specifies admission and discharge criteria and requires admission only by certain healthcare practitioners;
- adds care and service plan requirements detailing orders for medical care, client functional capability and goals, and transition plans;
- requires TLFs to provide specific professional services to improve client functional status;
- enables TLF clients to manage their funds and personal possessions, and have visitors;
- requires TLFs to establish grievance procedures and a system for investigating, tracking, managing, and responding to complaints, which must include an appeals process;
- provides standards for medication management, assistance with medication, use of restraints, seclusion procedures, infection control, safeguarding clients' funds, and emergency preparation;
- adds provisions to protect clients from abuse including proper staff screening, training, prevention, identification, and investigation;
- provides AHCA the authority to develop rules for physical plant standards and personnel;
- provides standard licensure criteria, including compliance with local zoning and laws, liability insurance, fire-safety inspection, and sanitation requirements;
- creates sanctions for violations of statute or rule and authorizes a court-ordered receiver if the licensee fails to take responsibility for the facility and places clients at risk;
- clarifies that providers already licensed by AHCA who serve brain and spinal-cord injured persons are not required to obtain a separate license as a TLF; and
- revises the Brain and Spinal Cord Injury Advisory Council's rights to entry and inspection of TLFs.

The bill promotes coordination between state agencies serving TLF patients by requiring AHCA, the Department of Health, the Agency for Persons with Disabilities, and the Department of Children and Families to develop an electronic database to ensure client data is communicated timely and effectively.

The bill became law on May 14, 2015, chapter 2015-25, Laws of Florida, and becomes effective July 1, 2015.

CS/CS/HB 731 - Employee Health Care Plans
By: Insurance & Banking Subcommittee; Health Innovation Subcommittee; Plakon
Tied Bills: None
Companion Bills: CS/SB 968
Committee(s) of Reference: Health Innovation Subcommittee; Insurance & Banking Subcommittee; Health & Human Services Committee
Category: Insurance, Health

The Patient Protection and Affordable Care Act (PPACA) made many fundamental changes to the health insurance industry by imposing extensive requirements on health insurers and health insurance policies relating to required benefits, rating and underwriting standards, and required review of rate increases. For example, the PPACA requires coverage offered in small group markets to provide defined essential health benefits packages and limits or prohibits rate adjustment based on certain factors. CS/CS/HB 731 amends the Employee Health Care Access Act (EHCAA), in s. 627.6699, F.S., to remove multiple provisions that are out of date or conflict with PPACA:

- The requirement that a carrier offer standard, basic, and high deductible plans
- The requirement for an annual August open enrollment period for sole proprietors
- The requirement for small employer carriers to submit a semiannual report to the Office of Insurance Regulation concerning the use of rating factors to adjust premiums
- A provision that indexes reinsurance premium rates to approximate gross premium rates of standard and basic health plans
- A provision requiring development of agent compensation standards for the sale of basic and standard health plans
- The requirement for the Chief Financial Officer to appoint a health benefit plan committee, as well as a provision delineating the duties of that committee

The bill requires a stop-loss insurance policy to cover 100 percent of all claims equal to or above the attachment point, which is the dollar amount of claims costs at which the stop-loss policy assumes liability for remaining claim costs. The bill specifies that a stop-loss insurance policy is considered health insurance, subject to the EHCAA, if the policy has an aggregate attachment point that is lower than the greatest of:

- $2,000 multiplied by the number of employees;
- 120 percent of expected claims, to be determined in accordance with actuarial standards of practice; or
- $20,000.

The bill also requires that a self-insured health benefit plan established or maintained by an employer with 51 or more covered employees be considered health insurance if the plan's stop-loss coverage has an aggregate attachment point that is lower than the greater of:

- 110 percent of expected claims, to be determined in accordance with actuarial standards of practice; or
- $20,000.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/HB 749 - Continuing Care Communities
By: Insurance & Banking Subcommittee; Van Zant and others
Tied Bills: None
Companion Bills: CS/CS/SB 1126
Committee(s) of Reference: Health Innovation Subcommittee; Insurance & Banking Subcommittee; Health & Human Services Committee
Category: Consumer Protection, Health, Health Care Facilities

A continuing care community (CCC) is a retirement community that offers a continuum of services and living arrangements at a single location including independent living apartments, assisted living, memory support care, and skilled nursing care. A resident of a CCC must pay an entrance fee upon entering a contract with a facility, and the contract must include terms under which a resident is due a refund of any portion of the entrance fee.

CS/HB 749 makes several changes to the statutes governing CCCs to increase Office of Insurance Regulation (OIR) oversight of financial stability while also addressing the needs of the residents. The bill:

- requires a CCC contract, paying a 2-percent refund, to provide for payment to a resident within 90 days after the contract is terminated and the unit is vacated, instead of 120 days after notice of intent to cancel;
- requires a CCC contract, paying a one-percent refund, to provide for payment to a resident for the unit that is vacated, or a like or similar unit, whichever is applicable, by specified time frames;
- clarifies that if a CCC is accredited, the accreditation must be without stipulations or conditions for OIR to waive regulatory requirements in statute;
- makes a CCC contract a preferred claim, subordinate to only secured claims, against a provider in receivership or liquidation proceedings;
- requires OIR to notify the executive office of the governing body of the CCC provider of all deficiencies found during an examination;
- requires a CCC to provide a copy of any final examination report and corrective action plan to the executive officer of the governing body of the provider within 60 days after issuance of the report;
- requires each CCC to establish a residents' council to provide input on subjects that impact residents' quality of life;
- authorizes the board of directors or governing board of a provider to allow a facility resident to be a voting member of the board or governing body of the facility; and
- requires all CCCs to provide a copy of the most recent third-party financial audit to the president or chair of the residents' council within 30 days of filing the annual report with OIR.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

CS/CS/HB 893 - Blanket Health Insurance Eligibility
By: Health & Human Services Committee; Health Innovation Subcommittee; Ingoglia
Tied Bills: None
Companion Bills: CS/CS/SB 1134
Committee(s) of Reference: Health Innovation Subcommittee; Insurance & Banking Subcommittee; Health & Human Services Committee
Category: Insurance, Health

A blanket health insurance policy and contract is issued to a policyholder, such as a school, business, or an organization, to provide coverage to a group of individuals or participants, normally, for the duration of a specified activity or event. CS/CS/HB 893 expands the list of existing groups of eligible policyholders and individuals eligible for coverage of blanket health insurance coverage as follows:

- A common carrier – adds any operator, owner or lessee of a means of transportation as an eligible policyholder
- An employer – expands coverage to dependents or guests of an employee and changes the types of activities for which blanket health coverage may be purchased by an employer
- A school – expands coverage to employees, and dependents and spouses of teachers or employees of a school, college, and university
- A volunteer fire department – adds local emergency management groups and groups of first responders as eligible policyholders and expands coverage to any grouping of participants sponsored or supervised by the policyholder
- An organization – adds instructive, charitable, recreational, and civic groups as eligible policyholders and expands coverage to any or all persons participating in the activities or operations sponsored or supervised by the policyholder
- A newspaper – adds other publishers as eligible policyholders and expands coverage to delivery persons employed by such publications, limiting types of coverage that may be provided
- A healthcare provider – adds an arranger of fertility medicine relationships as eligible policyholders and expands coverage to donors, recipients, and surrogates

The bill adds the following new policyholder groups and eligible individuals for coverage:

- A sports team, camp, or sponsor of a team or camp – covering members, campers, participants, employees, officials or supervisors
- A travel agency or other organization that provides travel-related services – covering any and all persons receiving travel-related services
- An association that has a constitution and bylaws, comprised of at least 25 members and having been organized and maintained in good faith for at least 1 year for purposes other than obtaining insurance – covering all members of the association
- A financial institution or parent holding company, or the trustees or agents designated by such entities – covering accountholders, cardholders, debtors, or guarantors, limiting types of coverage that may be provided

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/SB 904 - Home Health Services
By: Health Policy; Bean
Tied Bills: None
Companion Bills: CS/CS/HB 1039
Committee(s) of Reference: Health Policy; Appropriations Subcommittee on Health and Human Services; Fiscal Policy
Category: Health, Health Care Facilities

A nurse registry is a business, akin to an employment agency, that is licensed to secure temporary employment for nurses, home health aides, certified nursing assistants, homemakers, and companions in a patient's home or with healthcare facilities or other entities. Home health agencies (HHAs) are organizations that employ healthcare professionals to provide health and medical services and medical supplies to an individual in the individual's home or place of residence.

CS/SB 904 provides that nurse registries and HHAs may operate additional offices within a health service planning district without separate licenses. HHAs may operate an unlimited number of "related offices" within a health service planning district under one license. With respect to nurse registries, the bill:

- defines the term "satellite office" as a secondary office of a nurse registry within the same heath service planning district as the operational site;
- permits a nurse registry to operate an unlimited number of satellite offices within a health service planning district if there is an operational site also located in the district;
- limits the activities that can take place at a satellite office to storing supplies and records, registering and processing contractors, and conducting business by telephone; and
- requires a nurse registry relocating an existing office or opening a new satellite office to provide written notice to the Agency for Health Care Administration of its intent, submit evidence of its legal right to occupy the proposed office site, and submit evidence that the property is zoned for use as a nurse registry.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/HB 1001 - Assisted Living Facilities
By: Health & Human Services Committee; Health Care Appropriations Subcommittee; Ahern and others
Tied Bills: None
Companion Bills: CS/CS/SB 382
Committee(s) of Reference: Health Innovation Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee
Category: Consumer Protection, Health, Health Care Facilities, Social Services

CS/CS/HB 1001 strengthens the regulation of assisted living facilities (ALFs) by the Agency for Health Care Administration (AHCA) and makes other regulatory changes to improve the quality of ALFs. The bill:

- requires a mental health resident and case manager to complete a community living support plan, provide it to the ALF administrator within 30 days of admittance, and update it upon a significant change to the resident's behavioral health status;
- permits a limited mental health (LMH) facility to provide written evidence that it requested the community living support plan and cooperative agreement from the Medicaid managed care plan or the managing entity within 72 hours of admission, if necessary;
- requires ALFs to inform new residents that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right;
- requires the posted notice of resident's rights, obligations, and prohibitions to specify that complaints made to the ombudsman program, as well as the names and identities of the complainant and any residents involved in the complaint, are confidential;
- allows licensed registered nurses to practice to the full scope of their professional license in ALFs that have a Limited Nursing Services (LNS) specialty license;
- authorizes ALF staff to assist with self-administration of medication and increases applicable training requirements from four to six hours;
- adds individuals and agency personnel to the list of people who must report abuse or neglect to the Department of Children and Families' central abuse hotline;
- requires new staff that have not previously completed core training to attend a two-hour, pre-service orientation before interacting with residents;
- requires AHCA to adopt rules for uniform standards and criteria that will be used to determine a facility's compliance with facility standards and resident's rights;
- sets a $500 fine for a background screening violation;
- sets a $2,500 fine for failing to show good cause for terminating a residency;
- prohibits an ALF from admitting new residents if the ALF is uncooperative during an inspection;
- reduces monitoring visits for LNS licensees from twice to once per year, and waives the annual monitoring visit if the facility has been licensed for 24 months, has no class I or class II violations, no uncorrected class III violations, and no ombudsman council complaints resulting in a citation;
- creates a provisional Extended Congregate Care (ECC) license for new ALFs and specifies when AHCA may deny or revoke an ECC license;
- reduces monitoring visits for ECC licensees from quarterly to twice a year, and waives one visit if the facility has been licensed for 24 months, has no class I or class II violations, no uncorrected class III violations, and no ombudsman council complaints resulting in a citation;
- requires facilities with one or more, rather than three or more, state-supported mental health residents to obtain a LMH license;
- exempts an ALF from the 45-day notice requirement for relocation or termination of residency, if relocation is due to action by AHCA;
- requires AHCA to conduct an additional inspection within 6 months of an ALF that is cited for 1 or more class I violations, 3 or more class II violations arising from separate surveys within a 60-day period, or 3 or more unrelated class II violations cited during one survey;
- requires the local ombudsman council to conduct an exit consultation with the ALF administrator when the annual administrative assessment is completed; and
- requires AHCA to add content to its website to assist consumers in selecting an ALF, including the number and type of licensed beds, forms of payment accepted, the availability of nurses, survey and violation information, and links to inspection reports.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

HB 1305 - Home Medical Equipment Providers
By: Eagle and others
Tied Bills: None
Companion Bills: SB 996
Committee(s) of Reference: Health Innovation Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee
Category: Health, Health Care Practitioners

Home medical equipment providers are licensed and regulated by the Agency for Health Care Administration. The licensure requirements for home medical equipment providers apply to any person or entity that holds itself out to the public as providing home medical equipment and services or accepts physician orders for home medical equipment and services. Certain individuals and entities are exempt from the licensure requirements, including:

- nursing homes
- assisted living facilities
- home health agencies
- hospices
- intermediate care facilities
- hospitals
- manufacturers and wholesale distributors
- pharmacies
- licensed healthcare practitioners who utilize home medical equipment in the course of their practice but do not sell or rent home medical equipment to their patients.

Electrostimulation medical equipment can provide direct, alternating, and pulsed waveforms of energy to the human body through electrodes that may be implanted in the skin or used on the surface of the skin. Such devices may be used to exercise muscles, demonstrate a muscular response to stimulation of a nerve, relieve pain, relieve incontinence, and provide test measurements.

HB 1305 exempts physicians, osteopaths, and chiropractors who sell or rent electrostimulation medical equipment to their patients in the course of their practice from licensure as home medical equipment providers.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

Health Quality Subcommittee

SB 94 (ch. 2015-10, L.O.F.) - Closing the Gap Grant Program
By: Joyner
Tied Bills: None
Companion Bills: HB 3
Committee(s) of Reference: Health Policy; Appropriations Subcommittee on Health and Human Services; Fiscal Policy
Category: Health

The Department of Health's Office of Minority Health administers multiple health promotion programs including the "Closing the Gap" grant program. The grant program was created by the Legislature in 2000 to improve health outcomes and eliminate racial and ethnic health disparities in Florida by providing grants to increase community-based health and disease prevention activities.

The bill allows the grant program to fund projects directed at decreasing racial and ethnic disparities in morbidity and mortality rates relating to sickle cell disease.

The bill became law on May 15, 2015, chapter 2015-10, Laws of Florida, and becomes effective July 1, 2015.

CS/SB 144 - Public Records/Impaired Practitioner Consultants
By: Health Policy; Bean
Tied Bills: None
Companion Bills: CS/HB 141
Committee(s) of Reference: Health Policy; Governmental Oversight and Accountability; Fiscal Policy
Category: Health, Government in the Sunshine

The Department of Health (DOH) administers a treatment program for impaired healthcare practitioners, and the Department of Business and Professional Regulation (DBPR) administers a treatment program for impaired pilots and veterinarians. These treatment programs assist DOH and DBPR in determining whether healthcare practitioners, veterinarians, or pilots, who have experienced a substance abuse or mental or physical health impairment, are safe to practice their profession. Currently, two impaired practitioner consultant companies provide such services in Florida.

The bill creates a public records exemption for certain identification and location information of a current or former impaired practitioner consultant retained by an agency, a current or former employee of such consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession, and the spouses and children of both. The bill also requires the impaired practitioner consultant or employee to make reasonable efforts to protect their exempt information.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2020, unless reviewed and saved from repeal by the Legislature.

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

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 243 - Vital Statistics
By: Health Quality Subcommittee; Roberson
Tied Bills: None
Companion Bills: CS/CS/SB 640
Committee(s) of Reference: Health Quality Subcommittee; Health & Human Services Committee
Category: Health

The Department of Health (DOH) uses the Electronic Death Registration System (EDRS) to implement certain duties under ch. 382, F.S., the Vital Statistics Act (Act). The bill updates the Act to include EDRS processes, and authorizes DOH to perform certain tasks related to death registration and final disposition of deceased persons. Specifically, the bill:

- authorizes a funeral director to generate a burial-transit permit through EDRS or produce a permit manually, and removes certain application processes for a paper permit;
- requires a subregistrar to produce and maintain a paper death certificate or burial-transit permit;
- removes the requirement that a person in charge of the premises where a final disposition takes place submit a burial-transit permit to the local registrar;
- removes the requirement that a local registrar keep a burial-transit permit on file for three years;
- authorizes the use of the EDRS to electronically register a death or fetal death certificate;
- allows a burial-transit permit on file to satisfy certain record keeping requirements;
- requires a funeral director who buries a dead body in a cemetery where no one is in charge to keep the burial-transit permit on file for three years instead of filing it with the local registrar;
- requires the use of the EDRS for electronic notification of deaths to the Social Security Administration; and
- removes a provision that allows alias information to be reported on the back of a paper death certificate.

The bill makes additional changes related to death certificate registrations and final dispositions by:

- requiring the person who files a death certificate to obtain personal information about the decedent from a legally authorized person, as such person is defined under current law;
- including entombment in the definition of final disposition; and
- defining burial-transit permit.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/CS/SB 296 - Diabetes Advisory Council
By: Fiscal Policy; Governmental Oversight and Accountability; Health Policy; Garcia
Tied Bills: None
Companion Bills: CS/HB 43
Committee(s) of Reference: Health Policy; Governmental Oversight and Accountability; Appropriations Subcommittee on Health and Human Services; Fiscal Policy
Category: Health

The bill amends s. 385.203, F.S., to require the Diabetes Advisory Council, in conjunction with the Department of Health, the Agency for Health Care Administration, and the Department of Management Services, to submit by January 10 of each odd-numbered year a report on diabetes in Florida to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must provide:

- the public health consequences and financial impact on the State of all types of diabetes and resulting health complications;
- a description and an assessment of the effectiveness of, funding of, and cost-savings associated with state diabetes programs and activities;
- a description of the coordination among state agencies of their respective programs, activities, and communications designed to manage, treat, and prevent all types of diabetes; and
- a detailed action plan for reducing and controlling the number of new cases of diabetes, which must include proposed steps to reduce the impact of all types of diabetes, expected outcomes from implementing the action plan, and benchmarks for preventing and controlling diabetes.

The bill also revises the membership of the Diabetes Advisory Council, reducing the Council to 18 from 21.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/HB 321 - HIV Testing
By: Health & Human Services Committee; Health Quality Subcommittee; Avila; Edwards
Tied Bills: None
Companion Bills: CS/CS/SB 512
Committee(s) of Reference: Health Quality Subcommittee; Health & Human Services Committee
Category: Health, Health Care Facilities, Health Care Practitioners

The bill defines "health care setting" and "nonhealth care setting" to differentiate HIV testing requirements. The bill revises the HIV testing requirements for health care settings to eliminate the informed consent requirement and establish new notification requirements. The bill also provides that a person's signature on a general consent form suffices as consent to an HIV test. The bill retains the requirement to obtain informed consent from the HIV test subject in nonhealth care settings.

The bill revises record-keeping requirements in the event of a significant exposure in an emergency or non-emergency situation. When a medical personnel experiences a significant exposure, the bill requires the incident to be recorded in the medical personnel's employee record. When a nonmedical personnel experiences a significant exposure, the bill requires the incident to be recorded in the

nonmedical personnel's medical record. The bill also requires either the nonmedical personnel or the employer to cover the cost of an HIV test in the event of a significant exposure and authorizes the employer to seek a court order directing the source of the significant exposure to submit to HIV testing under certain circumstances. The bill removes the requirements to:

- obtain consent from the source of the significant exposure before conducting an HIV test;
- record information pertaining to a significant exposure incident only in the medical personnel or nonmedical personnel's record, unless the individual whose medical care resulted in a significant exposure consents to the information also being recorded in their medical record;
- have medical personnel, under the supervision of a licensed physician, document that a significant exposure has occurred and in the physician's medical judgment testing of the source is medically necessary, before HIV testing of the source occurs; and
- make counseling available to an individual when an individual does not consent to an HIV test, but a test must be performed on an available blood sample.

The bill exempts a facility licensed under ch. 395, F.S., from the requirement to register with the Department of Health as an HIV testing program and meet other statutory HIV testing requirements if the HIV testing program is part of routine medical care or is not advertised to the general public.

The bill also updates the definition of "preliminary HIV test" to reflect advances in HIV testing.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/HB 335 - Psychiatric Nurses
By: Health & Human Services Committee; Health Quality Subcommittee; Plasencia; Campbell and others
Tied Bills: None
Companion Bills: CS/SB 476
Committee(s) of Reference: Health Quality Subcommittee; Health & Human Services Committee
Category: Health, Health Care Facilities, Mental Health, Safety, Health Care Practitioners

CS/CS/HB 335 redefines "psychiatric nurse" as a certified advanced registered nurse practitioner, instead of a registered nurse, who holds a national advanced practice certification as a psychiatric mental health advanced practice nurse. The bill retains requirements for a psychiatric nurse to hold a master's or doctoral degree in psychiatric nursing, and complete two years of post-master's clinical experience under a physician's supervision.

The bill authorizes a psychiatric nurse performing within the framework of an established protocol with a psychiatrist to:

- examine a patient upon admission to a receiving facility; and
- approve a patient to be discharged from a receiving facility if the facility is owned or operated by a hospital or health system.

The bill prohibits a psychiatric nurse from approving a patient to be discharged if an involuntary examination of the patient was initiated by a psychiatrist, unless the discharge is approved by that psychiatrist.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

SB 450 - Pain Management Clinics
By: Benacquisto
Tied Bills: None
Companion Bills: HB 4017
Committee(s) of Reference: Health Policy; Appropriations Subcommittee on Health and Human Services; Appropriations
Category: Controlled Substances, Health, Health Care Facilities, Health Care Practitioners, Repeals of Existing Laws

From 2009 to 2012, the Legislature enacted and refined a substantial set of regulations designed to combat prescription drug overprescribing and trafficking, including regulation of pain-management clinics. Pain-management clinics are facilities that advertise for any type of pain-management services or where in any month a majority of patients are prescribed certain controlled substances. The law currently requires pain-management clinic registration, inspection, and reporting, and provides penalties for violations by clinics and physicians practicing in such clinics.

The statutes regulating pain-management clinics also include "sunset provisions," which require those statutes to expire on January 1, 2016.

SB 450 repeals the pain-management clinic regulation sunset provisions, maintaining the regulatory system beyond January 1, 2016.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 541 - Athletic Trainers
By: Health Quality Subcommittee; Plasencia and others
Tied Bills: None
Companion Bills: CS/SB 1526
Committee(s) of Reference: Health Quality Subcommittee; Health & Human Services Committee
Category: Health, Safety, Health Care Practitioners

CS/HB 541 makes several changes to the licensure requirements and regulatory and enforcement provisions for athletic trainers.

The bill removes the requirement that an applicant for licensure must be at least 21 years of age. In addition, the bill requires an applicant:

- who graduated college prior to 2004, to hold a certification from the Board of Certification;
- to hold a degree from a college or university professional athletic training degree program that has been accredited by the Commission on Accreditation of Athletic Training Education;
- who applies on or after July 1, 2016, to undergo a criminal background check; and
- to be certified in cardiopulmonary resuscitation and the use of automated external defibrillators.

The bill removes the requirement for athletic trainers to practice under the written protocol of a physician, as determined by the Board of Athletic Training (board). Instead, the bill requires athletic trainers to practice under the direction of a physician. The physician must communicate his or her direction through oral or written prescription or protocols as deemed appropriate by the physician, and the athletic trainer must provide service or care in the manner dictated by the physician. The bill authorizes the board to adopt rules for mandatory requirements and guidelines for communication between the athletic trainer and a physician.

The bill adds certain acts committed by an athletic trainer to a list of punishable acts, which constitute misdemeanors of the first degree, and prohibits sexual misconduct in the practice of athletic training. The bill removes the Department of Health's disciplinary authority for certain advertising acts.

The bill clarifies that when an athletic training student is acting under the direct supervision of a licensed athletic trainer, the athletic trainer must be physically present.

The bill exempts from licensure individuals authorized to practice athletic training in another state when employed by, or a volunteer for, an out-of-state secondary or post-secondary educational institution, or a recreational, competitive, or professional organization that is temporarily present in this state.

The bill also states that nothing in the athletic training practice act prevents third-party payors from reimbursing employers of athletic trainers for covered services rendered by a licensed athletic trainer.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2016.

HB 633 - Informed Patient Consent
By: Sullivan and others
Tied Bills: None
Companion Bills: CS/SB 724
Committee(s) of Reference: Health Quality Subcommittee; Judiciary Committee; Health & Human Services Committee
Category: Health, Health Care Facilities, Health Care Practitioners

Section 390.0111, F.S., currently requires a physician performing an abortion, or a referring physician, to obtain the woman's written and informed consent before performing the procedure. To obtain informed consent, the physician, or referring physician, must orally and in person, inform the woman of the nature and risks of undergoing or not undergoing the proposed procedure and the probable gestational age of the fetus.

The bill requires the physician performing the abortion, or the referring physician, to be present in the same room as the woman when providing information to obtain informed consent. The bill requires this information to be provided to the woman at least 24 hours before the procedure is performed.

The bill provides for a waiver of the 24-hour waiting period if requested by a woman who presents the physician with documentation evidencing that she is obtaining the abortion because she is a victim of rape, incest, domestic violence, or human trafficking.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/HB 655 - Clinical Laboratories
By: Health & Human Services Committee; Health Quality Subcommittee; Roberson
Tied Bills: None
Companion Bills: CS/SB 738
Committee(s) of Reference: Health Quality Subcommittee; Health & Human Services Committee
Category: Health, Health Care Facilities, Health Care Practitioners

CS/CS/HB 655 requires a clinical laboratory to make its services available to specified licensed healthcare practitioners, instead of requiring the laboratory to accept a human specimen from such practitioners.

The bill also adds consultant pharmacists and doctors of pharmacy to the list of practitioners to whom a clinical laboratory must avail its services. Specifically, the bill requires a clinical laboratory to make its services available to physicians, chiropractors, podiatrists, naturopaths, optometrists, dentists, consultant pharmacists, doctors of Pharmacy, and advanced registered nurse practitioners.

The bill also deletes a provision in current law that authorizes a clinical laboratory to refuse a specimen only when there has been a history of nonpayment for services by the practitioner.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 697 - Public Health Emergencies
By: Health Quality Subcommittee; Gonzalez
Tied Bills: None
Companion Bills: CS/SB 950
Committee(s) of Reference: Health Quality Subcommittee; Health & Human Services Committee
Category: Emergency Management, Health, Health Care Facilities, Safety

CS/HB 697 allows the State Health Officer to isolate an individual who is reasonably believed to be infected with a communicable disease that has a significant risk of morbidity or mortality and presents a severe danger to the public health. The bill defines "quarantine" and "isolation" to distinguish the two terms.

The bill authorizes law enforcement officers to immediately enforce isolation and quarantine orders issued by the Department of Health (DOH) to control communicable diseases or provide protection from unsafe conditions that pose a threat to public health.

The bill makes a violation of an isolation order a misdemeanor of the second degree. The bill also makes it a misdemeanor of the second degree for a person to falsely claim, willfully and with intent to defraud, that he or she has contracted a communicable disease to a healthcare provider or a law enforcement officer during a declared public health emergency.

The bill authorizes DOH to adopt rules to specify the conditions and procedures for imposing, implementing, complying with, and lifting an order for isolation. The bill states that rules related to

isolation and DOH's enforcement actions supersede all other agency rules and ordinances and regulations enacted by political subdivisions of the State.

The bill states that the act fulfills an important state interest.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/HB 751 - Emergency Treatment for Opioid Overdose
By: Civil Justice Subcommittee; Gonzalez; Renuart and others
Tied Bills: None
Companion Bills: CS/CS/SB 758
Committee(s) of Reference: Health Quality Subcommittee; Civil Justice Subcommittee; Health & Human Services Committee
Category: Controlled Substances, Health, Law Enforcement, Health Care Practitioners, Courts

CS/HB 751 creates the Emergency Treatment and Recovery Act (Act). The bill authorizes patients and caregivers to store and possess an emergency opioid antagonist and administer it to a person believed in good faith to be experiencing an opioid overdose, regardless of whether that person has a prescription for an emergency opioid antagonist. The administration authorization only applies in an emergency situation when a physician is not immediately available.

The bill authorizes healthcare practitioners to prescribe and dispense, and pharmacists to dispense, emergency opioid antagonists to patients and caregivers. The bill authorizes emergency responders to possess, store, and administer emergency opioid antagonists.

The bill grants civil liability protections under the Good Samaritan Act for all individuals who administer emergency opioid antagonists in emergency situations. The bill also grants healthcare practitioners and pharmacists immunity from civil and criminal liability and professional discipline, related to prescribing and dispensing an opioid antagonist. The bill states that the immunities provided by the Act do not limit any existing statutory immunities that are otherwise applicable.

The bill states that the Act does not create a duty or standard of care for a person to prescribe or administer an emergency opioid antagonist.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 951 - Dietetics and Nutrition
By: Health Quality Subcommittee; Magar
Tied Bills: None
Companion Bills: CS/SB 1208
Committee(s) of Reference: Health Quality Subcommittee; Health & Human Services Committee
Category: Health, Health Care Practitioners

The bill amends part X of ch. 468, F.S., the Dietetics and Nutrition Practice Act (Act). It revises the definition of "dietetics and nutrition practice" to include the ordering of therapeutic diets and states that the Act does not preclude a licensed dietician/nutritionist (DN) from independently ordering a therapeutic diet if otherwise authorized to order such a diet in Florida.

Additionally, the bill allows DNs to become licensed without an examination when applicants for such licensure are:

- registered with the Commission on Dietetic Registration (commission) and are in compliance with s. 468.509, F.S., which provides the licensure requirements for the practice of dietetics and nutrition; or
- certified as nutrition specialists by the Certification Board for Nutrition Specialists, or are Diplomates of the American Clinical Board of Nutrition, and are in compliance with the requirements under s. 468.509, F.S.

The bill provides title protection for certain qualified individuals. Specifically, the bill authorizes only individuals who are:

- registered with the commission as a DN to use the title "Registered Dietician/Nutritionist" and the title acronym "R.D.N.";
- certified by the Certification Board for Nutrition Specialists to use the title "Certified Nutrition Specialist" and the title acronym "CNS"; and
- certified by the American Clinical Board of Nutrition to use the title "Diplomate of the American Clinical Board of Nutrition" and the title acronym "DACBN."

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/HB 1049 - Practice of Pharmacy
By: Health & Human Services Committee; Health Quality Subcommittee; Peters
Tied Bills: None
Companion Bills: CS/CS/SB 1180
Committee(s) of Reference: Health Quality Subcommittee; Business & Professions Subcommittee; Health & Human Services Committee
Category: Business and Professional Regulation, Health, Health Care Facilities, Insurance

The bill provides that a contract between a pharmacy benefits manager (PBM) and a pharmacy must require the PBM to update the maximum allowable cost (MAC) at least every seven days and maintain a process that will eliminate drugs from MAC lists or modify drug prices to remain consistent with changes in pricing data used in formulating MAC prices and product availability.

The bill also provides that the Florida Pharmacy Act, ch. 465, F.S., and the rules adopted under it, do not prevent a veterinarian from administering a compounded drug to an animal that is a patient or dispensing a compounded drug to that animal's owner or caretaker. Additionally, the bill specifies that the provision allowing veterinarians to administer and dispense compounded drugs to their patients or their patients' caregivers does not affect the Florida Pharmacy Act.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

HOUSE OF REPRESENTATIVES

Judiciary Committee

Representative Charles McBurney, Chair

Representative Kathleen Passidomo, Vice Chair

2015 SUMMARY OF PASSED LEGISLATION

Civil Justice Subcommittee

Representative Kathleen Passidomo, Chair

Representative Walter Hill, Vice Chair

Criminal Justice Subcommittee

Representative Carlos Trujillo, Chair

Representative Charles Van Zant, Vice Chair

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The Judiciary Committee was not first reference on any bill that passed both houses of the Legislature.

Civil Justice Subcommittee

CS/CS/CS/HB 5 - Guardianship Proceedings
By: Judiciary Committee; Justice Appropriations Subcommittee; Civil Justice Subcommittee; Passidomo; Rodríguez, J. and others
Tied Bills: CS/HB 7
Companion Bills: CS/CS/SB 318; includes parts of SB 366
Committee(s) of Reference: Civil Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee
Category: Courts, Health, Mental Health

Guardianship is a concept whereby a "guardian" acts for another, called the "ward," whom the law regards as incapable of managing his or her own affairs due to age or incapacity. There are two main forms of guardianship: guardianship over the person or guardianship over the property, which may be limited or plenary. The bill:

- limits automatic suspension of an alleged incapacitated person's power of attorney held by a close family member to circumstances in which neglect or wrongdoing is alleged;
- authorizes a court to appoint the Office of Criminal Conflict and Civil Regional Counsel as a court monitor for indigent wards;
- authorizes compensation of professionals rendering services to the guardianship without expert testimony, but if such testimony is offered, requires payment of witness fees from guardianship assets;
- requires notice of the petition and hearing on the appointment of an emergency temporary guardian unless such notice would cause harm;
- prohibits payment of an emergency temporary guardian's final fees and final attorney fees if he or she fails to file required reports;
- provides that certain for-profit corporations are qualified to act as guardian of a ward;
- requires the court to delineate the authority of the guardian and healthcare surrogate with regard to healthcare decisions for the ward;
- revises factors a court must consider when appointing a guardian and places restrictions on the appointment of certain persons as the permanent guardian of a ward;
- requires courts not using a rotation system to specify why a particular guardian is chosen;
- requires the state to pay examining committee fees if the alleged incapacitated person is found to have capacity and provides for reimbursement of such fees by the petitioner if he or she acted in bad faith;
- requires that abuse, exploitation, or neglect of a ward by a guardian be reported to the Department of Children and Families;
- creates additional powers and duties of a guardian;
- authorizes interested persons to petition a court for review of a guardian's actions;

- requires that annual guardianship plans be filed prior to the time that they take effect and authorizes a guardian to continue acting under an expired plan under certain circumstances; and
- establishes legal standard for restoration to capacity, giving priority to these hearings.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/HB 7 - Pub. Rec./Claim Settlement on Behalf of Minor or Ward
By: Government Operations Subcommittee; Passidomo; Rodríguez, J.
Tied Bills: CS/CS/CS/HB 5
Companion Bills: CS/CS/SB 360
Committee(s) of Reference: Civil Justice Subcommittee; Government Operations Subcommittee; Judiciary Committee
Category: Courts, Government in the Sunshine

Court approval is required to settle any claim of a ward arising before or after the appointment of a guardian or any claim of a minor that exceeds $15,000. Accordingly, information regarding the settlement must be made a part of a court file, and therefore, is a matter of public record and open for inspection under current law.

The bill makes any court record relating to the settlement of a ward's or minor's claim, including a petition for approval of a settlement on behalf of a ward or minor, a report of a guardian ad litem relating to a pending settlement, or an order approving a settlement on behalf of a ward or minor, confidential and exempt from the provisions of s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution with limited exceptions.

Subject to the Governor's veto powers, the effective date of this bill is on the same date that CS/CS/CS/HB 5 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

CS/CS/CS/HB 87 - Construction Defect Claims
By: Judiciary Committee; Business & Professions Subcommittee; Civil Justice Subcommittee; Passidomo and others
Tied Bills: None
Companion Bills: CS/SB 418
Committee(s) of Reference: Civil Justice Subcommittee; Business & Professions Subcommittee; Judiciary Committee
Category: Courts

Current law requires that a person who intends to sue regarding a construction defect must notify the contractor of the claim to provide the contractor an opportunity to fix the problem before suit is filed. The bill changes the pre-suit procedures for filing a notice of construction defect claim:

- The issuance of a temporary certificate of occupancy or similar authorization triggers the notice and opportunity to cure requirements
- A notice of claim must identify the location of each defect, based upon at least a visual inspection, sufficient to enable the responding party to locate the alleged defect without undue burden
- A claimant is not required to perform destructive or other testing before providing a notice of claim
- A contractor's response to a notice of claim must indicate whether he or she is willing to make repairs, settle the claim, or whether the contractor's insurer will cover the claim
- Providing a copy of the notice of claim to an insurance company does not constitute a claim for insurance purposes unless provided for under the terms of the contractor's insurance policy
- "Maintenance records" and other documents are added to those records to be exchanged by the parties unless the documents or records are privileged

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

CS/HB 133 - Sexual Offenses
By: Civil Justice Subcommittee; Plasencia and others
Tied Bills: None
Companion Bills: CS/SB 1270; includes CS/HB 845
Committee(s) of Reference: Civil Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee
Category: Courts, Juvenile Justice, Law Enforcement, Safety

The bill amends laws related to sex crimes.

A criminal prosecution requires, among other things, that a court have jurisdiction over the defendant and that the prosecution occur within the statute of limitations. A statute of limitations is an absolute bar to the filing of a legal case after a date set by law. Some statutes of limitations related to felony sexual battery offenses are currently four years. The bill extends those statutes of limitations for sexual battery from four years to eight years.

The act of electronically sending sexually explicit messages or photos to another is generally referred to as sexting. Current law provides that a minor who commits sexting for the first time commits a noncriminal violation. In response to a recent court ruling regarding jurisdiction over sexting offenses committed by a minor, the bill provides that a circuit court has exclusive original jurisdiction over proceedings in which a minor is alleged to have committed a noncriminal violation that has been assigned to juvenile court by law. Additionally, the bill revises penalties for a minor's first violation of the sexting statute to include community service, a fine, or participation in a cyber-safety program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/HB 149 - Rights of Grandparents
By: Judiciary Committee; Children, Families & Seniors Subcommittee; Rouson and others
Tied Bills: None
Companion Bills: CS/SB 368
Committee(s) of Reference: Civil Justice Subcommittee; Children, Families & Seniors Subcommittee; Judiciary Committee
Category: Courts

Current law provides that grandparents and great-grandparents may petition for visitation rights with their minor grandchildren and great-grandchildren; however, court decisions have declared much of this law unconstitutional.

The bill repeals the language found unconstitutional from the statutes and creates a new limited grandparent visitation statute. It allows a grandparent of a minor child whose parents are deceased, missing, or in a persistent vegetative state to petition the court for visitation. A grandparent may also petition for visitation if there are two parents, one of whom is deceased, missing, or in a persistent vegetative state and the other has been convicted of a felony or certain violent crimes. The bill requires the grandparent to make a preliminary showing of parental unfitness or significant harm to the child.

The bill requires that grandparents first attempt mediation and, if necessary, the court may appoint a guardian ad litem for the child. If mediation is ineffective, the court must proceed to a final hearing. The bill lists factors for the court to consider in its final determination, including the previous relationship the grandparent had with the child, the findings of a guardian ad litem, the potential disruption to the family, the consistency of values between the grandparent and the parent, and the reasons visitation ended.

The bill limits the number of times a grandparent can file for visitation, absent a real, substantial, and unanticipated change of circumstances.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

SB 158 - Civil Liability of Farmers
By: Evers and others
Tied Bills: None
Companion Bills: HB 137
Committee(s) of Reference: Agriculture; Judiciary
Category: Agriculture

Removing produce or crops remaining in the fields after harvest, generally by hand, is commonly referred to as "gleaning." A farmer who allows gleaning after harvest is exempt from some civil liability arising from any injury or death resulting from the condition of the land, or from the condition of the produce or crop harvested. The exemption from civil liability does not apply if injury or death results from gross negligence, intentional act, or a known dangerous condition not disclosed by the farmer.

The bill extends the current exemption from civil liability to farmers who allow gratuitous harvesting of crops at any time. The bill also provides that the exemption from civil liability does not apply if injury or death directly results from failure of the farmer to warn of a dangerous condition of which the farmer has actual knowledge unless the dangerous condition would be obvious to a person entering upon the farmer's land.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/CS/SB 222 (ch. 2015-14, L.O.F.) - Electronic Commerce
By: Judiciary; Communications, Energy, and Public Utilities; Commerce and Tourism; Hukill
Tied Bills: None
Companion Bills: CS/CS/CS/HB 175
Committee(s) of Reference: Commerce and Tourism; Communications, Energy, and Public Utilities; Judiciary
Category: Consumer Protection, Courts, Utilities and Communications

The bill creates the Computer Abuse and Data Recovery Act (CADRA) to provide a civil remedy for the hacking of business computers. CADRA establishes a cause of action for owners, operators, or lessees of business computers, or owners of information stored in business computers, that are injured by an individual who:

- obtains information from a business computer without authorization;
- transmits a program, code, or command to a business computer without authorization; or
- traffics in any technological access barrier (e.g., password) through which access to a business computer may be obtained without authorization.

A party injured by a violation of CADRA may recover actual damages and the violator's profits; obtain an injunction or other equitable relief to prevent a future violation; recover all copies of the misappropriated information, program, or code; and be awarded attorney fees. An action must be commenced under CADRA within three years after the violation occurred or three years after the violation was discovered, or should have been discovered with due diligence.

CADRA is inapplicable to certain technology service providers and lawful investigative, protective, or intelligence activities of governmental agencies.

The bill became law on May 14, 2015, chapter 2015-14, Laws of Florida, and becomes effective October 1, 2015.

HB 283 - Transfers to Minors
By: Berman
Tied Bills: None
Companion Bills: CS/SB 630
Committee(s) of Reference: Civil Justice Subcommittee; Insurance & Banking Subcommittee; Judiciary Committee
Category: Financial Services, Taxes

The Uniform Gifts to Minors Act (Act) creates a simple legal custodianship, in an adult or appropriate institution, of property that would otherwise transfer directly to a minor. The purpose of the custodianship is to avoid the expense and complexity required by a formal trust or a legal guardianship to manage property of a minor. The Act requires full distribution of the custodial property to the minor upon reaching the age of 21.

This bill amends the Uniform Gifts to Minors Act to provide a mechanism to extend control over gifts or property held by a custodian that were directly transferred or given to the custodian by the donor, a holder of a power of appointment, or a personal representative or trustee pursuant to the terms of a trust or will, until the minor reaches the age of 25. The minor may opt out of such extended control within a specified period after reaching the age of 21.

This bill does not apply to custodianships funded by fiduciaries or obligors that must be distributed to a minor at the age of 18.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/HB 305 - Unlawful Detention by a Transient Occupant
By: Judiciary Committee; Civil Justice Subcommittee; Harrison and others
Tied Bills: None
Companion Bills: CS/CS/SB 656
Committee(s) of Reference: Civil Justice Subcommittee; Judiciary Committee
Category: Courts, Law Enforcement

A person may establish a temporary residence in residential property as the invited guest of the owner or rightful resident. If the invited guest thereafter refuses to surrender possession of the property at the request of the owner or rightful resident, the guest unlawfully detains the property. Current law requires the owner or rightful resident to file an unlawful detainer action to remove the unwanted guest.

The bill establishes an additional remedy to remove an unwanted guest who unlawfully detains residential property. Upon receipt of a sworn affidavit from the owner or rightful resident that establishes that the unwanted guest is a "transient occupant," law enforcement may immediately direct

the unwanted guest to surrender possession of the property. Failing to surrender possession at the direction of law enforcement constitutes a criminal trespass. The bill provides a list of factors to aid in determining if an unwanted guest is a "transient occupant" and subject to immediate removal by law enforcement.

The bill also creates a cause of action for a wrongful removal.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/HB 307 - Mobile Homes
By: Regulatory Affairs Committee; Civil Justice Subcommittee; Latvala
Tied Bills: None
Companion Bills: SB 662
Committee(s) of Reference: Civil Justice Subcommittee; Regulatory Affairs Committee
Category: Consumer Protection

The Florida Mobile Home Act (Act) regulates residential tenancies in which a mobile home is placed on a rented or leased lot in a mobile home park with 10 or more lots. The Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation enforces the Act.

The bill incorporates some provisions of the Condominium Act and the Cooperative Act into the Act and makes changes to the Act to address the unique tenancy aspects of mobile home ownership. Specifically, the bill makes the following changes to the Act:

- The division is required to approve training and educational programs for board members of mobile homeowners' associations and mobile home owners
- A mobile homeowner must comply with all building permit and construction requirements and is responsible for fines imposed for violating any local codes
- A mobile homeowner's right to notice of a lot rental increase or reduction in services or utilities may not be waived
- A homeowners' committee must make a written request for a meeting with the park owner to discuss a proposed lot rental increase, a proposed decrease in services or utilities, or a proposed rule change
- A homeowner's spouse may assume an automatically renewable lease; however, this right of assumption may only be exercised once during the term of the lease
- A member of the board of directors of the Florida Mobile Home Relocation Corporation must be removed immediately upon written request for removal from the association that originally nominated that member
- Bylaws of a homeowners' association must include specific provisions related to meetings, voting requirements, proxies, amending the articles of incorporation and bylaws, duties of officers and directors, vacancies on the board, and recall of members on the board of directors
- A board member must either certify that they have read the homeowners' association's organizing documents, rules, and regulations and that he or she will faithfully discharge his or

her fiduciary responsibility, or complete the division's educational program within one year of taking office
- A homeowners' association is required to retain and make available certain specified official records

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/CS/HB 383 - Private Property Rights
By: Judiciary Committee; Local Government Affairs Subcommittee; Civil Justice Subcommittee; Edwards; Perry and others
Tied Bills: None
Companion Bills: CS/CS/SB 284
Committee(s) of Reference: Civil Justice Subcommittee; Local Government Affairs Subcommittee; Appropriations Committee; Judiciary Committee
Category: Courts, Economic Development, Local Government

The United States Supreme Court has held that a government cannot deny a land-use permit based on a landowner's refusal to accede to the government's demands to either turn over property or pay money to the government unless there is an essential nexus and rough proportionality between the government's demand on the landowner and the effect of the proposed land use.

The bill creates a cause of action for landowners to recover damages where a local or state governmental entity imposes a prohibited exaction. Plaintiffs under the cause of action will be required to provide pre-suit notice to the governmental entity to allow an opportunity to explain or correct the prohibited exaction without further litigation. If the suit is necessary, the bill requires the governmental entity to prove the exaction complies with the standards set by the U.S. Supreme Court while the property owner must prove damages. The bill specifies the measure of damages recoverable under the cause of action, provides for injunctive relief, and allows recovery of costs and attorney fees. Impact fees and non-ad valorem assessments are not recoverable, and sovereign immunity is waived to the extent of damages assessed under the new cause of action.

The bill also amends the Bert J. Harris, Jr., Private Property Act (Act) to provide that only those property owners whose real property is the subject of and directly impacted by the action of a governmental entity may bring suit under the Act. The bill provides that the Act's safe harbor provisions for settlement agreements between a property owner and governmental entity apply regardless of when the settlement agreement was entered. In addition, actions taken by counties to adopt Federal Emergency Management Agency flood maps for the purpose of participating in the National Flood Insurance Program are not subject to claims under the Act, with certain exceptions.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

CS/CS/HB 453 - Timeshares
By: Government Operations Appropriations Subcommittee; Civil Justice Subcommittee; Eisnaugle
Tied Bills: None
Companion Bills: CS/SB 932
Committee(s) of Reference: Civil Justice Subcommittee; Government Operations Appropriations Subcommittee; Judiciary Committee
Category: Consumer Protection

The Florida Vacation Plan and Timesharing Act (Act) establishes requirements for the creation, sale, exchange, promotion, and operation of timeshare plans, including requirements for full and fair disclosure to purchasers. The bill makes the following changes to the Act:

- Provides that an ownership interest in a condominium or cooperative unit or a beneficial interest in a timeshare trust is required for such interests to qualify as timeshare estates
- Expands the definitions of nonspecific and specific multisite timeshare plans to provide that the plans may include interests other than timeshare licenses or personal property timeshare interests
- Limits the required disclosure of public offering statements and amendments to timeshare instruments for component sites located in this state
- Expands the limitation on liability for developers who, in good faith, attempt to and substantially comply with all the provisions of the Act
- Requires the disclosure of unexpired lease terms in timeshare trusts
- Repeals the requirement for judicial approval of transactions involving timeshare trust property
- Creates a procedure for the extension or termination of certain timeshare plans
- Creates new procedures for the transfer of reservation system and owner data when a managing entity is terminated
- Requires all multisite timeshare plans to disclose the term of each component site plan and prominently disclose the term of component sites that are shorter than the term of the plan
- Excludes component site common expenses and ad valorem expenses from the cap on annual increases in common expense assessments
- Allows for substitute and replacement accommodations that are better than the existing accommodations
- Revises the limitations on substitute accommodations

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/CS/HB 531 - Limited Liability Companies
By: Judiciary Committee; Economic Development & Tourism Subcommittee; Civil Justice Subcommittee; McGhee; Spano and others
Tied Bills: None
Companion Bills: CS/CS/CS/SB 554
Committee(s) of Reference: Civil Justice Subcommittee; Economic Development & Tourism Subcommittee; Judiciary Committee
Category: Economic Development

In 2013, the Legislature enacted the Florida Revised Limited Liability Company Act to replace its predecessor, the Florida Limited Liability Company Act. These acts regulate the formation and operation of a limited liability company (LLC) in Florida. The Florida Limited Liability Company Act was repealed effective January 1, 2015.

The bill deletes or replaces obsolete references to the Florida Limited Liability Company Act and makes technical, grammatical, and stylistic changes related to the repeal of the Florida Limited Liability Company Act. The bill also:

- provides that a third party does not have notice of a person's lack of authority to transfer real property on behalf of the LLC unless the limitation of authority is in certain public records;
- allows for actions that require the vote or consent of members to be taken without a meeting subject to certain conditions;
- requires a member-managed LLC to respond to a member demand for certain information within 10 days;
- repeals a provision that resulted in confusion regarding which document—between an LLC's articles of organization and an LLC's operating agreement—is controlling if there is a conflict of language with respect to the LLC's management structure;
- repeals a provision that prohibits an LLC's operating agreement from varying the power of a person to dissociate from the LLC;
- repeals the exception to the limitation of remedies in appraisal events if the appraisal event is an interested transaction;
- specifies information administratively dissolved LLCs (domestic and foreign) must include on their application when applying for reinstatement; and
- authorizes an LLC's operating agreement to alter or eliminate a member or manager's fiduciary duties.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015, except as otherwise provided.

SB 570 - Service of Process of Witness Subpoenas
By: Dean
Tied Bills: None
Companion Bills: HB 619
Committee(s) of Reference: Judiciary; Transportation; Rules
Category: Courts

A witness in a trial is required to be personally served with a subpoena in order to require that witness to appear at a hearing or trial. However, current law allows for service of witness subpoena by regular mail in certain felony, misdemeanor, and criminal traffic cases. A witness subpoena served by mail cannot be enforced by contempt of court.

This bill adds civil traffic cases to the types of action in which a witness subpoena may be served by regular mail.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/CS/HB 643 - Termination of a Condominium Association
By: Judiciary Committee; Business & Professions Subcommittee; Civil Justice Subcommittee; Sprowls; Grant and others
Tied Bills: None
Companion Bills: CS/CS/CS/SB 1172
Committee(s) of Reference: Civil Justice Subcommittee; Business & Professions Subcommittee; Judiciary Committee
Category: Consumer Protection, Courts

A condominium may be terminated at any time if the termination is approved by 80 percent of the condominium's voting interests and no more than 10 percent of the voting interests reject the termination. The bill provides that if at least 80 percent of the voting interests are owned by a bulk owner, the following terms govern the termination:

- Unit owners must be allowed to lease their units if the units will be offered for lease after termination
- Any unit owner whose unit was granted homestead exemption must be paid a relocation payment
- Unit owners must be paid at least 100 percent of the fair market value of their units;
- Certain dissenting or objecting owners must be paid at least the original purchase price paid for their units
- The outstanding first mortgages of all unit owners current on association assessments and mortgage payments must be satisfied in full
- A notice identifying any person or entity that owns 50 percent or more of the units and the purchase and sale history of any bulk owners must be provided to owners

- A board with at least one third of the members elected by unit owners other than a bulk owner must approve the termination

The bill also makes changes to condominium terminations that are not specific to those owned by bulk owners:

- If a condominium association fails to approve a plan of termination another termination may not be considered for 18 months
- A condominium formed by a conversion cannot be terminated for five years, unless there are no objections to the termination
- A plan of termination may be withdrawn under certain circumstances
- A termination trustee may reduce termination proceeds to a unit for unpaid fines, costs, and expenses
- Unit owners may only contest a plan of termination on certain grounds
- An arbitrator may void a plan of termination in certain circumstances

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/CS/HB 775 - Appointment of an Ad Litem
By: Judiciary Committee; Justice Appropriations Subcommittee; Civil Justice Subcommittee; Powell and others
Tied Bills: None
Companion Bills: CS/SB 922
Committee(s) of Reference: Civil Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee
Category: Courts

Service of process is the means of notifying a party of a legal claim and, when accomplished, enables a court to exercise jurisdiction over the defendant and proceed to judgment on the claim. In some cases, a plaintiff is unable to effectuate actual service of process, or personal notification of the claim, because a party's identity or location may be unknown, thereby preventing the entry of a valid final judgment against the absent party. However, certain *in rem* actions may proceed without actual service of process. In such cases, service of process may be accomplished through service of process by publication, otherwise known as constructive service of process. Due process concerns may require that a court appoint an ad litem to represent an absent party served by constructive service of process, but there is no current statutory authority for such appointments.

The bill authorizes a court to appoint an attorney, administrator, or guardian ad litem for a party upon whom service of process by publication is made if the party fails to file or serve any paper in the action. The ad litem has the responsibility to ensure that the absent party's interests are considered by the court, even if the person cannot ultimately be located. The court:

- may not appoint an ad litem to represent an interest for which a personal representative, guardian of property, or trustee is serving;
- may not require an ad litem to post a bond or designate an agent to serve; and
- must discharge the ad litem upon entry of the final judgment unless otherwise ordered by the court.

The ad litem is entitled to an award of fees and costs to be paid by the party requesting the appointment of the ad litem, unless the court orders otherwise. State funds may not be used to pay fees for services rendered by the ad litem unless state funds would have been used in the same circumstance prior to July 1, 2015.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/HB 779 - Rental Agreements
By: Judiciary Committee; Civil Justice Subcommittee; Jones, M. and others
Tied Bills: None
Companion Bills: CS/CS/SB 524
Committee(s) of Reference: Civil Justice Subcommittee; Judiciary Committee
Category: Consumer Protection, Courts

Tenants are often unaware that they are renting a home in foreclosure, sometimes first discovering the foreclosure when facing a 24-hour notice of eviction. From 2009 through 2014, a federal law required the purchaser at a foreclosure sale to give a bona fide tenant at least 90 days' notice of eviction from a foreclosed home.

This bill provides that a bona fide tenant must be given at least 30 days' notice of eviction from a foreclosed home, provides a form for such notice, prohibits the purchaser at a foreclosure sale from violating the prohibited practices applicable to residential landlords, and clarifies that the purchaser and tenant are not in a landlord-tenant relationship unless they agree to be bound to a lease.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/HB 791 - Residential Properties
By: Finance & Tax Committee; Civil Justice Subcommittee; Moraitis; Fitzenhagen and others
Tied Bills: None
Companion Bills: CS/CS/CS/SB 748; includes CS/CS/CS/HB 1211
Committee(s) of Reference: Civil Justice Subcommittee; Finance & Tax Committee
Category: Consumer Protection

The bill amends similar statutes relating to condominiums, cooperatives, and homeowners' associations (collectively referred to as "residential properties"). Specifically, the bill:

- regulates the order of application of payments received by a condominium or cooperative association for past due assessments;
- revises provisions related to fines and penalties assessed by associations;
- provides that a homeowners' association may only levy fines up to $100, unless otherwise provided in the association's governing documents;
- provides that a homeowners' association member that fails to pay a fine may be suspended from the board of directors or barred from running for the board;

- creates a mechanism for electronic voting of the membership of a condominium, cooperative, or homeowners' association, provided that the association's board adopts a resolution to allow for electronic voting;
- authorizes a condominium, cooperative, or homeowners' association to provide electronic notice of certain meetings without amending the association's bylaws;
- provides that a homeowners' association's failure to provide notice of the recording of an amendment does not affect the validity or enforceability of the amendment;
- authorizes non-profit corporation proxy voting based on a reproduction of the original proxy;
- updates the definition of "governing documents" for homeowners' associations to include the rules and regulations that have been adopted by the association; and
- extends the time limitation for classification as bulk assignee or bulk buyer under the Distressed Condominium Relief Act from July 1, 2016, to July 1, 2018.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/SB 872 (ch. 2015-27, L.O.F.) - Estates
By: Banking and Insurance; Judiciary; Hukill
Tied Bills: None
Companion Bills: CS/CS/CS/HB 343
Committee(s) of Reference: Judiciary; Banking and Insurance; Rules
Category: Courts, Taxes

The Florida Probate Code and the Florida Trust Code govern the administration of estates and trusts under Florida law. The codes establish the procedures for collecting and distributing assets to the beneficiaries of wills and trusts. This bill amends the codes to:

- authorize a court to assess attorney fees and costs against one or more persons' part of an estate or trust in proportions it finds just and proper in estate and trust proceedings and to direct payment for assessments against a portion of an estate from a trust under certain circumstances;
- provide guidelines to determine which part of an estate or trust should be assessed attorney fees and costs if such fees and costs are to be paid from the estate or trust;
- revise requirements regarding the time to make objections to the validity of a will, qualifications of a personal representative, venue, or jurisdiction of a court in estate proceedings;
- require that personal representatives who are not qualified at the time of appointment resign or be removed by the court and have their letters of administration revoked;
- extend personal liability for attorney fees and costs in a removal proceeding to personal representatives who should have known of facts requiring them to immediately resign or to provide notice of their ineligibility to serve as personal representative; and
- update the estate tax apportionment guidelines to reflect changes in federal estate tax laws, to codify case law governing estate tax apportionment, and to address gaps in the current statutory apportionment framework.

The bill became law on May 14, 2015, chapter 2015-27, Laws of Florida, and becomes effective July 1, 2015, except as otherwise provided.

CS/CS/CS/HB 889 - Health Care Representatives
By: Judiciary Committee; Health Quality Subcommittee; Civil Justice Subcommittee; Wood
Tied Bills: None
Companion Bills: CS/CS/SB 1224
Committee(s) of Reference: Civil Justice Subcommittee; Health Quality Subcommittee; Judiciary Committee
Category: Health, Health Care Facilities, Mental Health

Current law provides several methods for a person to make healthcare decisions, and in some instances access health information, on behalf of another person. One such method is the designation by an adult person of another adult person to act as a healthcare surrogate. A healthcare surrogate is authorized to review confidential medical information and to make healthcare decisions in the place of the principal. Generally, a determination of incapacity of the principal is required before the healthcare surrogate may act.

Because a principal may regain capacity and in some instances, especially with the elderly, may vacillate in and out of capacity, a redetermination of incapacity is frequently necessary to provide ongoing authorization for the healthcare surrogate to act. This process can hinder effective and timely assistance and is cumbersome. Further, some competent persons desire the assistance of a healthcare surrogate with the sometimes complex task of understanding healthcare treatments and procedures and with making healthcare decisions.

This bill amends the healthcare surrogate law to allow a person to designate a healthcare surrogate who may act at any time, including while an adult is still competent and able to make his or her own decisions. This bill creates a means for designating a healthcare surrogate for the benefit of a minor when the parents, legal custodian, or legal guardian of the minor cannot be timely contacted by a healthcare provider or are unable to provide consent for medical treatment. Additionally, the bill creates a sample form that may be used to designate a healthcare surrogate for an adult and a sample form applicable to a minor.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

CS/HB 961 - Electronic Noticing of Trust Accounts
By: Civil Justice Subcommittee; Broxson
Tied Bills: None
Companion Bills: CS/SB 1314
Committee(s) of Reference: Civil Justice Subcommittee; Judiciary Committee
Category: Financial Services

A trust is a fiduciary relationship with respect to property, subjecting the person by whom the title to the property is held, the trustee, to equitable duties to deal with the property for the benefit of another person, the beneficiary. The Florida Trust Code imposes a duty on a trustee to keep the qualified beneficiary (hereinafter "beneficiary") of an irrevocable trust reasonably informed of the trust and its administration by providing notice and documentation of certain information specified in the code.

The current permissible methods of providing notice or documents required by the code are limited to first-class mail, personal delivery, delivery to the person's last known place of residence or place of business, or a properly directed facsimile or other electronic message. The bill authorizes posting to a secure electronic website or account as an additional permissible method of providing documents required by the code if the trustee receives written authorization from the beneficiary.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

SB 982 - Florida Civil Rights Act
By: Thompson and others
Tied Bills: None
Companion Bills: HB 625
Committee(s) of Reference: Commerce and Tourism; Judiciary; Rules
Category: Administrative Procedure, Courts

The Florida Civil Rights Act of 1992 (FCRA), patterned after Title II and Title VII of the federal Civil Rights Act of 1964, prohibits discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or marital status in places of public accommodation and employment.

Although Title VII has been amended to expressly include pregnancy status as a component of sex discrimination, the FCRA does not contain a similar provision. As a result, state and federal courts have historically been divided on whether discrimination based on pregnancy is an unlawful practice under the FCRA. In 2014, the Florida Supreme Court held in *Delva v. Continental Group, Inc.*, 137 So. 3d 371 (Fla. 2014), that discrimination based on pregnancy is subsumed within the prohibition in the FCRA against sex discrimination in employment practices, consistent with the express provisions of Title VII.

The bill amends the FCRA to codify the *Delva* decision. It expressly provides that discrimination on the basis of pregnancy is a prohibited employment practice. The bill also amends the FCRA to prohibit discrimination on the basis of pregnancy in places of public accommodation.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/SB 1312 - Strategic Lawsuits Against Public Participation
By: Judiciary; Simmons and others
Tied Bills: None
Companion Bills: CS/HB 1041
Committee(s) of Reference: Judiciary; Rules
Category: Courts

A "strategic lawsuit against public participation" or SLAPP suit is a civil claim or counterclaim ostensibly brought to redress a wrong, such as defamation, invasion of privacy, or a business tort, but is actually brought to discourage or penalize the exercise of constitutionally protected rights.

The Citizen Participation in Government Act (CPGA), enacted in 2000, prohibits a governmental entity from filing a meritless suit solely in response to the exercise of the right to peacefully assemble, the right to instruct representatives, or the right to petition for redress of grievances before the various governmental entities of the state. A person sued by a governmental entity in violation of the CPGA is entitled to an expeditious resolution of a claim that the suit is a SLAPP suit and the recovery of actual damages. The bill amends the CPGA to:

- include meritless suits filed by private entities within the anti-SLAPP provisions of the CPGA;
- include the exercise of the constitutional right of free speech in connection with a public issue, defined as certain written or oral statements made before a governmental entity or made within certain media, to the protection from SLAPP suits; and
- provide that a meritless suit is prohibited by the CPGA if the primary basis for such suit is the exercise of rights protected by the CPGA.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/HB 3505 - Relief/Estate of Lazaro Rodriguez/City of Hialeah
By: Civil Justice Subcommittee; Steube
Tied Bills: None
Companion Bills: SB 44
Committee(s) of Reference: Civil Justice Subcommittee
Category: Claim Bill

The bill compensates Beatriz Luquez, Lazaro Rodriguez, Jr., and Katherine Rodriguez for the wrongful death of their husband and father, respectively, as the result of negligence by the City of Hialeah. Lazaro Rodriguez was killed when a City of Hialeah police officer ran a red light and struck Lazaro's vehicle. The city agreed to pay $485,000 in addition to $200,000 already paid. Payment for attorney fees, lobbying fees and costs is limited to 25 percent of the award.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 3511 - Relief/Carl Abbott/Palm Beach County School Board
By: Civil Justice Subcommittee; Raburn
Tied Bills: None
Companion Bills: CS/SB 68
Committee(s) of Reference: Civil Justice Subcommittee
Category: Claim Bill

The bill compensates David Abbott for the injuries Carl Abbott sustained as the result of negligence by the Palm Beach County School Board. Carl Abbott, while crossing the street, was struck by a Palm Beach County school bus. Based on a settlement agreement, the school board agreed to pay Carl Abbott $1.9 million, in addition to the $100,000 that has been already paid. Carl Abbott died in 2014. The settlement agreement provided that if Carl Abbott died before or within three years of the passage of the claim bill, the school board would instead pay $633,333.33 to David Abbott, Carl's son and guardian, over three annual payments. Payment for attorney fees, lobbying fees and costs is limited to 25 percent of the award.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 3513 - Relief/Estate of Victor Guerrero/Pasco County
By: Civil Justice Subcommittee; Nuñez
Tied Bills: None
Companion Bills: CS/SB 36
Committee(s) of Reference: Civil Justice Subcommittee
Category: Claim Bill

The bill compensates Lara Guerrero, as personal representative of the Estate of Victor Guerrero, and Kevin, Michael, and David Guerrero, Victor Guerrero's three children, for the wrongful death of Victor Guerrero as the result of negligence by Pasco County. A Pasco County truck turned into Victor Guerrero's lane. Mr. Guerrero struck the side of the truck, ejecting him from his motorcycle and resulting in his death. Based on a settlement agreement, the county agreed to pay $1.5 million, in addition to the $200,000 that has already been paid. Payment for attorney fees, lobbying fees and costs is limited to 25 percent of the award.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 3519 - Relief/Joseph Stewart & Audrey Stewart/City of Jacksonville
By: Civil Justice Subcommittee; Jones and others
Tied Bills: None
Companion Bills: CS/SB 22
Committee(s) of Reference: Civil Justice Subcommittee
Category: Claim Bill

The bill compensates Joseph and Audrey Stewart on behalf of their son, Aubrey Stewart, for injuries Aubrey sustained as the result of negligence by the City of Jacksonville. Aubrey was struck by a tree limb that fell from a tree owned by the City of Jacksonville. Based on a settlement agreement, the city agreed to pay $3.3 million in addition to the $200,000 that has already been paid. Payment for attorney fees, lobbying fees, and costs is limited to 25 percent of the award.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 3521 - Relief/Ronald Miller/City of Hollywood
By: Civil Justice Subcommittee; Jenne
Tied Bills: None
Companion Bills: CS/SB 66
Committee(s) of Reference: Civil Justice Subcommittee
Category: Claim Bill

The bill compensates Ronald Miller for injuries sustained as a result of negligence by the City of Hollywood. Ronald Miller's vehicle was struck by a City of Hollywood truck. Based on a settlement agreement, the city agreed to pay $100,000 in addition to the $100,000 that has already been paid. Payment for attorney fees, lobbying fees and costs is limited to 25 percent of the award.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 3523 - Relief/Mark T. Sawicki & Sharon L. Sawicki/City of Tallahassee
By: Civil Justice Subcommittee; Beshears
Tied Bills: None
Companion Bills: SB 54
Committee(s) of Reference: Civil Justice Subcommittee
Category: Claim Bill

The bill compensates Mark and Sharon Sawicki for injuries Mark sustained as the result of negligence by the City of Tallahassee. Mark was struck by a City of Tallahassee solid waste truck while riding his bicycle. Based on a settlement agreement, the city agreed to pay $700,000 in addition to the $200,000 that has already been paid. Payment for attorney fees, lobbying fees and costs is limited to 25 percent of the award.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 3527 - Relief/Asia Rollins/Public Health Trust of Miami-Dade County
By: Civil Justice Subcommittee; Avila
Tied Bills: None
Companion Bills: CS/CS/SB 34
Committee(s) of Reference: Civil Justice Subcommittee
Category: Claim Bill

The bill compensates Asia Rollins for injuries Asia sustained as the result of negligence by the Public Health Trust of Miami-Dade County, doing business as Jackson Memorial Hospital. While being treated for seizures at Jackson Memorial Hospital, Asia was improperly intubated three times. Based on a settlement agreement, the public health trust agreed to pay $699,999 in addition to the $300,000 that has already been paid. Payment for attorney fees, lobbying fees and costs is limited to 25 percent of the award.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 3531 - Relief/Sharon Robinson/Central Florida Regional Transportation Authority
By: Civil Justice Subcommittee; Fullwood
Tied Bills: None
Companion Bills: CS/SB 84
Committee(s) of Reference: Civil Justice Subcommittee
Category: Claim Bill

The bill compensates Sharon Robinson on behalf of her sons, Mark and Matthew, for injuries Mark sustained and for the death of Matthew as the result of negligence by the Central Florida Transportation Authority. Mark and Matthew were struck by a Central Florida Transportation Authority bus while crossing the street at a designated crosswalk. Based on a settlement agreement, the Central Florida Transportation Authority agreed to pay $3 million in addition to the $200,000 that has already been paid. Payment for attorney fees, lobbying fees and costs is limited to 25 percent of the award.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 3533 - Relief/Estate of Manuel Antonio Matute/Palm Beach County Sheriff's Office
By: Civil Justice Subcommittee; Santiago
Tied Bills: None
Companion Bills: SB 52
Committee(s) of Reference: Civil Justice Subcommittee
Category: Claim Bill

The bill compensates the Estate of Manuel Antonio Matute for the death of Manuel as the result of negligence by the Palm Beach County Sheriff's Office. Manuel's vehicle was struck by a Palm Beach County Sheriff's Office vehicle that veered over the median and into oncoming traffic. Based on a settlement agreement, the sherif''s office agreed to pay $371,850.98 in addition to the $128,149.02 that has already been paid. Payment for attorney fees, lobbying fees and costs is limited to 25 percent of the award.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 3543 - Relief/Roy Wright & Ashley Wright/North Brevard County Hospital District
By: Civil Justice Subcommittee; Avila
Tied Bills: None
Companion Bills: CS/SB 60
Committee(s) of Reference: Civil Justice Subcommittee
Category: Claim Bill

The bill compensates Roy and Ashley Wright on behalf of their son, Tucker Wright, for injuries Tucker sustained as the result of negligence by the North Brevard County Hospital District. Tucker was injured when being delivered by a North Brevard County Hospital District nurse. Based on a settlement agreement, the hospital agreed to pay $395,000 in addition to the $200,000 that has already been paid. Payment for attorney fees, lobbying fees and costs is limited to 25 percent of the award.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 3547 - Relief/Javier Soria/Palm Beach County
By: Civil Justice Subcommittee; Raulerson
Tied Bills: None
Companion Bills: CS/SB 42
Committee(s) of Reference: Civil Justice Subcommittee
Category: Claim Bill

The bill compensates Javier Soria for injuries sustained as the result of negligence by Palm Beach County. Javier was struck by a Palm Beach County truck while riding his motorcycle. Based on a settlement agreement, the county agreed to pay $108,000 in addition to the $200,000 that has already been paid. Payment for attorney fees, lobbying fees and costs is limited to 25 percent of the award.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 3549 - Relief/Monica Cantillo Acosta & Luis Alberto Cantillo Acosta/Miami-Dade County
By: Civil Justice Subcommittee; Santiago
Tied Bills: None
Companion Bills: SB 64
Committee(s) of Reference: Civil Justice Subcommittee
Category: Claim Bill

The bill compensates Monica Acosta and Louis Acosta for the death of their mother, Nhora Acosta, as the result of negligence by the Miami-Dade County. Nhora fell while riding a Miami-Dade bus when the bus stopped unexpectedly. Based on a settlement agreement, the county agreed to pay $940,000 in addition to the $200,000 that has already been paid. Payment for attorney fees, lobbying fees, and costs is limited to 25 percent of the award.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 3555 - Relief/Michael & Patricia Rardin/North Broward Hospital District
By: Civil Justice Subcommittee; Artiles
Tied Bills: None
Companion Bills: CS/SB 80
Committee(s) of Reference: Civil Justice Subcommittee
Category: Claim Bill

The bill compensates Michael and Patricia Rardin for injuries Michael sustained as the result of negligence by the North Broward Hospital District. Michael was improperly intubated when being treated at North Broward Medical Center. Based on a settlement agreement, the hospital district agreed to pay $2 million in addition to the $200,000 that has already been paid. Payment for attorney fees, lobbying fees and costs is limited to 25 percent of the award.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 3557 - Relief/Maricelly Lopez/City of North Miami
By: Civil Justice Subcommittee; Harrison
Tied Bills: None
Companion Bills: CS/SB 78
Committee(s) of Reference: Civil Justice Subcommittee
Category: Claim Bill

The bill compensates Maricelly Lopez for the death of her son, Omar Mieles, as the result of negligence by the City of North Miami. Omar was a passenger in a vehicle that was struck by a City of North Miami police cruiser. Based on a settlement agreement, the city agreed to pay $200,000 in addition to the $108,571.30 that has already been paid. Payment for attorney fees, lobbying fees and costs is limited to 25 percent of the award.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 7061 - Public Records/Florida RICO Act Investigations
By: Civil Justice Subcommittee; Passidomo
Tied Bills: None
Companion Bills: CS/SB 1536
Committee(s) of Reference: Judiciary Committee
Category: Government in the Sunshine

The bill creates a public records exemption related to investigations of violations of the Florida Racketeer Influenced and Corrupt Organization (RICO) Act. The bill provides that information held by an investigative agency during an investigation of RICO Act violations is generally confidential and exempt from a public records request. The exemption is similar to other investigative exemptions and ends upon the conclusion of the investigation.

The bill contains a sunset provision and will be repealed on October 2, 2020, unless it is reenacted. It also provides a statement of public necessity as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

Criminal Justice Subcommittee

HB 115 - Sentencing
By: Gaetz
Tied Bills: None
Companion Bills: SB 732
Committee(s) of Reference: Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee
Category: Sentencing

Section 775.089, F.S., requires a judge to order a defendant convicted of any criminal offense to make restitution to a victim for damage or loss caused directly or indirectly by the defendant's offense, and damage or loss related to the defendant's criminal episode. The statute currently defines the term "victim," in part, as "each person who suffers property damage or loss, monetary expense, or physical injury or death as a direct or indirect result of the defendant's offense or criminal episode."

Section 1.01(3), F.S., defines the word "person" to "include individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations." Some Florida District Courts have held that governmental entities and political subdivisions (governmental entities) are barred from obtaining an order of restitution because they are not considered "victims" for purposes of restitution.

The bill amends the definition of "victim" in s. 775.089(1)(c), F.S., to clarify that the term includes governmental entities when such entities are a direct victim of the defendant's offense or criminal episode and not merely providing public services in response to the offense or criminal episode.

The bill also creates ss. 838.23 and 839.27, F.S., requiring a judge to order a person convicted of any offense in chs. 838 (entitled "Bribery; Misuse of Public Office") and 839, F.S., (entitled "Offenses by Public Officers and Employees") to:

- make restitution to the victim of the offense if, after conducting a hearing, the judge finds that the victim suffered an actual financial loss caused directly or indirectly by the person's offense or an actual financial loss related to the person's criminal episode; and
- perform 250 hours of community service work.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

CS/CS/CS/HB 157 - Fraud
By: Judiciary Committee; Justice Appropriations Subcommittee; Criminal Justice Subcommittee; Passidomo and others
Tied Bills: None
Companion Bills: CS/CS/CS/SB 390
Committee(s) of Reference: Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee
Category: Consumer Protection, Sentencing

The bill amends a variety of statutes in ch. 817, F.S., to afford businesses and individuals throughout Florida broader protection against fraud and identity theft. Specifically, the bill:

- makes it unlawful for a person to falsely personate or represent another person if, while doing so, he or she receives any property intended to be delivered to the party so personated with intent to convert the property to his or her own use;
- requires a business entity to release documents related to an identity theft incident to a victim after specified requirements are satisfied and provides protections to such business entities who release such information in good faith;
- expands the application of criminal use of personal identification to include those who unlawfully use the personal identification information of a business entity (rather than an individual) or a dissolved business entity;
- defines "business entity" and replaces the terms "corporation" and "firm" with the term "business entity" to ensure that all business operating in Florida receive the protections of ch. 817, F.S.;
- adds advertisements published electronically to the definition of misleading advertisements;
- prohibits a person from manufacturing articles that have the name of a city, county, or political subdivision that is not the same name than the one in which said items are manufactured;
- prohibits specified persons from fraudulently issuing, transferring, or signing an indicia of membership interest with a limited liability company with the intent that the interest be issued or transferred by himself, herself, or another person;
- prohibits a person from knowingly providing false information that becomes part of a public record; and
- increases the criminal penalty of fraudulently obtaining goods or services from a healthcare provider from a second degree misdemeanor to a third degree felony.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

HB 193 - Crime Stoppers Trust Fund
By: Broxson and others
Tied Bills: None
Companion Bills: SB 164
Committee(s) of Reference: Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee
Category: Safety, Law Enforcement

Crime Stoppers programs are citizen-run, not-for-profit corporations that operate on the principle that "someone other than the criminal has information that can solve a crime." Crime Stoppers programs allow citizens to anonymously provide information to law enforcement about crimes. Typically, a cash reward is given if the information leads to an arrest.

Section 16.555, F.S., establishes the Crime Stoppers Trust Fund. Counties may apply for grant funds from the Crime Stoppers Trust Fund. However, grant funds may only be used to support Crime Stoppers and their crime fighting programs.

The bill permits a county that is awarded funds under s. 16.555, F.S., to use the funds to purchase and distribute promotional items to increase public awareness and educate the public about Crime Stoppers.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/HB 197 - Tracking Devices or Tracking Applications
By: Judiciary Committee; Criminal Justice Subcommittee; Metz and others
Tied Bills: None
Companion Bills: CS/CS/SB 282
Committee(s) of Reference: Criminal Justice Subcommittee; Economic Development & Tourism Subcommittee; Judiciary Committee
Category: Law Enforcement

Chapter 934, F.S., governs the security of electronic and telephonic communications and the procedural requirements for searching and monitoring such communications. Florida law does not currently prohibit a person from installing a tracking device or tracking application on another person's property without the other person's consent.

The bill makes it a second degree misdemeanor for a person to install a tracking device or tracking application on another person's property without the other person's consent. This prohibition does not apply to:

- a law enforcement officer or law enforcement agency that lawfully installs a tracking device or tracking application on another person's property as part of a criminal investigation;
- a parent or legal guardian of a minor child that installs a tracking device or tracking application on the minor child's property if:

    - the parents or legal guardians are lawfully married to each other and are not separated or otherwise living apart, and either parent or legal guardian consents to the installation of the tracking device or tracking application;
    - the parent or legal guardian is the sole surviving parent or legal guardian of the minor child;
    - the parent or legal guardian has sole custody of the minor child; or
    - the parents or legal guardians are divorced, separated, or otherwise living apart and both consent to the installation of the tracking device or tracking application;
- a caregiver of an elderly person or disabled adult, if the elderly person or disabled adult's treating physician certifies that such installation is necessary to ensure the safety of the elderly person or disabled adult;
- a person who is not engaged in private investigation, and is acting in good faith on behalf of a business entity for a legitimate business purpose; or
- an owner or lessee of a motor vehicle, in specified circumstances.

The bill provides for administrative disciplinary action against persons engaged in private investigation, security, or repossession, who install tracking devices or tracking applications in violation of the provisions of the bill.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

CS/HB 201 - Diabetes Awareness Training for Law Enforcement Officers
By: Criminal Justice Subcommittee; Narain and others
Tied Bills: None
Companion Bills: CS/SB 746
Committee(s) of Reference: Criminal Justice Subcommittee; Judiciary Committee
Category: Law Enforcement

The Criminal Justice Standards and Training Commission (CJSTC), housed within the Florida Department of Law Enforcement (FDLE), establishes uniform minimum standards for the employment and training of full-time, part-time, and auxiliary law enforcement officers (LEOs). Currently, every prospective LEO must meet the minimum qualifications outlined in s. 943.13, F.S., successfully complete a CJSTC-developed Basic Recruit Training Program, and pass a statewide certification examination to receive their certification.

To maintain their certification, LEOs must satisfy the continuing training and education requirements of s. 943.135, F.S. This statute requires LEOs, as a condition of continued employment, to receive periodic CJSTC-approved training or education at the rate of 40 hours every 4 years.

Florida law currently requires CJSTC to establish continued employment training related to specified topics (e.g., topics related to community policing, interpersonal skills relating to diverse populations, and juvenile sexual offender investigations). This training counts toward the 40 hours of required instruction for continued employment. Florida law does not currently require CJSTC to establish continued employment training related to diabetic emergencies.

The bill creates s. 943.1726, F.S., which requires FDLE to establish an online continued employment training component relating to diabetic emergencies. Instruction must include, but is not limited to, recognition of symptoms of such an emergency, distinguishing such an emergency from alcohol intoxication or drug overdose, and appropriate first aid for such an emergency. The bill specifies that completion of the training component may count toward the 40 hours of required instruction for continued employment or appointment as a LEO.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

CS/CS/CS/SB 248 - Public Records/Body Camera Recording Made by a Law Enforcement Officer
By: Rules; Governmental Oversight and Accountability; Criminal Justice; Smith and others
Tied Bills: None
Companion Bills: None
Committee(s) of Reference: Criminal Justice; Governmental Oversight and Accountability; Rules
Category: Government in the Sunshine, Law Enforcement

A body camera is a portable electronic device, typically worn on the outside of a vest or a portion of clothing, which records audio and video data. Nationally, a small number of law enforcement agencies have opted to allow their law enforcement officers to wear body cameras. Similar to the national trend, a handful of Florida law enforcement agencies are implementing body camera programs throughout the state.

Florida law currently does not provide a public record exemption for audio or video data recorded by a law enforcement body camera. The Legislature, however, may provide by general law for the exemption of records from the requirements of Article I, section 24(a) of the Florida Constitution.

The bill creates a new, retroactive public record exemption that makes a body camera recording, or a portion thereof, confidential and exempt from public record 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 bill provides specific circumstances in which a law enforcement agency may disclose a confidential and exempt body camera recording, and additional circumstances in which a law enforcement agency must disclose such a recording.

The bill provides for the repeal of the public record exemption on October 2, 2020, unless it is reviewed and saved from repeal through reenactment by the Legislature. It also provides a public necessity statement as required by the Florida Constitution.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/SB 290 - Carrying a Concealed Weapon or a Concealed Firearm
By: Rules; Criminal Justice; Brandes and others
Tied Bills: None
Companion Bills: CS/CS/HB 493
Committee(s) of Reference: Criminal Justice; Community Affairs; Rules
Category: Emergency Management, Safety

Section 790.01, F.S., makes it a first degree misdemeanor for a person to carry a concealed weapon or electric weapon or device on or about his or her person. Carrying a concealed firearm is a third degree felony. These criminal penalties do not apply to:

- a person licensed to carry a concealed weapon or firearm; or
- a person carrying the following in a concealed manner for purposes of lawful self-defense:
    - self-defense chemical spray; or
    - a non-lethal stun gun or dart-firing stun gun or other non-lethal electric weapon or device that is designed solely for defensive purposes.

The bill creates an additional exception in s. 790.01, F.S., specifying that the statute's criminal penalties do not apply to a person who carries a concealed weapon, or a person who may lawfully possess a firearm and who carries a concealed firearm, on or about his or her person while in the act of evacuating during a mandatory evacuation order issued during a state of emergency declared by the Governor pursuant to ch. 252, F.S., or declared by a local authority pursuant to ch. 870, F.S.

The bill defines "in the act of evacuating" as "the immediate and urgent movement of a person away from the evacuation zone within 48 hours after a mandatory evacuation is ordered." The 48 hours may be extended by an order issued by the Governor.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/CS/SB 342 (ch. 2015-17, L.O.F.) - No Contact Orders
By: Rules; Criminal Justice; Judiciary; Simmons
Tied Bills: None
Companion Bills: CS/CS/HB 717
Committee(s) of Reference: Judiciary; Criminal Justice; Rules
Category: Safety

Pretrial release is an alternative to incarceration that allows arrested defendants to be released from jail while they await disposition of their criminal charges. With some exceptions, every person charged with a crime is entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained.

When pretrial release is granted, s. 903.047, F.S., requires the court to impose a condition specifying that the defendant must "refrain from any contact of any type with the victim, except through pretrial

discovery pursuant to the Florida Rules of Criminal Procedure." Currently, s. 903.047, F.S., does not specify what actions are encompassed by the phrase "any contact of any type with the victim."

The bill amends s. 903.047, F.S., clarifying that an order of no contact is effective immediately and enforceable for the duration of the pretrial release or until modified by the court. The bill also provides that, unless otherwise specified by the court, the term "no contact" includes:

- communicating orally or in any written form, either in person, telephonically, electronically, or in any other manner, either directly or indirectly through a third person, with the victim or any other person named in the order;
- having physical or violent contact with the victim or other named person or his or her property;
- being within 500 feet of the victim's or other named person's residence, even if the defendant and the victim or other named person share the residence; and
- being within 500 feet of the victim's or other named person's vehicle, place of employment, or a specified place frequented regularly by such person.

The bill provides two limited exceptions to the prohibition against oral or written communication between the defendant and victim or other persons named in the no contact order.

Additionally, the bill requires the defendant to receive a copy of the order of no contact specifying the applicable prohibited acts before being released from custody on pretrial release.

The bill became law on May 14, 2015, chapter 2015-17, Laws of Florida, and becomes effective October 1, 2015.

CS/SB 378 - Juvenile Justice
By: Criminal Justice; Garcia; Gibson and others
Tied Bills: None
Companion Bills: CS/CS/CS/HB 99
Committee(s) of Reference: Criminal Justice; Children, Families, and Elder Affairs; Rules
Category: Juvenile Justice, Law Enforcement

Civil Citation Programs (CCPs), created under s. 985.12, F.S., give law enforcement officers (LEO) an alternative to arresting youth who have committed non-serious delinquent acts. Under a CCP, an LEO has discretion to issue a civil citation to a juvenile who admits to having committed a first-time misdemeanor, assess not more than 50 community service hours, and require participation in intervention services appropriate to any identified needs of the juvenile.

As of October 2014, CCPs were operational in 59 of Florida's 67 counties.

The bill amends s. 985.12, F.S., to:

- authorize a law enforcement officer to issue a warning or inform the juvenile's parent when a juvenile admits to having committed a misdemeanor;
- give the officer discretion to issue a civil citation or require participation in a similar diversion program if he or she decides not to issue a warning or notify the juvenile's parents;

- give the officer discretion to arrest the juvenile; if an arrest is made, an LEO must provide written documentation as to why an arrest was warranted; and
- allow a juvenile to participate in the civil citation program for a total of three separate misdemeanor offenses.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

CS/CS/CS/HB 439 - Department of Legal Affairs
By: Judiciary Committee; Justice Appropriations Subcommittee; Criminal Justice Subcommittee; Eisnaugle and others
Tied Bills: None
Companion Bills: CS/SB 1362; includes parts of CS/CS/HB 1103 and CS/SB 1084
Committee(s) of Reference: Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee
Category: Courts, Economic Development, Law Enforcement

The Department of Legal Affairs (department), led by the Attorney General, provides a wide variety of legal services, including protecting Florida consumers in cases of Medicaid fraud, defending the state in civil litigation cases, and representing the people of Florida when criminals appeal their convictions in state and federal courts.

This bill makes several changes to a variety of statutes affecting the department. For example, the bill:

- expands the jurisdiction of the Office of Statewide Prosecution to include violations of ch. 787, F.S. (kidnapping, false imprisonment, and human trafficking), that were facilitated by or connected to the use of the Internet;
- authorizes the department to spend no more than $20,000 annually to support costs associated with the agency's Law Enforcement Officer of the Year and Victims Services recognition and awards program;
- allows funds currently awarded to persons who report Medicaid fraud to also be used to fund the department's Medicaid Fraud Control Unit;
- expands the definition of the term "crime" for purposes of victim assistance awards;
- prohibits victim assistance awards for "catastrophic injury" from being reduced;
- authorizes the department to award a lifetime maximum of $1,000 on all victim assistance claims relating to elderly persons and disabled adults who suffer a property loss that causes a substantial diminution in their quality of life;
- creates s. 960.196, F.S., that addresses relocation assistance for victims of human trafficking;
- creates ss. 501.991-501.997, F.S., the "Patent Troll Prevention Act," to prohibit and provide remedies for the bad faith assertion of patent infringement; and
- creates a private right of action for a person who has received a bad faith assertion of patent infringement, and awards successful plaintiffs equitable relief, damages, costs and fees, and punitive damages in an amount equal to $50,000 or three times the total damages, costs, and fees, whichever is greater.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/HB 465 - Human Trafficking
By: Judiciary Committee; Criminal Justice Subcommittee; Spano; Kerner and others
Tied Bills: HB 467; HB 469
Companion Bills: CS/SB 1106
Committee(s) of Reference: Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee
Category: Courts, Law Enforcement, Sentencing

Currently, the penalty for soliciting another for prostitution is a second degree misdemeanor for the first offense, a first degree misdemeanor for the second offense, and a third degree felony for a third or subsequent offense. Anyone who is convicted, pleads guilty or pleads nolo contendere for solicitation for prostitution is subject to a $5,000 fine.

The bill increases the criminal penalties for soliciting, inducing, enticing, or procuring another to commit prostitution. The penalties are increased as follows:

- First offense is a first degree misdemeanor
- Second offense is a third degree felony
- Third, or subsequent, offense is a second degree felony

The bill requires a judge to sentence a person convicted of solicitation to 10 days in jail if it is their second or subsequent conviction for solicitation.

The bill also requires the court to order a person convicted of solicitation to perform 100 hours of community service and complete an educational program about the negative effects of prostitution and human trafficking. The bill also authorizes a judge to impound or immobilize the car of a person convicted of solicitation for up to 60 days.

The bill authorizes any court in the circuit in which a victim of human trafficking was arrested to grant a human trafficking expunction, as long as the court has jurisdiction over the class of offense or offenses sought to be expunged. The bill allows an advocate to be present with a victim of human trafficking during any human trafficking expunction court proceeding.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

HB 467 - Pub. Rec./Human Trafficking Victims
By: Spano and others
Tied Bills: CS/CS/HB 465
Companion Bills: CS/SB 1108
Committee(s) of Reference: Criminal Justice Subcommittee; Government Operations Subcommittee; Judiciary Committee
Category: Government in the Sunshine

Currently, s. 119.071(2)(h), F.S., makes specified criminal intelligence information or criminal investigative information confidential and exempt from public records requirements. Similarly, s. 943.0583, F.S., provides a public records exemption for criminal history records of a human trafficking victim that have been ordered expunged.

This bill amends s. 119.071(2)(h), F.S., to expand the types of criminal intelligence and criminal investigative information that are confidential and exempt from public records requirements to include:

- any information that reveals the identity of a person under the age of 18 who is the victim of a crime of human trafficking for labor or services proscribed in s. 787.06(3)(a), F.S.;
- any information that may reveal the identity of a person who is the victim of a crime of human trafficking for commercial sexual activity proscribed in s. 787.06(3)(b), (d), (f), or (g), F.S.; and
- a photograph, videotape, or image of any part of the body of a victim of a crime of human trafficking involving commercial sexual activity proscribed in s. 787.06(3)(b), (d), (f), or (g), F.S.

The bill also amends s. 943.0583, F.S., making the above-described criminal intelligence and criminal investigative information confidential and exempt from public records requirements under the section providing expunction for human trafficking victims.

The bill authorizes release of the confidential and exempt information by a law enforcement agency in certain instances. It also provides for retroactive application of the public records exemptions.

The bill provides for repeal of the exemptions on October 2, 2020, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the Florida Constitution.

Subject to the Governor's veto powers, the effective date of this bill is on the same date that CS/CS/HB 465 or similar legislation relating to human trafficking takes effect.

HB 469 - Pub. Rec./Residential Facilities Serving Victims of Sexual Exploitation
By: Spano and others
Tied Bills: CS/CS/HB 465
Companion Bills: CS/SB 1110
Committee(s) of Reference: Criminal Justice Subcommittee; Government Operations Subcommittee; Judiciary Committee
Category: Government in the Sunshine, Safety

This bill creates public record exemptions for information about the location of safe houses, safe foster homes, other residential facilities serving child victims of sexual exploitation, and residential facilities serving adult victims of human trafficking involving commercial sexual activity. Specifically, the bill provides that the information regarding the location of these facilities that is held by an agency before, on, or after the effective date of the bill is confidential and exempt from public record requirements. However, the bill allows this information to be provided to any agency in order to maintain health and safety standards and to address emergency situations. Additionally, the public records exemption does not apply to facilities licensed by the Agency for Health Care Administration.

The bill provides that the public record exemptions are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is on the same date that CS/CS/HB 465 or similar legislation relating to human trafficking takes effect.

CS/CS/SB 538 (ch. 2015-24, L.O.F.) - Sexual Cyberharassment
By: Rules; Criminal Justice; Simmons and others
Tied Bills: None
Companion Bills: CS/HB 151
Committee(s) of Reference: Criminal Justice; Rules
Category: Courts, Law Enforcement

Florida law does not currently prohibit a person from posting on the Internet nude photos of adults that were taken consensually.

The bill creates s. 784.049, F.S., to prohibit a person from willfully and maliciously sexually cyberharassing another person. "Sexually cyberharass" is defined as publishing a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person to an Internet website without such person's consent, for no legitimate purpose, and with the intent to cause substantial emotional distress to such person.

A person who commits sexual cyberharassment commits a first degree misdemeanor. However, a second or subsequent violation by a person with a prior conviction for sexual cyberharassment is a third degree felony.

The bill amends s. 901.15, F.S., to permit a law enforcement officer to arrest a person without a warrant when there is probable cause to believe that the person has committed sexual cyberharassment. Additionally, the bill permits a search warrant to be issued for a private dwelling if evidence relevant to proving sexual cyberharassment is contained therein.

The bill also authorizes an aggrieved person to initiate a civil action against a person who commits sexual cyberharassment to obtain all appropriate relief in order to prevent or remedy a violation. This relief includes: injunctive relief; monetary damages to include $5,000 or actual damages incurred, whichever is greater; and reasonable attorney fees and costs.

The bill specifies that sexual cyberharassment is considered to be committed in Florida if any conduct that is an element of the offense, or any harm to the depicted person resulting from the offense, occurs within the state.

The bill became law on May 14, 2015, chapter 2015-24, Laws of Florida, and becomes effective October 1, 2015.

SB 672 - Service of Process
By: Dean
Tied Bills: None
Companion Bills: HB 667
Committee(s) of Reference: Judiciary; Criminal Justice; Rules
Category: Courts

Witness subpoenas for criminal cases in Florida may be served by the sheriff of the county where the witness is found, by special process servers appointed by the sheriff, or by certified process servers. Process servers may charge reasonable fees, including fees for each attempted service. Sheriffs may charge a statutory fee for each criminal witness to be served, but they may not charge additional fees for multiple attempts to serve a witness, and may not charge anything at all in criminal cases with an insolvent defendant.

Failing to obey a subpoena can be considered contempt of court when the witness does not have a sufficient excuse for the failure. Criminal contempt of court may be punished by up to one year in jail and a $500 fine.

Currently, Florida law permits a copy of a witness subpoena in a criminal case to be served on the witness by a sheriff or process server by:

- hand delivery to the witness, or hand delivery to a qualifying person at the witness's usual place of abode;
- mailing the subpoena to the witness via the United States Postal Service (USPS) at the witness's last known address, in specified criminal cases;
- hand delivery to a designated supervisor or administrative employee at the witness's place of employment, for specified witnesses; and
- posting the subpoena at the witness's residence after three attempts on different days and at different times have failed.

The bill amends s. 48.031(3)(b), F.S., to permit a criminal witness subpoena for a deposition to be served by posting it to the witness's residence after one attempt to serve the subpoena by another method has failed.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

HB 755 - Convenience Business Security
By: Stone
Tied Bills: None
Companion Bills: SB 684
Committee(s) of Reference: Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee
Category: Safety

The Convenience Business Security Act (Act) requires a convenience business to be equipped with a variety of security devices and standards (e.g., a security camera system, a drop safe for restricted access to cash receipts, a notice at the entrance stating that the cash register contains $50 or less, height markers at the entrance, a cash management policy that limits cash on hand after 11 p.m., a silent alarm, etc.).

The Act also requires any convenience business at which a specified crime has occurred to implement enhanced security measures. These measures must be in place between 11 p.m. and 5 a.m., and include providing at least two employees on the premises, installing a transparent secured safety enclosure for use by the employees, providing a security guard on the premises, locking the premises, and transacting business through an indirect pass-through window; or closing the business.

The Act also requires all employees to receive robbery deterrence and safety training within 60 days of employment. Convenience businesses must submit a proposed training curriculum to the Department of Legal Affairs (department), along with an administrative fee not to exceed $100, for review and approval. The training curriculum must be submitted to the department biennially, along with the appropriate administrative fee, for reapproval.

Currently, the term "convenience business" is defined to exclude any business in which the owner or members of his or her family work between the hours of 11 p.m. and 5 a.m.

The bill amends the definition of "convenience business" so that it does not exclude businesses in which the owner or members of his or her family work between the hours of 11 p.m. and 5 a.m. As a result, all of the above-described security and training requirements will apply to convenience businesses in which the owner or members of his or her family work between the hours of 11 p.m. and 5 a.m.

The bill continues to exempt convenience businesses in which the owner or members of his or her family work between the hours of 11 p.m. and 5 a.m. from the enhanced security standards required after a crime has occurred on the property.

The bill removes the requirement that convenience businesses submit a safety training curriculum biennially for reapproval and the associated administrative fee to the department.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/SB 766 (ch. 2015-26, L.O.F.) - Surveillance by a Drone
By: Appropriations; Judiciary; Hukill
Tied Bills: None
Companion Bills: CS/CS/CS/HB 649
Committee(s) of Reference: Community Affairs; Judiciary; Appropriations
Category: Safety

In 2013, the Legislature enacted the Freedom from Unwarranted Surveillance Act (Act). The Act regulates the use of drones by law enforcement agencies and provides a civil remedy for an aggrieved party to obtain relief if the Act is violated.

The bill amends the Act to prohibit a person, state agency, or political subdivision from using a drone equipped with an imaging device:

- to record an image of privately owned real property or the owner, tenant, occupant, invitee, or licensee of such property;
- with the intent to conduct surveillance on the individual or property in violation of such person's reasonable expectation of privacy; and
- without that individual's written consent.

The bill creates a presumption that a person has a reasonable expectation of privacy on his or her privately owned real property if he or she is not observable by persons located at ground level in a place where they have a legal right to be, regardless of whether he or she is observable from the air with the use of a drone.

The bill creates a limited exception to the above-described prohibition for a person or entity engaged in a business or profession licensed by the state, or by an agent, employee, or contractor of the state only if the drone is used to perform reasonable tasks within the scope of practice or activities permitted under such person's or entity's license. The bill creates additional limited exceptions for:

- an employee or contractor of a property appraiser;
- an electric, water, or natural gas utility;
- aerial mapping;
- cargo delivery purposes; and
- capturing images necessary for the safe operation or navigation of a drone that is being used for a purpose allowed under federal or Florida law.

The bill creates a civil remedy authorizing an aggrieved party to seek compensatory damages and injunctive relief against a person, state agency, or political subdivision that violates the above described prohibition. The prevailing party in such civil actions is entitled to recover reasonable attorney fees from the nonprevailing party and may recover punitive damages against a person (not a state agency or political subdivision) who violates the above-described prohibition.

The bill became law on May 14, 2015, chapter 2015-26, Laws of Florida, and becomes effective July 1, 2015.

CS/HB 897 (ch. 2015-34, L.O.F.) - Controlled Substances
By: Criminal Justice Subcommittee; Ingram
Tied Bills: None
Companion Bills: CS/SB 1098
Committee(s) of Reference: Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee
Category: Controlled Substances, Law Enforcement

Synthetic drugs, such as cannabinoids and cathinones, are industrial grade chemicals mixed to produce a "high" similar to what would be experienced when using illegal drugs such as marijuana or methamphetamine. Each year since 2011, the Florida Legislature has added synthetic cannabinoids, cathinones, and phenethylamines to Schedule I of Florida's controlled substances schedules. Since the 2014 Legislative Session, new formulas of synthetic cannabinoids have been developed that are not covered by current law.

The bill adds five new synthetic cannabinoids to Schedule I of Florida's controlled substance schedules. As a result, the criminal penalties relating to the possession, sale, manufacture, and delivery of controlled substances will apply to these synthetic substances.

The bill became law on May 14, 2015, chapter 2015-34, Laws of Florida, and became effective upon that date.

SB 1010 (ch. 2015-29, L.O.F.) - False Personation
By: Braynon
Tied Bills: None
Companion Bills: HB 117
Committee(s) of Reference: Criminal Justice; Community Affairs; Fiscal Policy
Category: Law Enforcement

Section 843.08, F.S., makes it a third degree felony for a person to falsely assume or pretend to be a specified officer and take it upon himself or herself to act as such officer, or to require any other person to aid or assist him or her in a matter pertaining to the duty of any such an officer. The offense is reclassified to a second degree felony or a first degree felony in specified instances.

Section 843.085, F.S., makes it a first degree misdemeanor for an unauthorized person to wear or display any indicia of authority such as a badge, identification card or uniform if it could deceive a reasonable person into believing the vehicle is authorized by a law enforcement agency for use by the person operating the vehicle. The prohibited words and insignia include words such as "police," "patrolman," "sheriff," and "deputy."

The bill amends s. 843.08, F.S., to add "firefighter" and a "fire or arson investigator of the Department of Financial Services" to the list of officers that may not be falsely personated. The bill expands the application of s. 843.085, F.S., to prohibit a person from:

- wearing or displaying the word "fire department" as indicia of authority, including any badge, insignia, emblem, identification card, or uniform, or any colorable imitation thereof;

- marking or identifying a vehicle by the word “fire department,” or any lettering, marking, insignia, or colorable imitation thereof; and
- selling, transferring, or giving away the authorized badge, or colorable imitation thereof, including miniatures which bear the word “fire department.”

The bill addresses a 2005 Florida Supreme Court decision by requiring proof that the offender had the intent to mislead or cause another person to believe (rather than requiring proof that a reasonable person could be deceived) that the:

- person is a member of that agency or is authorized to wear or display such item; or
- vehicle is an official vehicle of that agency and is authorized to be used by that agency.

The bill became law on May 14, 2015, chapter 2015-29, Laws of Florida, and becomes effective October 1, 2015.

CS/CS/HB 1069 - Defendants in Specialized Courts
By: Judiciary Committee; Criminal Justice Subcommittee; Perry and others
Tied Bills: None
Companion Bills: CS/SB 1170; includes portions of CS/HB 7113 and CS/SB 7068
Committee(s) of Reference: Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee
Category: Courts, Sentencing

Currently, s. 910.035(5), F.S., allows any person who is eligible for participation in a preadjudicatory drug court program to have the case transferred to a county other than that in which the charge arose. The representative of the county drug court program that is requesting to transfer the case must consult with the representative of the drug court program in the county to which transfer is desired, and all parties must approve the transfer.

If the above requirements are met, the trial court must accept a plea of nolo contendere and enter a transfer order directing the clerk to transfer the case to the county that has accepted the defendant into its drug court. Upon successful completion of the drug court program, the jurisdiction to which the case has been transferred must dispose of the case.

The bill expands s. 910.035(5), F.S., so that a person eligible to participate in any type of problem-solving court (PSC), not just a preadjudicatory drug court, may have their case transferred to another county if:

- the defendant agrees to the transfer;
- the authorized representative of the trial court consults with the authorized representative of the PSC in the county to which transfer is requested; and
- both authorized representatives agree to the transfer.

The bill defines problem-solving court to include preadjudicatory and postadjudicatory drug courts pursuant to ss. 948.01, 948.06, 948.08, 948.16, or 948.20, F.S.; preadjudicatory and postadjudicatory veterans’ courts pursuant to ss. 394.47891, 948.08, 948.16, or 948.21, F.S.; and mental health courts.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2015.

HB 7001 - Interception of Wire, Oral, or Electronic Communication
By: Criminal Justice Subcommittee; Trujillo; Moskowitz
Tied Bills: None
Companion Bills: CS/SB 542
Committee(s) of Reference: Judiciary Committee
Category: Law Enforcement, Safety

Section 934.03, F.S., makes it a third degree felony for a person to intentionally intercept an oral communication. The statute sets forth a variety of exceptions to this prohibition. For example:

- it is not a crime for a person to intercept an oral communication if all parties to the communication consent to the interception; and
- a law enforcement officer or a person acting under the direction of a law enforcement officer may intercept an oral communication when such person is a party to the communication or one of the parties to the communication has given prior consent to such interception and the purpose of such interception is to obtain evidence of a criminal act.

Oral communications that have been intercepted illegally cannot be used as evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the state, or a political subdivision thereof.

The bill amends s. 934.03, F.S., to create an additional exception to the prohibition on intercepting oral communications. The bill makes it lawful for a child under 18 years of age to intercept and record an oral communication if the child:

- is a party to the communication; and
- has reasonable grounds to believe that the recording will capture a statement by another party to the communication that the other party intends to commit, is committing, or has committed an unlawful sexual act or an unlawful act of physical force or violence against the child.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

HOUSE OF REPRESENTATIVES

Local & Federal Affairs Committee

Representative Dennis Baxley, Chair

Representative Debbie Mayfield, Vice Chair

2015 SUMMARY OF PASSED LEGISLATION

Local Government Affairs Subcommittee

Representative Debbie Mayfield, Chair

Representative George Moraitis, Jr., Vice Chair

Veteran & Military Affairs Subcommittee

Representative Jimmie T. Smith, Chair

Representative Daniel Raulerson, Vice Chair

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SM 866 - Diplomatic Relations with Cuba
By: Flores and others
Tied Bills: None
Companion Bills: HM 727
Committee(s) of Reference: Rules
Category: Federal Government

On December 17, 2014, the President announced diplomatic and economic policy changes to begin normalizing the relationship between the United States and Cuba. Generally, the changes include, but are not limited to:

- Allowing travel to Cuba for authorized purposes
- Loosening travel restrictions on travel agents and airlines
- Raising limits on and authorizing certain categories of remittances to Cuba
- Allowing U.S. financial institutions to open correspondent accounts at Cuban financial institutions to ease the processing of authorized transactions
- Authorizing certain transactions with Cuban nationals located outside of Cuba
- Allowing activities related to telecommunications, financial services, trade, and shipping

This memorial expresses profound disagreement with the decision of the President to restore full diplomatic relations with Cuba, and opposes the opening of a Cuban consulate or any diplomatic office in Florida. Furthermore, the memorial urges Congress to uphold the embargo until the dictatorship is no longer in power and basic human and civil rights are again recognized in Cuba.

Memorials have no force of law, as they are mechanisms for formally petitioning the U.S. Congress to act on a particular subject. Copies of the memorial will be sent to the President, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Florida delegation to the U.S. Congress.

This memorial does not have a fiscal impact on state or local governments and was filed with the Secretary of State on April 13, 2015.

The memorial is not subject to the Governor's veto powers.

SM 1422 - Iran/Economic Sanctions
By: Abruzzo and others
Tied Bills: None
Companion Bills: HM 1285
Committee(s) of Reference: Military and Veterans Affairs, Space, and Domestic Security; Governmental Oversight and Accountability; Rules
Category: Federal Government

This memorial urges the President and Congress to pass and enforce new economic sanctions against Iran should that nation be found in violation of the Joint Plan of Action (JPA) or fail to reach an acceptable agreement by the dates set forth in the November 2014 extension of the JPA.

Memorials have no force of law, as they are mechanisms for formally petitioning the United States (U.S.) Congress to act on a particular subject. Copies of the memorial will be sent to the President, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Florida delegation to the U.S. Congress.

This memorial does not have a fiscal impact on state or local governments.

The memorial is not subject to the Governor's veto powers.

Local Government Affairs Subcommittee

CS/CS/CS/HB 41 - Hazardous Walking Conditions
By: Education Committee; Education Appropriations Subcommittee; Local Government Affairs Subcommittee; Metz
Tied Bills: None
Companion Bills: CS/CS/SB 154
Committee(s) of Reference: Local Government Affairs Subcommittee; Education Appropriations Subcommittee; Education Committee
Category: Local Government, Pre-K through 12 Education, Safety, Transportation

CS/CS/CS/HB 41, "Gabby's Law for Student Safety," relates to identifying, inspecting, and correcting hazardous walking conditions on roads students walk along or cross in order to walk to school. Current law applies to elementary school students through grade six living within a two-mile radius of a school.

The bill amends s. 1006.23, F.S., to require entities to cooperate, to identify, and correct hazardous walking conditions within a reasonable time, and include such correction in the next annual five-year capital improvements program or provide a statement of the factors justifying why a correction is not so included.

The bill also revises the criteria identifying hazardous walking conditions for walkways parallel to a road by retaining the requirement for an area at least four feet wide adjacent to the road upon which students may walk, but excluding drainage ditches, sluiceways, swales, or channels from any calculation of that 4-foot area. Additionally, if the road is uncurbed with a posted speed limit of 50 miles per hour or greater (rather than 55 miles per hour as is in current law), there must be at least a 3-foot buffer from the edge of the road to the required 4-foot area on which students may walk. The bill removes a current exception in law for walking conditions in residential areas with little or no transient traffic.

The bill creates a new hazardous walking condition category, "crossings over the road," which provides that any intersection or other designated crossing site where no crossing guard, traffic enforcement officer, or stop sign or other traffic control signal is present during the time students walk to and from school will be considered a hazardous walking condition if the road has a posted speed limit of 50 miles per hour or greater or has six lanes or more, not including turn lanes, regardless of the speed limit.

The bill requires additional parties to participate with the representatives of the school district and entity with jurisdiction over the road in inspecting the walking condition and determining whether it is hazardous. It provides that the district school board, after notice, may initiate a declaratory judgment proceeding if the entities cannot agree whether the condition is hazardous. It allows certain interlocal agreements to be used to identify and correct hazardous walking conditions.

It prohibits a hazardous walking condition determination from being used as evidence in a civil action for damages against a governmental entity. The bill also amends s. 1012.45, F.S., to provide that each district school board may implement a safe driver toll-free telephone hotline to report improper driving or operation by a school bus driver for investigation and correction by the school board.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/SB 200 (ch. 2015-13, L.O.F.) - Public Records/E-mail Addresses/Tax Notices
By: Governmental Oversight and Accountability; Latvala
Tied Bills: None
Companion Bills: CS/HB 179
Committee(s) of Reference: Community Affairs; Governmental Oversight and Accountability; Rules
Category: Government in the Sunshine

In 2011, tax collectors were given authority to electronically send certain notices. Tax collectors may send notices of taxation to taxpayers by e-mail if the taxpayer has applied to participate in a prepayment installment plan, or if the tax collector has received express consent from the taxpayer to do so. Under current law, the taxpayer's e-mail address is a public record, and a government agency must post on its website that all e-mail addresses are public records. The bill creates a public record exemption for a taxpayer's e-mail address held by a tax collector for the following purposes:

- Sending the taxpayer a quarterly tax notice for prepayment of estimated taxes
- Obtaining the taxpayer's consent to send the tax notice
- Sending the taxpayer an additional tax notice or delinquent tax notice
- Sending a third party, mortgagee, or vendee a tax notice

If the tax collector holds an e-mail address for any other purpose, it is not exempt from public record requirements. The public record exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2020, unless reviewed and saved from repeal by the Legislature.

The bill became law on May 14, 2015, chapter 2015-13, Laws of Florida, and becomes effective July 1, 2015.

CS/CS/HB 209 - Emergency Fire Rescue Services & Facilities Surtax
By: Finance & Tax Committee; Local Government Affairs Subcommittee; Artiles
Tied Bills: None
Companion Bills: CS/CS/SB 668
Committee(s) of Reference: Local Government Affairs Subcommittee; Finance & Tax Committee; Local & Federal Affairs Committee
Category: Local Government, Taxes

CS/CS/HB 209 streamlines the implementation process for counties that choose to enact the Emergency Fire Rescue Services and Facilities Surtax. The bill removes the requirement for local governments to enter into interlocal agreements with a majority of service providers in the county as a condition precedent to holding a referendum. The bill provides that surtax proceeds are distributed to all participating entities providing emergency fire rescue services in the county based on each entity's pro rata share of spending on emergency fire rescue services in the county over the five preceding fiscal years.

The bill requires entities receiving a share of the surtax to reduce ad valorem taxes by the amount of revenue projected from surtax collections. If the surtax raises more revenue than the amount that would reduce the millage rate to zero, the funds are then applied to non-ad valorem assessments levied by the entity, with any excess transferred to the county to reduce the county's millage rate.

The bill is projected to have zero or indeterminate positive fiscal impact on county and municipal government revenue.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

HB 225 - All-American Flag Act
By: Cortes, B.; Campbell
Tied Bills: None
Companion Bills: SB 590
Committee(s) of Reference: Local Government Affairs Subcommittee; Government Operations Appropriations Subcommittee; Local & Federal Affairs Committee
Category: Government Operations, Local Government

HB 225 requires any U.S. flag or state flag purchased after January 1, 2016, by the State or a local government for public use be made in the United States from materials grown, produced, and manufactured in the United States.

The bill is not anticipated to have a fiscal impact on state government. The bill may have an insignificant negative fiscal impact on local governments, depending on the extent to which local governments are currently purchasing flags that do not comply with the requirements of the bill and the cost difference between compliant and non-compliant flags.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/SB 278 - Downtown Development Districts
By: Appropriations; Finance and Tax; Diaz de la Portilla
Tied Bills: None
Companion Bills: CS/HB 833
Committee(s) of Reference: Community Affairs; Finance and Tax; Appropriations
Category: Local Government, Taxes

Downtown Development Authorities (DDAs) are special districts created to plan, coordinate, and assist in implementing, revitalizing, and redeveloping a specific downtown area of a city. The bill creates s. 189.056, F.S., to provide certain statutory authority to the governing body of a municipality with a population of more than 400,000 that is located in a charter county as defined in s. 125.011(1), F.S. The bill authorizes the governing body to levy up to a 0.475 mill ad valorem tax on the taxable value of real and personal property located in a DDA to finance the DDA's operation. The bill also limits such a DDA's millage as provided in s. 200.001(8)(d), F.S., which provides that dependent special district millage, when added to the millage of the governing body to which it is dependent, shall not exceed the allowable maximum millage for that governing body.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

SB 408 - Designated Areas for Skateboarding, Inline Skating, Paintball, or Freestyle or Mountain and Off-roading Bicycling
By: Simmons
Tied Bills: None
Companion Bills: HB 365
Committee(s) of Reference: Judiciary; Community Affairs; Fiscal Policy
Category: Local Government, Safety

Governmental entities may designate specific areas for skateboarding, inline skating, paintball, freestyle bicycling, and mountain and off-road bicycling. Governmental entities and public employees are not liable for injuries arising from participating in an activity in areas designated for that activity, subject to certain exceptions.

The bill changes present law to now authorize local governments to allow skateboarding, inline skating, and freestyle bicycling in designated areas by children under 17 years of age without requiring written consent from a parent or legal guardian. The bill also changes present law to authorize local governments to allow children under 17 years of age to engage in paintball and mountain and off-road bicycling in designated areas with the written consent of only one parent or legal guardian.

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

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

Veteran & Military Affairs Subcommittee

CS/CS/CS/HB 185 - Public Records/Active Duty Servicemembers and Families
By: Local & Federal Affairs Committee; Government Operations Subcommittee; Veteran & Military Affairs Subcommittee; Gaetz and others
Tied Bills: None
Companion Bills: CS/CS/SB 674
Committee(s) of Reference: Veteran & Military Affairs Subcommittee; Government Operations Subcommittee; Local & Federal Affairs Committee
Category: Government in the Sunshine, Military

The bill creates a public records exemption for the identification and location information of current or former active duty servicemembers of the U.S. Armed Forces, a reserve component thereof, or National Guard who served after September 11, 2001, and their spouses and dependents. For the exemption to apply, the current or former servicemember must submit to the custodial agency a written request and a written statement that reasonable efforts have been made to protect the identification and location information from being accessible through other means available to the public.

The bill defines the term "identification and location information" to mean the:

- home address, telephone number, and date of birth of a servicemember, and the telephone number associated with a servicemember's personal communication device;
- home address, telephone number, date of birth, and place of employment of the spouse or dependent of such servicemember, and the telephone number associated with such spouse's or dependent's personal communication device; and
- name and location of the school attended by the spouse, or the school or daycare facility attended by the dependent of such servicemember.

The bill provides for retroactive application of the public records exemption.

The bill provides that the public records exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides a public necessity statement as required by the State Constitution.

The bill could create a fiscal impact on state and local agencies with staff responsible for complying with public records requests as staff could require training related to the creation of the public record exemption. The costs could be absorbed as they are part of the day-to-day responsibilities of the agency.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/HB 801 - The Beirut Memorial
By: State Affairs Committee; Government Operations Appropriations Subcommittee; Taylor
Tied Bills: None
Companion Bills: CS/SB 876
Committee(s) of Reference: Veteran & Military Affairs Subcommittee; Government Operations Appropriations Subcommittee; State Affairs Committee
Category: Government Operations, Military

On October 23, 1983, the headquarters and barracks of the 1st Battalion, 8th Marines Regiment in Beirut, Lebanon was attacked. A truck carrying 2,000 pounds of explosives drove into the facility and exploded, causing the structure to collapse, killing 220 Marines, 18 sailors, and 3 soldiers of the U.S. Armed Forces.

The construction and placement of a monument on the premises of the Capitol Complex is prohibited unless authorized by general law and unless the design and placement of the monument is approved by the Department of Management Services (DMS) after considering the recommendations of the Florida Historical Commission. Additionally, DMS must coordinate with the Division of Historical Resources of the Department of State regarding a monument's design and placement.

Among the statutorily authorized Capitol Complex memorials to honor military servicemembers are:

- the Florida Veterans' Walk of Honor;
- the Florida Veterans' Memorial Garden; and
- the POW-MIA Chair of Honor Memorial.

The bill requires the Capitol Complex memorial garden to include a monument in remembrance of the 241 members of the U.S. Armed Forces who lost their lives on October 23, 1983, in Beirut, Lebanon.

There would likely be a negative indeterminate fiscal impact to DMS to establish a monument in the memorial garden.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

HOUSE OF REPRESENTATIVES

Regulatory Affairs Committee

Representative Jose Diaz, Chair

Representative Mike La Rosa, Vice Chair

2015 SUMMARY OF PASSED LEGISLATION

Business & Professions Subcommittee

Representative Halsey Beshears, Chair
Representative Larry Ahern, Vice Chair

Energy & Utilities Subcommittee

Representative Dane Eagle, Chair
Representative Halsey Beshears, Vice Chair

Insurance & Banking Subcommittee

Representative John Wood, Chair
Representative Bill Hager, Vice Chair

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CS/HB 641 - Amusement Games or Machines
By: Regulatory Affairs Committee; Trumbull and others
Tied Bills: None
Companion Bills: CS/CS/SB 268
Committee(s) of Reference: Regulatory Affairs Committee
Category: Business and Professional Regulation

The bill creates s. 546.10, F.S., the "Family Amusement Games Act," to provide for the use and activation of amusement games and machines, the award of points, coupons, prizes, and replays, limits on prize values, and locations authorized for the operation of certain amusement games and machines.

The bill provides that in addition to the use of a coin, an amusement game may be activated by currency, card, coupon, slug, token, or similar device and may be played if the person playing or operating the game or machine controls the outcome of the game by application of skill. It also defines "card," as used in this section, as excluding a credit card or debit card.

The bill excludes certain games and devices from the definition of "amusement game or machine," and specifically does not authorize certain types of games, such as video poker and other casino style games. It also defines a "material element of chance inherent in a game or machine," and prohibits such element in an amusement game or machine.

The bill authorizes the person playing the game or machine to receive free replays, points or coupons that may be redeemed for onsite merchandise under certain conditions, and direct merchandise from certain machines, like "claw" machines.

The bill categorizes amusement games and machines into three types – Type A (free replay), B (points and coupons), and C (direct merchandise). It prohibits Type A machines from entitling the operator or player to receive anything of value except for free replays, which are also limited by certain restrictions. It only authorizes Type B and C amusement games or machines to be operated at certain locations.

The bill increases the maximum redemption value of points or coupons a player may receive for a single game played from $.75 to $5.25 and increases the maximum wholesale value of merchandise dispensed directly to 10 times that amount ($52.50). It also sets a cap on the wholesale cost of merchandise at 100 times the maximum value of $5.25, which may be received by a player who redeems accumulated coupons or points. The caps will be adjusted annually, based on changes in the consumer price index.

The bill adds criminal penalties for violation, which are consistent with current penalties under ch. 849, F.S.

The bill repeals s. 849.161, F.S., relating to amusement games or machines.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

Business & Professions Subcommittee

CS/CS/SB 186 (ch. 2015-12, L.O.F.) - Alcoholic Beverages
By: Fiscal Policy; Regulated Industries; Latvala and others
Tied Bills: None
Companion Bills: CS/HB 301
Committee(s) of Reference: Regulated Industries; Commerce and Tourism; Fiscal Policy
Category: Business and Professional Regulation

The bill modifies the Beverage Law for alcohol manufacturers, distributors, and vendors to support changes in the industry while maintaining the three-tier system. The bill:

- provides that Electronic Benefits Transfer Program cards cannot be used to purchase alcoholic beverages;
- permits a malt beverage manufacturer to obtain a vendor's license at eight manufacturing premises;
- permits a malt beverage manufacturer holding multiple manufacturing licenses to transfer malt beverage to another one of its licensed facilities in an amount up to the yearly production amount at the receiving facility;
- permits malt beverage manufacturers or distributors to pay for and conduct tasting of malt beverages on a vendor's licensed premises, subject to certain requirements;
- provides that malt beverage manufactured and sold by a manufacturer with a vendor license is not required to come-to-rest at the licensed premises of a distributor;
- removes the requirement that a licensed vendor that wishes to transport alcoholic beverages from a distributor's premises needs a vehicle permit for vehicles owned or leased by the vendor or a person disclosed on the vendor license application;
- specifies growlers to be containers of 32, 64, and 128 ounces;
- specifies packaging and labeling requirements and the licensees authorized to fill and sell growlers;
- permits the possession, custody, transport, or control of a growler, regardless of whether it is full or empty;
- permits craft distilleries to sell two of each branded product, three of one branded product and one additional branded product or up to four of one branded product per year in face-to-face transactions with consumers making the purchases for personal use; and
- provides that the Department of Transportation shall install directional signs for a craft distillery on interstate highways and primary and secondary roads if a craft distillery makes a request. The craft distillery is responsible for paying all costs associated with placing the signs.

The bill became law on May 14, 2015, chapter 2015-12, Laws of Florida, and becomes effective July 1, 2015.

CS/CS/HB 217 - Engineers
By: Regulatory Affairs Committee; Business & Professions Subcommittee; Van Zant and others
Tied Bills: None
Companion Bills: CS/CS/SB 338
Committee(s) of Reference: Business & Professions Subcommittee; Regulatory Affairs Committee
Category: Business and Professional Regulation

The bill modifies current law related to the licensing and regulation of engineers to include structural engineers. Structural engineers will be licensed and regulated similar to licensed engineers.

Beginning March 1, 2017, the bill prohibits anyone, other than a duly licensed structural engineer, from practicing structural engineering, and from using the name or title of "licensed structural engineer" or any other similar title.

The bill defines structural engineering as a service or creative work that includes the structural analysis and design of threshold buildings.

The bill modifies the current law to include qualifications for applicants for a structural engineer license. To qualify for licensure as a structural engineer, an applicant must meet the current qualifications to become an engineer, but have four years of structural engineering experience instead of general engineering experience, and must pass a 16-hour structural engineering examination – the National Council of Examiners for Engineering and Surveying Structural Engineering Examination.

The bill provides for the simultaneous application for both an engineer and a structural engineer license.

The bill provides a "grandfathering" provision for applicants prior to September 1, 2016. It provides applicants with an exemption from taking the National Council of Examiners for Engineering and Surveying Structural Engineering Examination if the applicant is licensed as an engineer in Florida and has four years of experience in structural engineering design or if the applicant is licensed as a threshold building inspector and meets other requirements.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/HB 239 - Medication and Testing of Racing Animals
By: Business & Professions Subcommittee; Fitzenhagen; Stone
Tied Bills: None
Companion Bills: CS/SB 226
Committee(s) of Reference: Business & Professions Subcommittee; Regulatory Affairs Committee
Category: Business and Professional Regulation, Gaming

The bill prohibits, and regulates the use of, certain medications, drugs and naturally occurring substances in horses and greyhound dogs used in the pari-mutuel wagering industry.

The bill makes it a violation for a racing animal to test positive for a prohibited substance before or after a race, while allowing the prosecution of licensees for violations without requiring evidence that a specific licensee administered the prohibited substance.

The bill allows an owner or trainer to request a second analysis of a drug test specimen by an independent laboratory after an initial positive test result from the Division of Pari-mutuel Wagering's (division) laboratory. If the initial drug test results are not confirmed by the independent laboratory, further administrative action may not be taken. If there is insufficient quantity of a sample from a racing greyhound to confirm the results by an independent laboratory, the owner or trainer may still be prosecuted. If there is insufficient quantity of a sample from a racehorse to confirm the results by an independent laboratory, the owner or trainer may not be prosecuted, and any suspended licensee must be reinstated.

The bill changes the maximum fine for violations from $5,000 to $10,000 or the amount of the purse, whichever is greater.

The bill reduces the time for the division to begin an administrative prosecution for violations. The current two-year standard is reduced to 90 days.

The bill requires the division to adopt the Association of Racing Commissioners International (ARCI) rules regarding the medications, drugs, and naturally occurring substances given to racing animals, including a classification system for drugs that incorporates ARCI's Penalty Guidelines for drug violations, and updates current methodologies used in testing procedures. The bill requires that conditions and limitations be set for the use of furosemide, a diuretic used to treat exercise-induced pulmonary hemorrhage.

The bill requires that an outside quality assurance program annually assess the ability of all laboratories approved by the division to analyze samples. The findings must be reported to the division and the Department of Agriculture and Consumer Services.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/HB 277 - Public Lodging Establishments
By: Veteran & Military Affairs Subcommittee; Business & Professions Subcommittee; Hager and others
Tied Bills: None
Companion Bills: CS/CS/SB 394
Committee(s) of Reference: Business & Professions Subcommittee; Veteran & Military Affairs Subcommittee; Regulatory Affairs Committee
Category: Business and Professional Regulation, Military, Tourism

The bill requires a public lodging establishment classified as a hotel, motel, or bed and breakfast inn to waive any minimum age policy it may have that restricts accommodations to individuals based on age for individuals who are currently on active duty as a member of the United States Armed Forces, the National Guard, Reserve Forces, or Coast Guard and who present a valid military identification card.

Duplication of the presented military identification card is prohibited by this bill.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/HB 373 - Public Accountancy
By: Regulatory Affairs Committee; Government Operations Appropriations Subcommittee; Raulerson and others
Tied Bills: None
Companion Bills: CS/SB 636
Committee(s) of Reference: Business & Professions Subcommittee; Government Operations Appropriations Subcommittee; Regulatory Affairs Committee
Category: Business and Professional Regulation

The bill amends the definition of licensed firm or public accounting firm to mean a sole proprietor, partnership, corporation, limited liability company, firm, or other legal entity licensed under s. 473.3101, F.S. The bill further clarifies the practice requirements for partnerships, corporations, limited liability companies, and other business entities practicing public accounting.

The bill clarifies who must hold a license to include:

- any firm with an office in this state that performs services as defined in s. 473.302(8)(a), F.S.;
- any firm with an office in this state which uses the title "CPA," "CPA firm," or any other title, designation, words, letters, abbreviations, or device tending to indicate that it is a CPA firm (the Board of Accountancy (board) shall define by rule what constitutes a CPA firm); and
- any firm that does not have an office in this state but performs the services described in s. 473.3141(4), F.S., for a client having its home office in this state (the board shall define by rule what constitutes an office).

The bill provides that an applicant for licensure under this section must file an application for licensure with the Department of Business and Professional Regulation and supply the information the board

requires. An application must be made upon the affidavit of a sole proprietor, general partner, shareholder, or member who is a certified public accountant.

The bill also amends the definition of "quality review" to clearly reference and include a peer review, which is defined in s. 473.3125, F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/HB 401 - Public Lodging & Public Food Service Establishments
By: Business & Professions Subcommittee; Magar
Tied Bills: None
Companion Bills: SB 558
Committee(s) of Reference: Business & Professions Subcommittee; Government Operations Appropriations Subcommittee; Regulatory Affairs Committee
Category: Business and Professional Regulation, Consumer Protection

Under current law, public food service establishments are inspected one to four times per year based on a risk-based inspection frequency that is determined annually. This bill enables the Division of Hotels and Restaurants (division) to reassess an establishment's inspection frequency more than once annually.

Currently, the Department of Business and Professional Regulation (department), is required to provide each inspected establishment operator and event sponsor of proposed temporary food service events with the food-recovery brochure. The bill requires the department only to notify the inspected establishment or temporary event sponsor of the availability of the food-recovery brochure.

Public food service establishments holding current licenses from the division may operate at temporary food service events without obtaining a separate license only if the event is three days or less in duration. The bill allows public food service establishments holding current licenses to operate at all temporary food service events without a separate license, regardless of the duration of the event.

The bill allows the division to deliver electronic copies of lodging and food service establishment inspection reports to operators. Also, the bill requires operators to make copies of inspection reports available to the division at the time of inspection. Thus, according to the department, the bill allows operators to maintain the inspection report in any format, including electronic, on the premises, so long as the inspection report can be readily retrieved upon public request or inspection by the division.

The bill sets a flat rate delinquent license renewal fee of $50 for all license renewals within 60 days after expiration.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

SB 456 (ch. 2015-20, L.O.F.) - Labor Pools
By: Braynon and others
Tied Bills: None
Companion Bills: HB 325
Committee(s) of Reference: Commerce and Tourism; Banking and Insurance; Rules
Category: Business and Professional Regulation

The bill amends the Labor Pool Act to authorize labor pools to pay the wages of day laborers by payroll debit card or electronic fund transfer to a financial institution designated by the day laborer, in addition to cash or negotiable instrument. The day laborer must be given the option to elect to be paid in cash or negotiable instrument. The labor pool is subject to certain limitations and notice requirements.

The bill became law on May 14, 2015, chapter 2015-20, Laws of Florida, and becomes effective July 1, 2015.

CS/SB 466 - Low-voltage Alarm Systems
By: Regulated Industries; Flores
Tied Bills: None
Companion Bills: CS/HB 413
Committee(s) of Reference: Regulated Industries; Community Affairs; Rules
Category: Business and Professional Regulation

The bill amends current law related to permits required for low-voltage alarm system installation.

The bill clarifies that current law applies to all low-voltage alarm system projects for which a permit is required by local government or "local enforcement agencies," including both residential and commercial low-voltage alarm systems.

The bill clarifies that a permit is not required to install or service a "wireless alarm system," and defines "wireless alarm system" as a burglar alarm system or smoke detector that is not hardwired.

The bill lowers the maximum permitting fee from $55 to $40 per permit label and removes the exception from the statute that expired on January 1, 2015, which allowed some local governments to charge a fee up to $175 per permit label.

The bill clarifies that the local enforcement agency may not require the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing low-voltage alarm system.

The bill clarifies that local enforcement agencies may coordinate directly with the owner or customer to inspect a low-voltage alarm system project to ensure compliance with applicable codes and standards. It also clarifies that the contractor may not be required to submit any information other than identification and proof of licensure as a contractor when purchasing the permit label.

The bill clarifies that local governments may not have any rule regarding low-voltage alarm system projects that conflict with state law.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/SB 596 - Craft Distilleries
By: Commerce and Tourism; Regulated Industries; Hays
Tied Bills: None
Companion Bills: CS/CS/HB 263
Committee(s) of Reference: Regulated Industries; Commerce and Tourism; Fiscal Policy
Category: Business and Professional Regulation

The bill defines the term "branded product" to mean any distilled spirits product manufactured on site, which requires a federal certificate and label approval by the Federal Alcohol Administration Act or regulations.

Additionally, the bill provides that a craft distillery may sell branded products distilled on its premises to consumers at its souvenir gift shop, and expands the limit per calendar year on direct sales to consumers from two individual containers per person to no more than:

- two individual containers of each branded product;
- three individual containers of a single branded product and up to one individual container of a second branded product; or
- four individual containers of one branded product.

The bill clarifies that a craft distillery may not ship or arrange to ship any of its distilled spirits to consumers and may only sell and deliver to consumers within the state in a face-to-face transaction at the distillery property.

Additionally, the bill clarifies that a craft distillery shall not have its ownership affiliated with another distillery, unless such distillery produces 75,000 or fewer gallons per calendar year of distilled spirits on each of its premises in this state or in another state, territory, or country.

Finally, the bill provides that the Department of Transportation shall install directional signs for a craft distillery on the rights-of-way of interstate highways and primary and secondary roads if a craft distillery requests for the signs to be posted. The craft distillery is responsible for paying all costs associated with placing the signs.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/SB 604 - Consumer Protection
By: Commerce and Tourism; Flores and others
Tied Bills: None
Companion Bills: CS/CS/HB 271
Committee(s) of Reference: Commerce and Tourism; Judiciary; Appropriations
Category: Consumer Protection

The bill requires owners and operators of websites that electronically disseminate commercial recordings and audiovisual works to provide their true and correct name, address, and telephone number or e-mail address on the website.

An owner, assignee, authorized agent, or licensee of a commercial recording or audiovisual work may bring a cause of action for declaratory and injunctive relief against an owner or operator of a website that has failed to disclose the required personal information.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/SB 608 - Real Estate Brokers and Appraisers
By: Fiscal Policy; Regulated Industries; Stargel
Tied Bills: None
Companion Bills: CS/CS/HB 707
Committee(s) of Reference: Regulated Industries; Appropriations Subcommittee on General Government; Fiscal Policy
Category: Business and Professional Regulation

The bill requires the Florida Real Estate Commission to adopt rules to allow a brokerage to register a temporary broker in an emergency situation when the sole broker of a brokerage office dies or unexpectedly cannot remain a broker.

The bill extends the current pre-licensing and post-licensing education exemption for real estate salesperson and broker applicants who hold a four-year degree in real estate to also include applicants who hold a degree in real estate greater than a four-year degree, such as a master's or doctorate degree.

The bill grants authority to the Florida Real Estate Commission to adopt rules to reinstate a license that has become null and void, under certain circumstances. The commission may reinstate such a license if the request for reinstatement is within six months of the license becoming null and void, and the applicant was unable to comply due to illness or economic hardship.

The bill clarifies several records retention requirements for appraisers and appraisal management companies to align Florida's retention requirements with federal requirements. The bill deletes a limited exception to the restriction on the department's authority to inspect or copy the records of an appraisal management company and provides full authority to inspect such records.

To comply with federal reciprocity requirements, the bill removes the authority for the Florida Real Estate Appraisal Board to have a "mutual agreement" with another state for an out-of-state appraiser to become licensed in Florida without having to fulfill all of Florida's education, experience, and examination requirements for licensure. Florida will only require out-of-state certified appraisers to complete the Florida-specific examination to become certified in Florida.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/SB 716 - Public Records/Animal Medical Records
By: Governmental Oversight and Accountability; Regulated Industries; Hays and others
Tied Bills: None
Companion Bills: CS/CS/HB 1287
Committee(s) of Reference: Regulated Industries; Governmental Oversight and Accountability; Rules
Category: Business and Professional Regulation, Government Operations

Animal medical records generated by licensed veterinarians are not public records; however, the records are confidential and protected from disclosure under the law regulating licensed veterinarians. Animal medical records are public records when generated by an individual practicing in conjunction with a state college of veterinary medicine located in Florida and accredited by the American Veterinary Medical Association Council on Education.

The bill creates a public records exemption for certain animal medical records held by a state college of veterinary medicine that is accredited by the American Veterinary Medical Association Council on Education. It provides for retroactive application of the public records exemption. In addition, the bill authorizes the release of confidential and exempt animal medical records in certain instances.

The public records exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature. The bill provides a statement of public necessity as required by the Florida Constitution.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/HB 997 - Pub. Rec./Department of Agriculture and Consumer Services
By: Regulatory Affairs Committee; Government Operations Subcommittee; Trumbull
Tied Bills: CS/CS/CS/HB 995
Companion Bills: CS/CS/SB 1446
Committee(s) of Reference: Business & Professions Subcommittee; Government Operations Subcommittee; Regulatory Affairs Committee
Category: Consumer Protection, Government in the Sunshine, Law Enforcement

This bill, which is contingent upon the passage of House Bill 995, creates a public record exemption for criminal or civil intelligence or investigative information or any other information held by the Department of Agriculture and Consumer Services (department) as part of a joint or multi-agency

examination or investigation with another state or federal regulatory, administrative, or criminal justice agency when the information shared is confidential or exempt under the laws or regulations of that state or federal agency. The bill authorizes the department to release the information in certain instances.

The public record exemption does not apply to information held by the department as part of an independent examination or investigation conducted by the department.

The bill provides that the public record exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides a public necessity statement as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law, if CS/CS/CS/HB 995 or similar legislation is adopted. CS/CS/CS/HB 995 failed to become law.

CS/HB 1151 - Residential Master Building Permit Programs
By: Business & Professions Subcommittee; Ingoglia
Tied Bills: None
Companion Bills: CS/SB 1486
Committee(s) of Reference: Business & Professions Subcommittee; Regulatory Affairs Committee
Category: Business and Professional Regulation, Local Government

The bill creates s. 553.794, F.S., which provides that if a local building code administrator receives a written request from a licensed general, building, or residential contractor requesting the creation of a master building permit program, the local government that employs the recipient building code administrator shall create a residential master building permit program within six months of receipt of the written request. The program is designed to achieve standardization and reduce the time spent by local building departments during the site-specific building permit application process.

To obtain a master building permit, builders must submit certain documents, including a general construction plan, to the local building department for review and approval. The local building department must review the general construction plan to determine compliance with the building code and approve or deny the master building permit application within 120 days after receiving a complete application. If the master building permit application is approved, the builder shall receive a master building permit and permit number.

To build one of the buildings approved under the master building permit, the builder must apply for a site-specific building permit and include the master building permit number with the application. The builder may submit the master building permit number an unlimited number of times with the site-specific building permit applications so long as the builder uses the model design contained in the master building permit and the permit is valid. Approved master building permits are valid until the Florida Building Code is updated as provided in s. 553.73, F.S.

The governing bodies of local governments shall set fees pursuant to s. 553.80(7), F.S.

A builder or design professional who willfully violates this provision shall be fined $10,000 for each dwelling or townhome built under the master building permit that does not conform to the master building permit on file with the local building department.

The bill permits local governments to adopt procedures to provide master building permit program guidelines and requirements.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

Energy & Utilities Subcommittee

CS/HB 7109 - Florida Public Service Commission
By: Regulatory Affairs Committee; Energy & Utilities Subcommittee; La Rosa; Peters and others
Tied Bills: None
Companion Bills: CS/CS/CS/SB 288; includes parts of HB 219
Committee(s) of Reference: Government Operations Appropriations Subcommittee; Regulatory Affairs Committee
Category: Consumer Protection, Utilities and Communications

This bill creates and amends provisions related to governance of the Public Service Commission (PSC), selection of PSC commissioners, and regulation of investor-owned electric utilities by the PSC. Among these provisions, the bill creates a new financing mechanism for utilities to recover certain costs associated with the premature retirement of a nuclear power plant. Customers of a utility that uses this mechanism should experience rates lower than those that would otherwise be in effect. Based on estimates that assume the use of this mechanism under current market conditions, customers of Duke Energy Florida could see total savings of up to $600 million (net present value).

With respect to the selection of PSC commissioners and governance of the PSC, the bill:

- requires registration of persons who lobby the Public Service Commission Nominating Council;
- establishes term limits of three consecutive terms;
- establishes minimum ethics training requirements;
- expands the prohibition on ex parte communications; and
- requires the PSC to live-stream all PSC meetings attended by two or more commissioners at which the rights or obligations of any person are decided and to make recordings of such meetings available on its website.

With respect to the PSC's regulation of investor-owned electric utilities, the bill:

- limits utility charges associated with a billing cycle extension under a tiered rate structure;
- clarifies customer deposit requirements;
- requires utilities to notify each customer of all available rates and to provide good faith assistance in selecting the best rate;
- requires the PSC to vote on new and amended tariffs, except for administrative changes; and
- clarifies the purposes for which funds collected by utilities for demand-side renewable energy systems may be used.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

Insurance & Banking Subcommittee

CS/CS/CS/HB 165 - Property and Casualty Insurance
By: Regulatory Affairs Committee; Government Operations Appropriations Subcommittee; Insurance & Banking Subcommittee; Santiago
Tied Bills: None
Companion Bills: CS/CS/SB 258
Committee(s) of Reference: Insurance & Banking Subcommittee; Government Operations Appropriations Subcommittee; Regulatory Affairs Committee
Category: Insurance, Motorists

The bill contains changes for various types of property and casualty insurance. The bill:

- removes the requirement to certify property insurance rate filings that are subject to informational rate filing;
- removes the requirement for commercial non-residential multiperil insurance, which is subject to informational rate filing, to make an annual filing when rates have not changed;
- allows insurers to use hurricane loss projection models and estimates of probable maximum losses in a rate filing for 120 days, rather than 60 days, following the stated expiration date of the model;
- changes and makes uniform the due date for a notice of cancellation, nonrenewal, or termination of residential property insurance (all policyholders will get at least a 120-day notice – however, some may receive such notice during hurricane season, instead of by June 1);
- requires a notice of right to participate in the neutral evaluation program to be issued only if there is sinkhole coverage under the policy and if the sinkhole claim was submitted timely;
- aligns the period in which Personal Injury Protection medical services were rendered with the year the applicable reimbursement fee schedule is in effect and states precisely the beginning and end of the year (March 1 through the end of the following February);
- creates an exemption from a licensure requirement under the Florida Motor Vehicle No-Fault Law for clinics certified under federal law and exempt from state health care clinic licensure;
- modifies motor vehicle preinsurance inspection requirements to exempt leased vehicles from such inspections and allows insurers to elect whether to require receipt of certain documents related to the vehicle;
- adds the vehicle's registration and removes the dealer's invoice from the documents that the insurer may require at the time of insuring a new, unused motor vehicle and limits claim reimbursement and property damage coverage suspension based on the timing of document delivery, if the insurer elected to require the documents; and
- allows insurers to include Florida Insurance Guaranty Association (FIGA) coverage information in their advertising and sales efforts, but they must explain the limits of the FIGA coverage.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/HB 189 - Insurance Guaranty Associations
By: Finance & Tax Committee; Cummings
Tied Bills: None
Companion Bills: CS/CS/SB 600
Committee(s) of Reference: Insurance & Banking Subcommittee; Finance & Tax Committee; Regulatory Affairs Committee
Category: Insurance

Florida operates five insurance guaranty funds to ensure policyholders' paid insurance premiums are protected and outstanding claims are settled, up to limits provided by law, if their insurer is liquidated. Generally, a guaranty association is a not-for-profit corporation created by law and directed to protect policyholders from financial losses and delays in claim payment and settlement due to the insolvency of an insurance company. A guaranty association accomplishes its mission by assuming responsibility for settling claims and refunding unearned premiums to policyholders. Insurers are required by law to participate in guaranty associations as a condition of transacting business in Florida.

The bill makes changes to two of the five guaranty funds – the Florida Insurance Guaranty Association (FIGA), which is the guaranty association for property and casualty insurance, and the Florida Life and Health Insurance Guaranty Fund (FLAHIGA), which is the guaranty association for most health and life insurers. The bill clarifies the accounting treatment of assessments levied by FIGA and mitigates the negative impact to insurers' net worth due to a 2011 change to statutory accounting principles relating to the treatment of assessments. The bill also clarifies FLAHIGA's statutory duty to review policies, contracts, and claims of insolvent life and health insurers following both domestic and foreign liquidations or rehabilitations.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/CS/SB 252 - Insurance
By: Rules; Judiciary; Banking and Insurance; Smith
Tied Bills: None
Companion Bills: CS/CS/HB 233
Committee(s) of Reference: Banking and Insurance; Judiciary; Rules
Category: Insurance

Under current law, a property, casualty, or surety insurance policy must contain a countersignature by a Florida-licensed agent. Subject to a few exceptions, the current law provides that insurance companies are not to assume direct liability for any property, casualty, or surety insurance policy unless it contains a proper countersignature. However, the countersignature requirement can be waived by insurance companies when they accept payment under the policy. Thus, insurance companies can be bound by a contract of insurance in the absence of a countersignature. This bill provides that the absence of a countersignature does not affect the validity of the insurance policy. The bill clarifies that an omission from a third party to the contract (the Florida-licensed agent) does not impact the validity of the contract of insurance between the insurance company and the policyholder.

The bill revises the due dates for certain insurance reports and recommendations that are submitted to the Legislature. The bill changes the due date for an annual report relating to health flex plans which must be submitted by the Office of Insurance Regulation (OIR) and the Agency for Health Care Administration from January 1 to January 15. The bill changes the due date for a biennial report relating to methods to improve the workers' compensation health care delivery system, which must be submitted by a certain three-member panel from January 1 to January 15, beginning in 2017. The bill changes the due date for an annual report relating to certain workers' compensation issues, which must be submitted by OIR, from January 1 to January 15.

The bill also increases the number of years that a specified examination report remains valid and may be considered for the purpose of a foreign or alien insurer applying for a certificate of authority, changing it from three years to five years.

The bill amends the definition of "financial guaranty insurance," providing that the term does not include guarantees of higher education loans, unless written by a financial guaranty insurance corporation. This change conforms to the National Association of Insurance Commissioners (NAIC) Financial Guaranty Insurance Model Guideline.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/HB 273 - Insurer Notifications
By: Insurance & Banking Subcommittee; Perry
Tied Bills: None
Companion Bills: CS/CS/SB 202
Committee(s) of Reference: Insurance & Banking Subcommittee; Regulatory Affairs Committee
Category: Insurance

Currently, every insurance policy is required to be mailed, delivered or electronically transmitted to the insured (policyholder) within 60 days after the insurance takes effect. The law also contains specific electronic delivery parameters for insurance covering commercial risks. Also, subject to certain conditions, property and casualty insurers are allowed to post policies on the insurer's website instead of mailing, delivering, or electronically transmitting the policies to insureds.

For personal lines insurance, the bill allows insurers to deliver policy documents, including policies, endorsements, notices, or other documents, by electronic means in lieu of delivery by mail if the policyholder affirmatively elects electronic delivery.

Under current law, to make a change in the terms of a property and casualty insurance contract, the insurer must give the policyholder a written Notice of Change in Policy Terms with the policy renewal notice, and the policy renewal notice must be provided to the policyholder in accordance with current law, which requires insurers to give notice of renewal 45 days prior to the renewal date. The bill allows an insurer to send a Notice of Change of Policy Terms separate from the renewal notice as long as the notice is sent within the policy nonrenewal time limits in current law. The bill also requires the insurer to provide the policyholder's insurance agent with a sample copy of the Notice of Change of Policy Terms before or at the same time as the Notice is provided to the policyholder.

If an insurer seeks to offer optional coverage (that increases the premium) as a part of a renewal policy, the bill prohibits the insurer from using the "Notice of Change in Policy Terms" to add the optional coverage to the policy unless the policyholder affirmatively approves.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/CS/HB 275 - Intrastate Crowdfunding
By: Regulatory Affairs Committee; Government Operations Appropriations Subcommittee; Insurance & Banking Subcommittee; Santiago and others
Tied Bills: None
Companion Bills: CS/CS/SB 914
Committee(s) of Reference: Insurance & Banking Subcommittee; Government Operations Appropriations Subcommittee; Regulatory Affairs Committee
Category: Financial Services

Crowdfunding describes an evolving method of raising funds for a variety of innovative projects, typically through small individual contributions from a large number of people through the Internet. In recent years, there has been a growing interest in the use of equity crowdfunding to provide start-up or seed capital for small businesses and other ventures that are promoted on the basis of a potential economic return to the donors. Equity crowdfunding implicates state and federal securities laws, which require registration of securities and market participants by the U.S. Securities & Exchange Commission (SEC) and state securities regulators, unless an applicable exemption applies.

In 2012, Congress enacted the Jumpstart Our Business Startups (JOBS) Act in an effort to ease regulatory burdens faced by startups and small businesses in connection with capital formation. Title III of the JOBS Act created a new registration exemption from federal securities law to permit the issuance, offer, and sale of up to $1 million of equity crowdfunding securities per year, subject to certain requirements for issuers and intermediaries, and is not limited to accredited investors. However, national equity crowdfunding under Title III is not permitted until the SEC implements Title III by final rule, which has not yet been completed. In response to the SEC's delay, a number of states have enacted intrastate crowdfunding exemptions, which combine some elements of Title III of JOBS with the federal intrastate exemption, which exempts issuers from federal registration if the issuer, investor, and the securities offering are all contained within the same state.

The bill creates an intrastate crowdfunding exemption within the Florida Securities and Investor Protection Act, ch. 517, F.S., which is administered by the Florida Office of Financial Regulation (OFR). The issuer, intermediary, investor, and transaction must all be in Florida in accordance with the federal intrastate exemption. Like Title III of JOBS, the bill exempts an issuer and the offering for a 12-month online offering up to $1 million of securities, and mirrors the federal law's income requirements and investment limitations for investors. The bill requires issuer notice-filings and intermediary registrations with OFR, initial and periodic disclosures to investors, an escrow agreement for investor funds, a right of rescission, and financial reporting to investors and to OFR. Filing fees for issuers and intermediaries will be deposited into the Regulatory Trust Fund of OFR. The bill also gives authority to the Financial

Services Commission to adopt rules relating to matters regarding forms and procedures for notice-filing and registration and certain recordkeeping and financial reporting requirements.

The bill appropriates $120,000 in nonrecurring funds from the Regulatory Trust Fund within OFR to implement provisions of the bill.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

SB 520 (ch. 2015-21, L.O.F.) - Long-term Care Insurance
By: Grimsley
Tied Bills: None
Companion Bills: HB 221
Committee(s) of Reference: Banking and Insurance; Children, Families, and Elder Affairs; Fiscal Policy
Category: Insurance

Long-term care insurance is a type of insurance developed specifically to cover the costs of nursing homes, assisted living, home health care and other long-term care services. All insurance policies sold in Florida must be purchased from an insurance agent licensed by the Department of Financial Services. Insurance agents sell policies from insurance companies regulated by the Office of Insurance Regulation (OIR).

Under current law, an insurance company that offers long-term care insurance is required to offer the following options for nonforfeiture protection provisions: reduced paid-up insurance, extended term, shortened benefit period, or "any other benefits approved" by OIR. This bill allows an insurance company to offer a return of premiums paid in the event of the death of the insured or a complete surrender or cancellation of the policy, in addition to the already required provisions.

The bill became law on May 14, 2015, chapter 2015-21, Laws of Florida, and becomes effective July 1, 2015.

CS/HB 715 - Eligibility for Coverage by Citizens Property Insurance Corporation
By: Insurance & Banking Subcommittee; Raschein
Tied Bills: None
Companion Bills: CS/SB 842
Committee(s) of Reference: Insurance & Banking Subcommittee; Regulatory Affairs Committee
Category: Environmental Protection, Insurance

Current law provides an eligibility restriction for insurance in Citizens Property Insurance Corporation (Citizens) based on the location of the property. The restriction prevents a major structure that is newly-constructed or substantially-improved pursuant to a building permit applied for on or after July 1, 2015, from obtaining insurance in Citizens if the structure is located seaward of the coastal construction control line or within the Coastal Barrier Resources System.

The bill removes the prohibition on coverage for any major structure that is substantially-improved. Instead, only a major structure that is rebuilt, repaired, restored, or remodeled to increase the total square footage of finished area by more than 25 percent is ineligible for coverage from Citizens. The bill retains the prohibition on coverage for a newly-constructed major structure.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/SB 806 - Regulation of Financial Institutions
By: Rules; Banking and Insurance; Richter
Tied Bills: None
Companion Bills: CS/HB 703
Committee(s) of Reference: Banking and Insurance; Commerce and Tourism; Rules
Category: Financial Services

The Office of Financial Regulation (OFR) charters and regulates banks, trust companies, credit unions, international banking entities, and other financial institutions pursuant to the Financial Institutions Codes (codes), chs. 655 to 667, F.S. OFR ensures Florida-chartered financial institutions' compliance with state and federal requirements for safety and soundness.

The bill makes a number of clarifying changes to the codes and streamlines several OFR regulatory processes. Specifically, the bill:

- amends the definition of a financial institution's "main office;"
- authorizes the electronic payment of assessments and clarifies payment deadlines;
- eliminates the requirement that appraisal costs be approved by the OFR;
- clarifies the definition of "executive officer;"
- corrects a cross-reference for trust service offices;
- provides a uniform due date for annual certifications of capital accounts required of international banking corporations; and
- provides that international banking entities operating in Florida are not required to comply with civil subpoenas for the production of books and records that are maintained outside the United States and not in the possession, control, or custody of the international banking entity established in Florida.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

CS/SB 836 - Florida Insurance Guaranty Association
By: Banking and Insurance; Latvala
Tied Bills: None
Companion Bills: CS/CS/HB 557
Committee(s) of Reference: Banking and Insurance; Appropriations Subcommittee on General Government; Appropriations
Category: Insurance, Taxes

The bill revises the process for insurers to pay and recoup Florida Insurance Guaranty Association (FIGA) assessments to:

- create a uniform assessment percentage to be collected from all policyholders;
- authorize FIGA to require payment of assessments by advance payment, prior to an insurer's recoupment of payment from a policyholder, monthly installment, or a combination of both;
- require an insurer who did not write the affected line of insurance in the preceding year to pay an assessment based on an estimate of premiums it will write in the assessment year;
- require an insurer to submit a reconciliation report that reflects actual collections as compared to the initial payment;
- provide for payment of excess collections to FIGA; and
- provide for credits to an insurer against future assessments for collections that are less than an insurer's payment.

The bill allows insurers to recognize FIGA assessments that are subject to recoupment as an admissible asset, thereby codifying current practice of the Office of Insurance Regulation.

Finally, the bill exempts regular FIGA assessments from the insurance premium tax.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

HB 887 - Unclaimed Property
By: Trumbull
Tied Bills: None
Companion Bills: SB 1138
Committee(s) of Reference: Insurance & Banking Subcommittee; Government Operations Appropriations Subcommittee; Regulatory Affairs Committee
Category: Federal Government, Financial Services

Unclaimed property consists of any funds or other property, tangible or intangible, that has remained unclaimed by the owner for a certain period of time. Holders of unclaimed property, which typically include banks and insurance companies, are required to report unclaimed property to the Department

of Financial Services (DFS) Bureau of Unclaimed Property, pursuant to the Florida Disposition of Unclaimed Property Act (ch. 717, F.S.).

U.S. savings bonds are one type of unclaimed property. They are debt securities issued by the U.S. Department of the Treasury (Treasury) to help pay for the federal government's borrowing needs. Given the passage of time, the long maturities of these bonds, the deaths or relocations of registered owners, and bonds being lost, stolen, or destroyed, the state of Florida currently holds custody of unclaimed, physical bonds (bonds in possession*)* with a face value of more than $1.2 million. However, federal law prohibits the transfer of U.S. savings bonds to anyone other than the named beneficiary except in limited circumstances, including pursuant to a valid judicial proceeding. Currently, the custody-based nature of the Act precludes recovery of these physical bonds. In addition, DFS estimates there is an even greater number of absent bonds issued to individuals whose last known address is in Florida, but have been lost, stolen, or destroyed.

The bill creates a judicial process whereby DFS may seek a court order to obtain title to the bonds in possession. The bill establishes a post-maturity period of time that will indicate that the bonds are lost, stolen, or destroyed, allowing DFS to initiate escheat proceedings. If or when the proceeds are received, the bill requires the proceeds to be deposited in accordance with the Act, as with any other unclaimed property. The bill creates a claims process that requires DFS to comport with due process prior to any escheat hearing, in that it must undertake specific efforts to notify registered owners, co-owners, and beneficiaries of the escheat proceedings through notice of publication. Even after the bonds escheat to the state, the original bond owner may still recover the bond proceeds under the claims process set forth in the bill, and may make a claim to DFS for the proceeds of the bond. Once DFS obtains title to these bonds, it may petition the Treasury for redemption of these bonds in possession. If necessary, DFS may also seek information from Treasury leading to the owners of absent bonds with last known addresses in Florida.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/HB 927 - Title Insurance
By: Insurance & Banking Subcommittee; Hager
Tied Bills: None
Companion Bills: CS/SB 1136
Committee(s) of Reference: Insurance & Banking Subcommittee; Government Operations Appropriations Subcommittee; Regulatory Affairs Committee
Category: Consumer Protection, Financial Services, Insurance

The cost of claims and administration related to an insolvent title insurance company is funded through an assessment on all admitted title insurance companies and recovered through surcharges on title insurance policies issued in Florida. The bill changes the administration process regarding title insurance assessment recovery surcharges. Specifically, the bill:

- removes language limiting the surcharge to one per insolvent company, permitting the Department of Financial Services (DFS) to adjust the surcharge amount related to a particular company;
- requires transaction settlement statements to specify that the surcharge amount is a "surcharge" and provide that the surcharge is not premium;

- requires any insurer that was not subject to a given assessment, regardless of their activity in the previous calendar year, to collect and remit the surcharge to DFS as an excess surcharge;
- establishes an excess surcharge account that may be used to fund the costs of other insolvent title insurer estates or assist title insurers that have not fully recovered their assessment payments;
- allows the Office of Insurance Regulation to end surcharges after all actively-writing title insurers have recovered the assessment;
- rolls unused excess surcharges held by the receiver into the Insurance Regulatory Trust Fund after certain conditions are met, rather than immediately upon receipt; and
- grants specific rulemaking authority.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/HB 1087 - Operations of the Citizens Property Insurance Corporation
By: Regulatory Affairs Committee; Insurance & Banking Subcommittee; Bileca and others
Tied Bills: None
Companion Bills: CS/CS/SB 1006
Committee(s) of Reference: Insurance & Banking Subcommittee; Regulatory Affairs Committee
Category: Insurance

Current law requires Citizens Property Insurance Corporation (Citizens) to adopt a program to reduce the number of new and renewal policies it writes, thus reducing its policy count and exposure. The bill contains a series of reforms to the depopulation program, which include:

- After January 1, 2016, a policyholder must be told when one or more insurers have expressed an interest in taking out the policyholder's policy
- After January 1, 2016, a policy may not be taken out from Citizens unless the policyholder receives standardized premium and coverage information offered by the insurer, and a comparison of both to the premium and coverage of the Citizens renewal policy
- A consumer may elect not to be solicited for takeout more than once in a six-month period
- A consumer retains eligibility for Citizens insurance through the Clearinghouse if the insurer increases its initial premium more than 10 percent above its original estimate or increases the rate on the policy more than 10 percent per year during the 36 months following takeout

In addition, the bill:

- provides the consumer representative on the Citizens' board with the same exemption from the conflict of interest statute that applies to board members with insurance experience;
- authorizes additional entities to receive confidential underwriting data for the purpose of analyzing risks for underwriting and limits the use of this data; and
- requires an insurance agent to have at least one appointment with an insurer to retain eligibility to write insurance with Citizens.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/CS/SB 1094 - Peril of Flood
By: Rules; Community Affairs; Banking and Insurance; Brandes
Tied Bills: None
Companion Bills: CS/CS/HB 895
Committee(s) of Reference: Banking and Insurance; Community Affairs; Rules
Category: Insurance, Emergency Management, Environmental Protection, Local Government

The bill makes changes to current law relating to the peril of flood and the offering of private flood insurance as an alternative to coverage provided through the National Flood Insurance Program (NFIP).

The bill requires surveyors and mappers to complete elevation certificates in accordance with procedures developed by the Division of Emergency Management and requires local governments to include certain coastal management elements for their comprehensive plans. In addition, the bill amends s. 627.715, F.S., to:

- create a new type of flood insurance, called "flexible flood insurance," which is defined as coverage for the peril of flood that may include water intrusion coverage, and includes or excludes specified provisions, including the authority to limit coverage to only the outstanding mortgage on the property and to allow dwelling loss to be adjusted only on the actual cash value of the property;
- clarify the definition of supplemental insurance to permit coverage in excess of any other insurance covering the peril of flood;
- provide that the notice that insurance agents must provide to potential insureds must notify the applicant that the full risk rate may apply, if NFIP coverage at a subsidized rate is discontinued;
- authorize the Office of Insurance Regulation (OIR) to require insurers to provide appropriate return of premium to former insureds or to credit current policyholders, if OIR determines a flood coverage rate is excessive or unfairly discriminatory; and
- allow an insurer to request a certification from OIR that acknowledges that a private flood policy equals or exceeds the coverage offered by NFIP, and, subject to the OIR's determination that such policy is NFIP-equivalent, these certifications may be used in advertising and communications with agents, lenders, insureds, and potential insureds.

The bill provides that an insurer or agent who knowingly misrepresents that a flood policy, contract, or endorsement is certified commits an unfair and deceptive act.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/HB 1127 - Insurance Fraud
By: Appropriations Committee; Insurance & Banking Subcommittee; Sullivan
Tied Bills: None
Companion Bills: CS/CS/SB 1306
Committee(s) of Reference: Insurance & Banking Subcommittee; Appropriations Committee; Judiciary Committee
Category: Consumer Protection, Health Care Facilities, Insurance, Repeals of Existing Laws

The bill expressly identifies charges and reimbursement claims by unlicensed healthcare clinics as theft, regardless of whether payments are made. It also combines s. 400.993, F.S., and s. 400.9935(4), F.S., into a single subsection of statute describing unlicensed clinic activities punishable as a felony and establishes an additional felony offense for knowingly failing to update certain required information within 21 days.

The bill repeals the statute authorizing the Automobile Insurance Fraud Strike Force, which is a direct-support organization to support the prosecution, investigation, and prevention of motor vehicle insurance fraud. It removes cross-references related to the Strike Force. Lastly, it eliminates the Department of Financial Services' rulemaking authority related to the Strike Force.

The bill amends the Criminal Punishment Code to reflect the changes made by the bill.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

CS/CS/HB 1133 - Division of Insurance Agent and Agency Services
By: Regulatory Affairs Committee; Insurance & Banking Subcommittee; Fant and others
Tied Bills: None
Companion Bills: CS/CS/SB 1222
Committee(s) of Reference: Insurance & Banking Subcommittee; Regulatory Affairs Committee
Category: Financial Services, Insurance

The bill amends the insurance agent and agency licensure laws. The bill:

- removes the general lines agent's limitation to only sell health insurance when that health insurance is from an insurer the agent represents for property and casualty insurance (an agent can now transact health insurance with any health insurer under the agent's general lines license);
- reduces the number of lines that the agent in charge must be licensed to transact - the agent in charge is required to be licensed in at least two of the location's lines, rather than all of the location's lines, except that if the location only handles one line, the agent in charge must be licensed in that line of insurance;
- eliminates the examination for customer representative licensing - applicants for such licensure will qualify if they have achieved certain specified professional designations or a qualifying academic degree within four years prior to application;
- allows the general lines agent, personal lines agent, and all-lines adjuster license applicants an exemption from the required examination, upon certain conditions, including obtaining certain professional designations or a qualifying academic degree;

- removes examination exemption limitations applicable to license transferees from other states;
- allows non-resident agent applicants to receive an examination exemption if they hold a comparable license in another state with similar examination requirements;
- requires attendees to complete 75 percent of course hours in prelicensure courses for applicants to receive credit, replacing a rule requirement that was repealed for lack of rulemaking authority;
- revises various knowledge, experience, or instruction requirements governing applicants for licensure as a general lines agent, personal lines agent, life agent, or health agent;
- allows a customer representative to share in an agent's commissions, as long as the customer representative is primarily paid by salary;
- establishes a mandatory five-year records retention requirement for insurance agents following expiration of a policy;
- defines the term "surrender" in relation to an annuity or life insurance policy that is surrendered upon the recommendation of an agent;
- eliminates a required form and revises the minimum information that must be provided to a consumer prior to the surrender of an annuity or life insurance policy that is surrendered upon the recommendation of an agent;
- removes or revises various terminologies to adjust to current usage in the insurance industry; and
- deletes references to correspondence courses to allow a greater variety of instruction methods.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/HB 4011 - Motor Vehicle Insurance
By: Insurance & Banking Subcommittee; Goodson
Tied Bills: None
Companion Bills: CS/CS/SB 234
Committee(s) of Reference: Insurance & Banking Subcommittee; Regulatory Affairs Committee
Category: Insurance, Motorists, Repeals of Existing Laws

Private passenger motor vehicle insurance is written to individuals, and family members in the same household, for coverage of automobiles that are not used for commercial purposes. Current law limits private passenger motor vehicle policies to no more than four vehicles per policy. If there are more than four such vehicles in the household, the consumer must purchase and the insurer must underwrite multiple policies.

The bill removes the four-vehicle maximum from the definition of "motor vehicle insurance" in s. 627.041(8), F.S., and the definition of "policy" in s. 627.728(1)(a), F.S., to allow vehicle owners to purchase, and insurers to issue, single policies that cover any number of private passenger motor vehicles, rather than just four or less vehicles per policy.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

HOUSE OF REPRESENTATIVES

Rules, Calendar & Ethics Committee

Representative Ritch Workman, Chair

Representative Eric Eisnaugle, Vice Chair

2015 SUMMARY OF PASSED LEGISLATION

Rulemaking Oversight & Repeal Subcommittee

Representative Lake Ray, Chair

Representative Dane Eagle, Vice Chair

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SB 700 (ch. 2015-1, L.O.F.) - Florida Statutes
By: Simmons
Tied Bills: None
Companion Bills: HB 7027
Committee(s) of Reference: Rules
Category: Government Operations

HB 7027 passed the House on March 11, 2015, as SB 700.

The bill was drafted by the Division of Law Revision and Information of the Office of Legislative Services to prospectively adopt the Florida Statutes 2015 and designate the portions thereof that are to constitute the official statutory law of the state. The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S., and has the effect of curing any title or single subject defects that may have existed in an act as originally passed.

The 2015 adoption act prospectively adopts all statutes of a general and permanent nature passed through the 2014 Regular Session together with corrections, changes, and amendments to and repeals of the provisions of the 2014 Florida Statutes enacted in additional reviser's bill(s) by the 2015 Legislature. The bill adopts as official statutory law of the state those portions of the statutes carried forward from the regular edition published in 2014, which thus serve as the best evidence of the law.

Legislation passed in the 2015 Regular Session, which will have occurred since the publication of the 2014 edition, is not adopted as the official statutory law of the state and serves as prima facie evidence of the law until it is adopted in 2016.

The bill became law on March 19, 2015, chapter 2015-1, Laws of Florida, and becomes effective June 30, 2015.

SB 702 (ch. 2015-2, L.O.F.) - Florida Statutes
By: Simmons
Tied Bills: None
Companion Bills: HB 7029
Committee(s) of Reference: Rules
Category: Government Operations

HB 7029 passed the House on March 11, 2015, as SB 702.

The Division of Statutory Revision of the Office of the Legislative Services is required by statute to conduct a systematic and continuing study of the statutes and the laws of this state. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes and otherwise improve their clarity and facilitate their correct and proper interpretation. In carrying out this work, statutory revision recommends changes such as correcting grammatical and typographical errors and deleting obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, non-substantive reviser's bills.

This bill is a general reviser's bill of technical nature that deletes expired or obsolete language; corrects cross references and grammatical errors; removes inconsistencies, redundancies, and unnecessary repetition in the statutes; improves the clarity of the statutes and facilitates their correct interpretation; and confirms the restoration of provisions unintentionally omitted from republication in the Legislature's acts during the amendatory process.

The bill became law on March 19, 2015, chapter 2015-2, Laws of Florida, and becomes effective June 30, 2015.

SB 704 (ch. 2015-3, L.O.F.) - Florida Statutes
By: Simmons
Tied Bills: None
Companion Bills: HB 7031
Committee(s) of Reference: Rules
Category: Government Operations

HB 7031 passed the House on March 11, 2015, as SB 704.

The Division of Statutory Revision of the Office of the Legislative Services is required by statute to conduct a systematic and continuing study of the statutes and the laws of this state. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes and otherwise improve their clarity and facilitate their correct and proper interpretation. In carrying out this work, statutory revision recommends changes such as correcting grammatical and typographical errors and deleting obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, non-substantive reviser's bills.

HB 7031 is a general reviser's bill that deletes statutory provisions that have been repealed by a non-current (past-year) session of the Legislature where that repeal or expiration date has now occurred, rendering the provision of no effect. Such provisions may be omitted from publication in the 2015 Florida Statutes only through a reviser's bill duly enacted by the Legislature.

The bill became law on March 19, 2015, chapter 2015-3, Laws of Florida, and becomes effective June 30, 2015.

SB 706 (ch. 2015-4, L.O.F.) - Florida Statutes
By: Simmons
Tied Bills: None
Companion Bills: HB 7033
Committee(s) of Reference: Rules
Category: Government Operations

HB 7033 passed the House on March 11, 2015, as SB 706.

Section 11.242(5)(j), F.S., directs the Office of Legislative Services to include duplicative, redundant, or unused statutory rulemaking authority among its proposed repeals in reviser's bill recommendations. The purpose of this directive is not to diminish the authority of executive branch agencies to adopt administrative rules necessary to implement their statutory responsibilities, but to remove unnecessary text from the statutes.

This reviser's bill removes such rule-authorizing provisions through revision of existing statutes or repeal of unnecessary provisions. The bill also makes conforming changes to correct cross-references.

Pursuant to House Rule 12.3(e), a reviser's bill cannot be amended except to delete one or more bill sections.

As technical and non-substantive, this reviser's bill has no fiscal impact on state or local governments or the private sector.

The bill became law on March 19, 2015, chapter 2015-4, Laws of Florida, and becomes effective June 30, 2015.

HB 7035 (ch. 2015-5, L.O.F.) - Presidential Preference Primary
By: Rules, Calendar & Ethics Committee; Workman
Tied Bills: None
Companion Bills: SB 7036
Committee(s) of Reference: None
Category: Elections

HB 7035 passed the House on March 11, 2015, and subsequently passed the Senate on March 18, 2015.

The presidential preference primary (primary) is an election for Florida's major political parties to determine which party candidates should be nominated at the parties' national conventions to be their presidential candidates in the November general election. Florida law requires the primary to be held on the first Tuesday that the rules of the major political parties provide for state delegations to be allocated without penalty.

The bill revises the date of the primary. Specifically, the bill requires the primary to be held on the third Tuesday in March in each presidential election year.

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

The bill became law on March 19, 2015, chapter 2015-5, Laws of Florida, and became effective on that date.

HCR 8009 - Confirmation of Auditor General
By: Raulerson
Tied Bills: None
Companion Bills: None
Committee(s) of Reference: Rules, Calendar & Ethics Committee
Category: Government Operations

HCR 8009 was adopted by the House on April 21, 2015, and subsequently adopted by the Senate on April 23, 2015.

Article III, Section 2, Florida Constitution, authorizes the Legislature to "appoint an auditor to serve at its pleasure who shall audit public records and perform related duties as prescribed by law or concurrent resolution."

Section 11.42(2), Florida Statutes, provides that the Auditor General shall be appointed to the office to serve at the pleasure of the Legislature by a majority vote of the members of the Legislative Auditing Committee, subject to confirmation by both houses of the Legislature.

This concurrent resolution confirms the appointment made by the Joint Legislative Auditing Committee (JLAC) of Sherrill Foltz Norman to the position of Auditor General, effective July 1, 2015.

The concurrent resolution was adopted by the House on April 21, 2015, and subsequently adopted by the Senate on April 23, 2015. It became effective upon adoption by both houses.

Rulemaking Oversight & Repeal Subcommittee

CS/CS/CS/HB 435 - Administative Procedures
By: State Affairs Committee; Government Operations Appropriations Subcommittee; Rulemaking Oversight & Repeal Subcommittee; Adkins
Tied Bills: None
Companion Bills: CS/SB 718
Committee(s) of Reference: Rulemaking Oversight & Repeal Subcommittee; Government Operations Appropriations Subcommittee; State Affairs Committee
Category: Administrative Procedure, Government Operations

The bill revises provisions of Florida's Administrative Procedures Act, ch. 120, F.S., to increase agency accountability. The bill:

- revises the duties of agencies when an interested party submits a petition for rulemaking;
- increases publication and electronic distribution of notice respecting particular rulemaking steps;
- clarifies pleadings and burdens of proof in direct administrative challenges to agency rules, proposed rules, and unadopted rules;
- conforms administrative challenges to rules in defense of agency actions to the rules governing direct challenges;
- clarifies the rule challenges subject to appeal and provides tolling on the time to appeal an agency final order when the appellant does not receive notice of the order; and
- requires agencies to review all rules in response to inquiries regarding violations that should be treated as minor violations of administrative rules.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/HB 985 - Maintenance of Agency Final Orders
By: Rulemaking Oversight & Repeal Subcommittee; Eisnaugle
Tied Bills: None
Companion Bills: CS/SB 1284
Committee(s) of Reference: Rulemaking Oversight & Repeal Subcommittee; Government Operations Appropriations Subcommittee; State Affairs Committee
Category: Administrative Procedure, Government Operations

The bill requires all agencies to use the Division of Administrative Hearings (DOAH) website for publication of final orders that must be maintained for public access. Other methods of maintaining and accessing pre-existing orders will continue indefinitely. The bill also provides expanded rulemaking authority to the Department of State to coordinate and set standards on transmittal of certified copies

of final orders and to assure integrity of the online documents and satisfactory operation of storage and retrieval functions assigned to DOAH.

The bill requires that all final agency orders entered after implementation of the bill will be available online in an easily searchable database.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

HB 7023 - Administrative Procedures
By: Rulemaking Oversight & Repeal Subcommittee; Ray
Tied Bills: None
Companion Bills: CS/SB 7056
Committee(s) of Reference: State Affairs Committee
Category: Administrative Procedure, Government Operations

The bill alters agency rulemaking requirements. It replaces a current biennial summary reporting requirement with an expanded, annual regulatory plan to be submitted by most state agencies. It requires each agency to determine whether each new law creating or affecting the agency's authority will require new or amended rules. If so, the agency must initiate rulemaking by a specific time. If not, the agency must state concisely why the law may be implemented without additional rulemaking. The regulatory plan also must state each existing law on which the agency expects to initiate rulemaking in the current fiscal year. The plan must be certified by the agency head and general counsel and published on the agency's internet website, with a copy of the certification filed with the Joint Administrative Procedures Committee (JAPC).

The bill requires agencies to respond in writing within 15 days to any request from JAPC or any legislative committee chair seeking an explanation when the agency fails to comply with the new planning and rulemaking requirements.

The bill exempts educational units from the new requirements.

The bill also rescinds any rulemaking sanctions inadvertently resulting from a recently repealed rule study and repeals a law pertaining to an online regulatory survey.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

HB 7081 - Ratification of Rules/Minimum Flows & Levels and Recovery & Prevention Strategies/DEP
By: Rulemaking Oversight & Repeal Subcommittee; Beshears; Porter
Tied Bills: None
Companion Bills: SB 7062
Committee(s) of Reference: State Affairs Committee
Category: Administrative Procedure, Environmental Protection, Natural Resources

The Department of Environmental Protection (DEP) or the five water management districts (WMDs) are required to establish minimum flows for surface watercourses and minimum levels for groundwater and surface waters within each district. "Minimum flow" is the limit at which further water withdrawals from a given watercourse would significantly harm the water resources or ecology of the area. "Minimum level" is the level of groundwater in an aquifer or the level of a surface waterbody at which further withdrawals will significantly harm the water resources of the area.

On March 7, 2014, DEP proposed rule 62-42.300, F.A.C., establishing MFLs for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs, as well as regulatory flow recovery provisions. The proposed rule was estimated to have an economic impact in excess of $1 million over 5 years. If an agency rule meets that economic threshold, current law requires legislative ratification of the rule before it can take effect. On April 8, 2014, the DEP filed a Notice of Change modifying the proposed rule. The Legislature passed HB 7171 (2014) which exempted the April 8 version of the proposed rule from the ratification requirement. However, after enactment of that exemption, the rules were successfully challenged in the Division of Administrative Hearings (DOAH). The Administrative Law Judge ruled on September 11, 2014, finding that the proposed rules had certain technical deficiencies but also finding that the rest of proposed rules in chapter 62-42, including the springs MFLs and the recovery strategy, are valid exercises of delegated legislative authority.

On November 7, 2014, a Notice of Change was published resolving the rule's noted deficiencies. The November change did not change the proposed minimum flows or the recovery strategy included in the proposed rule. After an unsuccessful DOAH challenge the rule was filed for adoption on February 18, 2015. A revised SERC was made available to the public on December 5, 2014.

The bill satisfies the legislative ratification requirement based on the rule's economic and regulatory cost impact. The bill expressly states that it serves no purpose other than satisfying the ratification requirement and that it will not be codified in the Florida Statutes.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 7083 - Ratification of Rules/Construction & Demolition Debris Disposal and Recycling/DEP
By: Rulemaking Oversight & Repeal Subcommittee; Beshears
Tied Bills: None
Companion Bills: SB 7060
Committee(s) of Reference: State Affairs Committee
Category: Administrative Procedure, Environmental Protection

The bill ratifies Rule 62-701.730, F.A.C., "Construction and Demolition Debris Disposal and Recycling," promulgated by the Florida Department of Environmental Protection (DEP). The solid waste rule requires liners and leachate collection systems for new or expanding construction and demolition debris facilities that are not able to demonstrate a liner is not needed. DEP adopted these amendments to conform to changes made by the Legislature in 2010 to the solid waste permitting statute.

Rule 62-701.730 imposes regulatory costs exceeding $1 million over the first 5 years the rule is in effect. Accordingly, the rule must be ratified by the Legislature before it may go into effect.

The bill satisfies the legislative ratification requirement based on the rule's economic and regulatory cost impact. The bill expressly states that it serves no purpose other than satisfying the ratification requirement and that it will not be codified in the Florida Statutes.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HOUSE OF REPRESENTATIVES

State Affairs Committee

Representative Matt Caldwell, Chair

Representative Neil Combee, Vice Chair

2015 SUMMARY OF PASSED LEGISLATION

Agriculture & Natural Resources Subcommittee

Representative Tom Goodson, Chair

Representative Jake Raburn, Vice Chair

Government Operations Subcommittee

Representative Michael Bileca, Chair

Representative David Santiago, Vice Chair

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CS/CS/SB 228 (ch. 2015-36, L.O.F.) - Online Voter Application
By: Appropriations; Ethics and Elections; Clemens and others
Tied Bills: None
Companion Bills: HB 227; HB 7143; includes part(s) of HB 1161 and SB 7064
Committee(s) of Reference: Ethics and Elections; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations
Category: Elections

Beginning October 1, 2017, the bill requires an online voter registration system to be available for purposes of registering first-time voters and updating existing voter registrations. It requires the Division of Elections (division) of the Department of State (DOS) to establish a secure Internet website that safeguards an applicant's information, complies with certain information technology security provisions, and uses a unique identifier for each applicant to prevent unauthorized persons from altering a voter's registration information. The system must comply with certain federal laws to ensure equal access to voters with disabilities. In addition, the bill requires the division to conduct a comprehensive risk assessment of the system before making it publicly available and every two years thereafter.

The bill requires the division to submit a report to the President of the Senate and the Speaker of the House of Representatives regarding the implementation of online voter registration no later than January 1, 2016.

For the 2015-2016 fiscal year, the bill appropriates $1.8 million in nonrecurring funds from the Federal Grants Trust Fund to DOS to implement online voter registration.

The bill became law on May 14, 2015, chapter 2015-36, Laws of Florida, and becomes effective July 1, 2015.

Agriculture & Natural Resources Subcommittee

CS/HB 359 - Miami-Dade County Lake Belt Area
By: Agriculture & Natural Resources Subcommittee; Diaz and others
Tied Bills: None
Companion Bills: CS/SB 510
Committee(s) of Reference: Agriculture & Natural Resources Subcommittee; Finance & Tax Committee; State Affairs Committee
Category: Environmental Protection, Natural Resources, Transportation

Under current law, the rock mining companies operating in the Miami-Dade County Lake Belt Area (Lake Belt) must pay a combination of fees based on the number of tons of limestone or sand extracted from the area. The fees are used to conduct wetland mitigation activities, fund seepage mitigation projects,

and fund water treatment plant upgrades. The bill includes the following revisions to the Lake Belt statutes:

- Requires amendments to local zoning and subdivision regulations so that the use of properties located within one mile of the Lake Belt are compatible with limestone mining activities. Further, the bill prohibits amendments to local zoning and subdivision regulations that would result in an increase in residential density in certain parts of the Lake Belt until active mining operations cease within two miles of the property
- Reduces the mitigation fee from $.45 per ton to $.25 per ton beginning January 1, 2016, to $.15 per ton beginning January 1, 2017, and to $.05 per ton beginning January 1, 2018
- Requires proceeds from the mitigation fee to be used to conduct water quality monitoring to ensure the protection of water resources within the Lake Belt
- Removes the requirement that the South Florida Water Management District use the water treatment plant upgrade fee to pay for seepage mitigation projects, and returns the proceeds collected from the fee to Miami-Dade County
- Reduces the water treatment upgrade fee from $.15 to $.06 per ton of limerock and sand sold, and provides that the fee will expire on July 1, 2018
- Directs the Department of Revenue to transfer $.02 per ton of the water treatment plant upgrade fee, not to exceed $300,000, to fund a study by the State Fire Marshall to review the established statewide ground vibration limits for construction materials mining activities and to review any legitimate claims paid for damages caused by such mining activities
- Requires Miami-Dade County to provide the House and Senate:
    - a detailed accounting of the water treatment plant upgrade fees collected and all expenditures of those fees; and
    - a detailed report on all pathogen data collection and analyses related to the Northwest Wellfield and the planning and engineering studies undertaken to upgrade any water treatment plant to provide treatment for pathogens in water from the Northwest Wellfield.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/SB 420 (ch. 2015-18, L.O.F.) - Animal Control
By: Appropriations; Community Affairs; Grimsley
Tied Bills: None
Companion Bills: CS/CS/HB 627
Committee(s) of Reference: Agriculture; Community Affairs; Appropriations
Category: Agriculture, Law Enforcement, Local Government, Safety

Currently, law enforcement officers of a county or an animal control center who find livestock running at large or stray must confine, hold, and impound the livestock. After the livestock is impounded, the sheriff must attempt to notify the owner advising of the location of the livestock, the amount due for impounding, and that the livestock will be sold if not redeemed. If the livestock is not redeemed, the sheriff must put the livestock up for sale or auction. The bill:

- authorizes sheriffs and county animal control centers to offer for adoption or humanely dispose of impounded livestock, excluding cattle, as an alternative to the sale or auction of the livestock;

- requires county animal control centers, in addition to sheriffs, to determine the fees allowed for impounding, serving notice, care and feeding, advertising, and disposing of impounded animals; and
- authorizes county animal control centers to collect payment in the same manner as sheriffs for impounding expenses when the livestock owner redeems the impounded livestock.

Under current law, counties and societies or associations for the prevention of cruelty to children or animals (societies/associations) are authorized to appoint agents to investigate violations of certain animal cruelty laws and other laws protecting children and animals. The bill grants municipalities with certified animal control officers the same powers as counties and societies/associations.

In addition, current Florida law authorizes counties and municipalities to adopt ordinances related to animal control and cruelty, and sets forth what must be in the ordinances and the procedure to assess and collect fines. These ordinances may not conflict with the animal cruelty statutes. However, current law also authorizes counties and municipalities to enforce their local ordinances through local code enforcement boards that employ code inspectors. Code enforcement boards can also hold hearings, impose enforcement fees and fines, and file liens on property. It is unclear whether these enforcement options can apply to ordinances adopted pursuant to existing animal cruelty statutes. The bill specifically authorizes counties and municipalities to use these other code enforcement options to enforce animal control and cruelty ordinances.

The bill became law on May 14, 2015, chapter 2015-18, Laws of Florida, and becomes effective July 1, 2015.

CS/HB 787 - Recycled and Recovered Materials
By: Agriculture & Natural Resources Subcommittee; Peters
Tied Bills: None
Companion Bills: CS/SB 912
Committee(s) of Reference: Agriculture & Natural Resources Subcommittee; Judiciary Committee; State Affairs Committee
Category: Environmental Protection, Natural Resources

Under current law, the following persons can be held liable for all costs of removal or remedial action incurred by the Department of Environmental Protection (DEP) and damages for injury to, destruction of, or loss of natural resources resulting from the release or threatened release of a hazardous substance:

- Owners and operators of a facility
- Persons who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substance was disposed of
- Any person who by contract arranged for the disposal of a hazardous substance
- Any person who accepts or has accepted any hazardous substances for transport to disposal or treatment facilities or sites

These persons may only use the defenses available in the statutes. To avoid liability, persons must plead and prove the occurrence was solely the result of an act of war, act of government, act of God, or an act or omission of a third party. The bill:

- provides that a person who sells, transfers, or arranges for the transfer of recycled and recovered materials to a facility owned or operated by another person for the purpose of reclamation, recycling, manufacturing, or reuse of such materials is relieved from liability for hazardous substances released or threatened to be released from the receiving facility;
- creates an exception or limitation to the relief from liability if the person arranging for the transfer of the recycled material fails to exercise reasonable care or if the recycling of such materials was not expected to be "legitimate" based on the information generally available to the person at the time of the arrangement;
- defines "recycled and recovered materials" to include scrap paper; scrap plastic; scrap glass; scrap textiles; scrap rubber, other than whole tires; scrap metal; or spent lead-acid or nickel-cadmium batteries or other spent batteries; and
- states that the newly created defense applies to causes of action accruing on or after July 1, 2015, and applies retroactively to causes of action accruing before July 1, 2015, for which a lawsuit has not been filed.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/HB 7021 - Fish and Wildlife Conservation Commission
By: State Affairs Committee; Agriculture & Natural Resources Subcommittee; Sullivan and Trumbull and others
Tied Bills: None
Companion Bills: CS/CS/SB 680; HB 241
Committee(s) of Reference: Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee
Category: Environmental Protection, Federal Government, Law Enforcement, Natural Resources, Safety

The bill makes a number of changes to the statutes governing boating safety, fishing, and hunting. Most significantly, the bill:

- specifies that a person engaged in water skiing, parasailing, or any similar activity must wear a life jacket "used in accordance with the U.S. Coast Guard approved label," and removes the outdated references to "type codes" (I, II, III, IV, V) for life jackets;
- authorizes the Fish and Wildlife Conservation Commission (FWC) to reimburse citizen support organizations that, by contract, provide fiscal and administrative services to FWC;
- eliminates angler reporting requirements for tarpon tags, and modifies the effective and expiration dates of tarpon tags so that each tag is valid for a full calendar year;
- removes commercial saltwater restricted species endorsement regulations from the statutes without removing the requirement to obtain a restricted species endorsement;
- creates exemptions from certain licensure requirements for alligator hunting;
- exempts certain individuals from paying the fee for an alligator hunting license;

- repeals certain regulatory provisions from the statutes because FWC adopted similar rules pursuant to its constitutional authority; and
- modifies statutory penalties for violating the wildlife feeding rules or orders.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

Government Operations Subcommittee

CS/HB 71 - Service Animals
By: Judiciary Committee; Smith and others
Tied Bills: None
Companion Bills: CS/SB 414
Committee(s) of Reference: Government Operations Subcommittee; Judiciary Committee; State Affairs Committee
Category: Health, Mental Health

The bill revises the definition of the term "individual with a disability" to add an individual with a physical or mental impairment that substantially limits one or more major life activities. A "physical or mental impairment" is defined, in part, as a physiological disorder or condition that affects at least one bodily function or a mental or psychological disorder. The bill also defines the term "major life activity" and expands the definition of the terms "public accommodation" and "service animal."

The bill requires a public accommodation to modify its policies to permit the use of a service animal by an individual with a disability. It further specifies that a public accommodation may not ask about the nature or extent of an individual's disability in order to determine if an animal is a service animal or pet. However, a public accommodation may ask if the animal is a service animal required because of a disability and what work the animal has been trained to perform. The bill requires a service animal to be kept under the control of its handler. The bill authorizes a public accommodation to remove the animal if the animal is not under the handler's control, is not housebroken, or poses a serious threat to others.

The bill modifies the criminal penalty for interference with the right of a disabled individual or service animal trainer to use a place of public accommodation to include the requirement that a person also perform 30 hours of community service for an organization that serves individuals with disabilities or for another entity. The bill provides that knowingly and willfully misrepresenting oneself as being qualified to use a service animal or being a trainer of a service animal is a second degree misdemeanor. In addition, a person must perform 30 hours of community service for an organization that serves individuals with disabilities, or for another entity, at the discretion of the court.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/HB 105 - Publicly Funded Retirement Programs
By: Government Operations Subcommittee; Eagle and others
Tied Bills: None
Companion Bills: CS/CS/SB 216
Committee(s) of Reference: Government Operations Subcommittee; Local Government Affairs Subcommittee; Finance & Tax Committee; State Affairs Committee
Category: Local Government, Retirement

The bill expands the applicability of the Marvin B. Clayton Firefighters Pension Trust Fund Act to include municipalities providing fire protection services to a Municipal Service Taxing Unit (MSTU) through an interlocal agreement. The bill authorizes the receipt of premium taxes collected within the MSTU boundary for the purpose of providing pension benefits to the firefighters.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/SB 172 - Local Government Pension Reform
By: Governmental Oversight and Accountability; Bradley; Ring and others
Tied Bills: None
Companion Bills: CS/CS/HB 341
Committee(s) of Reference: Governmental Oversight and Accountability; Community Affairs; Fiscal Policy
Category: Law Enforcement, Local Government, Public Employees, Retirement

The bill substantially changes how insurance premium tax revenues must be used in the funding of firefighter and police officer pension benefits under chapters 175 and 185, F.S., and requires plans to create a defined contribution component of the plan. The bill amends parallel provisions in chapters 175 and 185, F.S., and specifies a formula for the use of these funds. However, a plan may deviate from the premium tax distribution requirements by mutual consent of the members' collective bargaining representative or, if none, by majority consent of the firefighter or police officer members of the fund, and by consent of the municipality or special fire control district.

The bill increases the minimum benefit accrual rates for the pension plan component from 2 percent to 2.75 percent, and specifies certain exceptions to the increase. It permits a reduction in plan benefits that are provided over the minimum benefit levels if the plan provides a 2.75 percent accrual rate, and directs how the freed up money must be used.

The bill grandfathers in changes to a plan that are based on that particular plan's reliance on a Department of Management Services (DMS) interpretation of the existing statute, which must be evidenced by an initial proposal, agreement, or correspondence from the municipality dated before March 3, 2015. In addition, a plan that deviates from the premium tax distribution provisions by mutual consent and that did not meet minimum benefits as of October 1, 2012, may continue to provide the benefits that do not meet the minimum benefits at the same level as was provided on October 1, 2012, and all other benefit levels must continue to meet the minimum benefits.

The bill requires a plan board of trustees to provide a detailed accounting report of its expenses to the plan sponsor and to DMS, and to make the report available online. It also requires the board to operate under an administrative expense budget.

The bill amends the definition of "compensation" or "salary" for police officers to provide that overtime may be limited before July 1, 2011, in a local law plan by the plan provisions.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

SB 184 - Federal Write-in Absentee Ballot
By: Evers and others
Tied Bills: None
Companion Bills: HB 109; includes part(s) of HB 1161
Committee(s) of Reference: Ethics and Elections; Military and Veterans Affairs, Space, and Domestic Security; Fiscal Policy
Category: Elections, Military

The bill expands the permitted uses of federal write-in absentee ballots (FWABs) to include uncontested races, merit retention races, and ballot measures. Additionally, the bill delays the canvassing of FWABs from overseas voters to 10 days after the presidential preference primary or general election.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/CS/HB 371 - Agency Inspectors General
By: State Affairs Committee; Appropriations Committee; Government Operations Subcommittee; Raulerson and others
Tied Bills: None
Companion Bills: CS/CS/SB 1304
Committee(s) of Reference: Government Operations Subcommittee; Appropriations Committee; State Affairs Committee
Category: Government Operations

The bill amends provisions related to inspectors general and the Chief Inspector General (CIG). Specifically, the bill:

- requires a national search for an inspector general to be initiated within 60 days after a vacancy or anticipated vacancy of a position of inspector general;
- prohibits a former or current elected official from being appointed as an inspector general within five years after the end of his or her term of office, but provides exceptions;
- adds additional qualifications for the position of inspector general for agencies under the jurisdiction of the Governor, which include certification, education, and experience requirements;

- prohibits an inspector general, or an officer or employee of an Office of Inspector General, from holding or running for elective office with the state, county or other political subdivision, or holding office in a political party or committee;
- requires other agency, district, or commission personnel to cooperate with an inspector general;
- requires a statement in each contract or program for every state officer, employee, agency, special district, board, commission, contractor, and subcontractor to require cooperation with the inspector general, beginning July 1, 2015;
- authorizes the CIG to hire or retain legal counsel; and
- authorizes the CIG to issue and enforce subpoenas relating to agencies under the jurisdiction of the Governor.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/SB 396 - Florida Historic Capitol
By: Appropriations; Governmental Oversight and Accountability; Detert and others
Tied Bills: None
Companion Bills: CS/HB 821
Committee(s) of Reference: Governmental Oversight and Accountability; Appropriations Subcommittee on General Government; Appropriations
Category: Government Operations

The bill renames the Legislative Research Center and Museum the Florida Historic Capitol Museum (museum). It also renames the Florida Historic Capitol Curator the Florida Historic Museum Director (director). The bill requires the director to propose a strategic plan to the President of the Senate and the Speaker of the House of Representatives by May 1 of each year, and to propose an annual operating plan.

The bill creates the Florida Historic Capitol Museum Council (council) within the legislative branch and provides certain requirements for the council. The bill provides for the composition of the council and establishes criteria for prospective council members. Council members serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses from the funds of the museum's direct-support organization (DSO).

The bill removes all references authorizing the establishment of a citizen support organization (CSO). Furthermore, the bill redirects the funding from the fee for specialty license plates from the museum's CSO to the DSO. Additionally, the bill increases from 2 to 12 the number of additional appointments the board of directors of the DSO can make to itself.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

SB 522 (ch. 2015-22, L.O.F.) - Division of Bond Finance
By: Brandes
Tied Bills: None
Companion Bills: HB 4007
Committee(s) of Reference: Governmental Oversight and Accountability; Banking and Insurance; Fiscal Policy
Category: Financial Services, Government Operations, Repeals of Existing Laws

The bill repeals the requirement for the Division of Bond Finance (division) to issue a regular newsletter to issuers, underwriters, attorneys, investors, and other parties within the bond community and the general public containing information of interest relating to state and local general obligation and revenue bonds.

The division has not published an issue of the newsletter since the fall of 2000 because there have been no subscribers.

The bill became law on May 14, 2015, chapter 2015-22, Laws of Florida, and becomes effective July 1, 2015.

CS/HB 565 - Retirement
By: Government Operations Subcommittee; Beshears
Tied Bills: None
Companion Bills: CS/SB 1054
Committee(s) of Reference: Government Operations Subcommittee; Appropriations Committee; State Affairs Committee
Category: Local Government, Public Employees, Retirement

The bill provides a six-month window to allow local agency employers to reassess positions previously designated as Senior Management Service Class positions and to request removal from the class of any such positions that it deems appropriate. After the initial window provided in 2015, the bill allows for subsequent reviews and reclassifications every five years.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

SB 694 - Florida State Employees' Charitable Campaign
By: Ring
Tied Bills: None
Companion Bills: HB 719
Committee(s) of Reference: Governmental Oversight and Accountability; Appropriations Subcommittee on General Government; Fiscal Policy
Category: Government Operations, Public Employees

The bill allows state officers and employees to contribute undesignated funds to the Florida State Employees' Charitable Campaign (FSECC) as part of a campaign event. It directs the fiscal agent to direct undesignated contributions to participating charitable organizations in proportion to all designated FSECC contributions received by that organization. The bill eliminates the requirement that local steering committees be established in each fiscal agent area. It also eliminates the additional eligibility requirements for an independent unaffiliated agency, national agency, and international service agency.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

CS/CS/SB 778 - Local Government Construction Preferences
By: Governmental Oversight and Accountability; Community Affairs; Hays
Tied Bills: None
Companion Bills: CS/CS/CS/HB 113
Committee(s) of Reference: Community Affairs; Governmental Oversight and Accountability; Appropriations
Category: Government Operations, Higher Education and Workforce, Local Government

The bill provides that for a competitive solicitation for construction services in which 50 percent or more of the cost will be paid from state-appropriated funds that have been appropriated at the time of the competitive solicitation, a state college, county, municipality, school district, or other political subdivision may not use a local ordinance or regulation that provides a preference based upon the contractor:

- maintaining an office or place of business within a particular local jurisdiction;
- hiring employees or subcontractors from within a particular local jurisdiction; or
- prior payment of local taxes, assessments, or duties within a particular local jurisdiction.

The bill defines the term "state-appropriated funds" to mean all funds appropriated in the General Appropriations Act, excluding federal funds. It also provides a definition for the term "competitive solicitation."

The bill requires a state college, county, municipality, school district, or other political subdivision to disclose certain information regarding the use of state-appropriated funds in its competitive solicitation document. It also provides that except for when 50 percent or more of the costs for construction services will be paid from state-appropriated funds, a state college, county, municipality, school district, or other political subdivision is not prevented from awarding a contract to a contractor in accordance with applicable state laws or local ordinances or regulations.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

SB 984 (ch. 2015-28, L.O.F.) - Exemption from Legislative Lobbying Requirements
By: Braynon
Tied Bills: None
Companion Bills: HB 599
Committee(s) of Reference: Ethics and Elections; Governmental Oversight and Accountability; Rules
Category: Ethics, Government Operations

The bill revises the definition of the term "expenditure" for purposes of the legislative expenditure ban to create an exception to the expenditure ban for a public-legislative use. It provides that a public-legislative use is the use of a public facility or property that is made available by a governmental entity to a legislator for a public purpose, regardless of whether the governmental entity is required to register a person as a lobbyist.

The bill became law on May 14, 2015, chapter 2015-28, Laws of Florida, and becomes effective July 1, 2015.

CS/CS/HB 1309 - Publicly Funded Retirement Plans
By: State Affairs Committee; Government Operations Subcommittee; Drake
Tied Bills: None
Companion Bills: CS/SB 242
Committee(s) of Reference: Government Operations Subcommittee; Appropriations Committee; State Affairs Committee
Category: Local Government, Retirement

Effective January 1, 2016, the bill requires each local government pension plan, when conducting the actuarial valuation of the plan, to use the mortality tables used in either of the two most recently published actuarial valuation reports of the Florida Retirement System, including the projection scale for mortality improvement. It requires appropriate risk and collar adjustments to be made based on plan demographics. The bill requires the tables to be used for assumptions for preretirement and postretirement mortality. The bill also revises the mortality tables used in the actuarial disclosures in the plan's financial statements submitted to the Department of Management Services, effective January 1, 2016.

In addition, the bill delays the time period for each defined benefit retirement system or plan to comply with certain reporting requirements that were established in 2013, effective January 1, 2016. The bill requires each plan to comply with the reporting requirements after the close of the plan year on or after December 31, 2015, rather than June 30, 2014.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law, except as otherwise provided.

HB 7005 - OGSR/Commission for Independent Education
By: Government Operations Subcommittee; Ingoglia
Tied Bills: None
Companion Bills: SB 7004
Committee(s) of Reference: State Affairs Committee
Category: Government in the Sunshine, Pre-K through 12 Education

The bill saves from repeal the public record exemption for investigatory records of the Commission for Independent Education. It also saves from repeal the public meeting exemption for that portion of a commission meeting at which the exempt investigatory records are discussed.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

SB 7008 - OGSR/Licensure Examination Questions/Board of Funeral, Cemetery, and Consumer Services
By: Banking and Insurance
Tied Bills: None
Companion Bills: HB 7051
Committee(s) of Reference: Governmental Oversight and Accountability; Rules
Category: Government in the Sunshine

The bill saves from repeal the public meeting exemption for those portions of a Board of Funeral, Cemetery, and Consumer Services meeting where questions or answers to licensure examination questions are discussed. It also saves from repeal the public record exemption for the recording of the closed portion of the meeting.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

SB 7010 - OGSR/Examination Techniques or Procedures/Office of Financial Regulation
By: Banking and Insurance
Tied Bills: None
Companion Bills: HB 7053
Committee(s) of Reference: Governmental Oversight and Accountability; Rules
Category: Financial Services, Government in the Sunshine

The bill saves from repeal the public record exemption for information that reveals examination techniques or procedures used by the Office of Financial Regulation pursuant to the Florida Securities and Investor Protection Act.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

HB 7011 - OGSR/Public Transit Providers
By: Government Operations Subcommittee; Fant
Tied Bills: None
Companion Bills: CS/SB 7000
Committee(s) of Reference: State Affairs Committee
Category: Government in the Sunshine, Transportation

The bill saves from repeal the public record exemption for personal identifying information held by a public transit provider for the purpose of facilitating the prepayment of transit fares or the acquisition of a prepaid transit fare card. It also transfers the public record exemption to the Florida Public Transit Act.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

SB 7012 - OGSR/Credit History Information and Credit Scores/Office of Financial Regulation
By: Banking and Insurance
Tied Bills: None
Companion Bills: HB 7089
Committee(s) of Reference: Governmental Oversight and Accountability; Rules
Category: Financial Services, Government in the Sunshine

The bill saves from repeal the public record exemption for credit history information and credit scores held by the Office of Financial Regulation related to licensure of loan originators.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

SB 7016 - OGSR/Minor Identifying Information
By: Judiciary
Tied Bills: None
Companion Bills: HB 7049
Committee(s) of Reference: Governmental Oversight and Accountability; Rules
Category: Courts, Government in the Sunshine

The bill saves from repeal the public record exemption for information held by the office of criminal conflict and civil regional counsel or the Justice Administrative Commission that identifies a minor petitioning a court to waive parental notice requirements before terminating a pregnancy.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

SB 7024 - State Board of Administration
By: Governmental Oversight and Accountability
Tied Bills: None
Companion Bills: HB 913
Committee(s) of Reference: Appropriations Subcommittee on General Government; Appropriations
Category: Government Operations, Local Government, Retirement

The bill repeals the current limitation on the authority of the State Board of Administration (SBA) to invest the funds of the Florida Retirement System Trust Fund in institutions doing business in or with Northern Ireland.

The bill also directs the SBA to distribute any residual balance in the Fund B Surplus Funds Trust Fund to the local governments that were trust fund participants. The distribution is based on each participant's proportional share of the November 2007 interest earnings that were withheld from distribution and transferred to the Fund B Surplus Funds Trust Fund.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

SB 7032 - Public Records/Reports of a Deceased Child
By: Health Policy
Tied Bills: None
Companion Bills: HB 7129
Committee(s) of Reference: Governmental Oversight and Accountability; Rules
Category: Government in the Sunshine, Health, Safety

The bill saves from repeal the public record and public meeting exemptions for the State Child Abuse Death Review Committee and local child abuse death review committees. The bill narrows the current exemptions when the death has occurred as the result of verified abuse or neglect to only protect the identity of the surviving siblings. It also expands the current exemptions to protect the name of the deceased child whose death has been reported to the central abuse hotline of the Department of Children and Families, but determined not to be the result of abuse or neglect, as well as the identity of the surviving siblings, family members, and others living in the home of the deceased child. As a result, the bill extends the repeal date from October 2, 2015, to October 2, 2020. It also provides a public necessity statement as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 7034 - OGSR/Stalking Victims Identifying Information
By: Governmental Oversight and Accountability; Ethics and Elections
Tied Bills: None
Companion Bills: HB 7101
Committee(s) of Reference: Governmental Oversight and Accountability; Rules
Category: Government in the Sunshine, Safety

The bill saves from repeal the public record exemption for the name, address, and telephone number of a person who is a victim of stalking or aggravated stalking. The victim must file a sworn statement of stalking with the Office of the Attorney General and comply with the requirements of the Address Confidentiality Program for Victims of Domestic Violence in order for the public record exemption to apply.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2015.

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