

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/CS/HB 169 — Fictitious Name Registration

by Commerce Committee; Careers and Competition Subcommittee; and Rep. White
(CS/CS/CS/SB 346 by Rules Committee; Governmental Oversight and Accountability
Committee; Commerce and Tourism Committee; and Senator Stargel)

The bill updates the Florida Fictitious Name Act, s. 865.09, F.S., which requires any person or business entity doing business in Florida under a name other than their legal name to register a fictitious name with the Division of Corporations of the Department of State. The bill:

- Defines the term “registrant” to clarify and standardize who is required to file a fictitious name;
- Clarifies that foreign business entities must be in active status with the Division of Corporations to file a fictitious name;
- Updates the process for cancellation, registration, and renewal of a fictitious name, including clarifying the term of registration;
- Standardizes language to include varied business entities, rather than just corporations;
- Changes the penalty for failure to comply with the Fictitious Name Act from a misdemeanor to a noncriminal violation; and
- Makes technical and conforming changes.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 113-0

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CS/CS/HB 467 — Department of Agriculture and Consumer Services

by Commerce Committee; Agriculture and Property Rights Subcommittee; and Rep. Raburn and others (CS/CS/CS/SB 498 by Appropriations Committee; Judiciary Committee; Commerce and Tourism Committee; and Senator Young)

The bill modifies various areas of law relating to the authority of the Department of Agriculture and Consumer Services (department).

The bill modifies provisions relating to the Division of Licensing within the department to:

- Allow private investigative agency managers to manage multiple agencies or branches;
- Clarify fingerprint retention policies for specific partners and corporate officers of ch. 493, F.S., licensees;
- Remove inconsistent language regarding the terms of renewals for licensure under ch. 493, F.S.;
- Permit the Florida Department of Law Enforcement to share mental health and substance abuse data from its Mental Competency database with the department for the purposes of determining eligibility of Class “G” and “K” applicants and licensees;
- Require ch. 493, F.S., licensees to reveal if they have been arrested to their employer within three days of the arrest, and grant the department authority to discipline licensees who fail to do so;
- Mandate that statewide firearm licensees complete training for each type of firearm carried in the course of his or her licensed duties;
- Create a temporary suspension process for Class “G” or “K” licensees who are arrested for or formally charged with a firearms-related crime; and for ch. 493, F.S., licensees who are arrested for or formally charged with a forcible felony;
- Allow the department to grant concealed weapon or firearm licenses to persons who have been granted relief from firearms disabilities; and
- Reduce the concealed weapon or firearm license and renewal fees by five dollars.

The bill modifies provisions relating to the Division of Consumer Services within the department and its regulation of surveyors and mappers, health studios, interstate household movers, Bureau of Standards, and the Florida Do Not Call Program. The bill:

- Provides an exemption from regulation for certain contractors under the supervision of a registered surveyor and mapper;
- Broadens the prerequisite course of education requirements;
- Authorizes the Professional Board of Surveyors and Mappers to establish criteria for the carryover of continuing education requirements;
- Revises the surveyor and mapper intern qualifications;
- Clarifies provisions relating to the recordkeeping of elevation certificates;
- Creates consistent penalties against intrastate household movers for failure to maintain motor vehicle and liability insurance;
- Exempts company gyms from registration as a health studio with the department;

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- Removes taximeters and transportation measuring systems from the definition of a weight and measure; and
- Updates the Florida Do Not Call Program to make subscriptions indefinite, rather than for five years.

The bill also:

- Clarifies that dealers licensed pursuant to part VII of ch. 379, F.S., are not required to obtain certification of registration as an aquiculture producer;
- Removes fees for the registration of a livestock mark or brand, and increases the term of registration for such marks or brands from 5 to 10 years;
- Repeals the requirement that individuals re-mark or rebrand recently purchased cattle;
- Provides an exemption from registration for agricultural dealers who pay for their purchases with a credit card; and
- Makes technical changes and deletes outdated language.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 35-1; House 117-0

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HB 671 — Reemployment Assistance Fraud

by Rep. La Rosa (SB 372 by Senator Stargel)

The bill authorizes the Department of Highway Safety and Motor Vehicles to provide driver license images to the Department of Economic Opportunity in order to facilitate the detection of fraudulent reemployment assistance claims.

These provisions were approved by the Governor and take effect on July 1, 2017.

Vote: Senate 39-0; House 111-0

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HB 7077 — Gulf Coast Economic Corridor

by Select Committee on Triumph Gulf Coast and Rep. Trumbull (CS/CS/SB 364 by Appropriations Committee; Commerce and Tourism Committee; and Senators Gainer, Broxson, and Montford)

The bill establishes a mechanism for 75 percent of the settlement funds received by the state, pursuant to Florida's claims for economic damages caused by the Deepwater Horizon oil spill, to be appropriated to Triumph Gulf Coast, Inc. (Triumph Gulf Coast). The bill also amends provisions related to the operation of Triumph Gulf Coast. The bill:

- Requires 75 percent of the settlement funds currently held in General Revenue to be immediately transferred to the trust account established by Triumph Gulf Coast, and 40 percent of those funds must be allocated by Triumph Gulf Coast to awards within each of the disproportionately affected counties, so that projects and programs within each county are awarded at least 5 percent of the allocated funds;
- Requires 75 percent of the subsequent settlement payments to be transferred to the Triumph Gulf Coast Trust Fund and released to the trust account established by Triumph Gulf Coast within 30 days of the transfer, and 32 percent of those funds must be allocated by Triumph Gulf Coast to awards within each of the disproportionately affected counties, so that projects and programs within each county are awarded at least 4 percent of the allocated funds;
- Provides that the board of county commissioners of each disproportionately affected county must solicit other elected local government boards for projects and programs within their county;
- Requires each board of county commissioners to provide Triumph Gulf Coast with a list of proposed projects and programs within their county, including those submitted by other local governing boards, and those recommended by the board of county commissioners;
- Adds two members to the board of directors of Triumph Gulf Coast, with the Senate President and the Speaker of the House of Representatives each appointing an individual from one of the lesser populated counties within the disproportionately affected counties;
- Provides that Triumph Gulf Coast may invest surplus funds in the Local Government Surplus Funds Trust Fund, and requires the interest earned net of fees to be transferred monthly into the Triumph Gulf Coast Trust Fund;
- Limits the allowable cost of administrative fees to 0.75 percent of the funds available for use by Triumph Gulf Coast;
- Limits the annual salary of any employee or contracted staff of Triumph Gulf Coast to \$130,000, and provides that associated benefits may not exceed 35 percent of the salary;
- Requires Triumph Gulf Coast board members appointed on or after July 1, 2017, to refrain from having any direct interest in awards made by Triumph Gulf Coast for a duration of 6 years after serving on the board of directors;
- Requires Triumph Gulf Coast to publish on a website its intent to approve an award and a project summary at least 14 calendar days prior to approving an award;

- Clarifies awards may be made for ad valorem tax rate reduction and public infrastructure projects for construction, expansion, or maintenance;
- Amends the types of projects that are eligible for award funding and the factors for prioritizing the projects; and
- Provides that an award may supplement but not supplant existing funding sources.

For Fiscal Year 2016-2017, the bill transfers approximately \$300 million from the General Revenue Fund to the Triumph Gulf Coast Trust Fund and releases those funds to Triumph Gulf Coast.

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

Vote: Senate 35-0; House 119-0

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HB 7079 — Trust Funds/Creation/Triumph Gulf Coast Trust Fund/DEO
by Select Committee on Triumph Gulf Coast and Rep. Trumbull (SB 2518 by Appropriations Committee)

The bill creates the Triumph Gulf Coast Trust Fund within the Department of Economic Opportunity. The trust fund is established as a depository for the settlement funds received by the state for the economic damages caused by the Deepwater Horizon oil spill and transferred pursuant to s. 288.8013, F.S.

If approved by the Governor, these provisions take effect on the same date that HB 7077 or similar legislation takes effect, if such legislation is adopted in this legislative session and becomes law.

Vote: Senate 37-0; House 112-0