Committee on Agriculture

CS/CS/SB 1312 — School Nutrition Programs

by Budget Committee, Agriculture Committee, and Senators Siplin and Gaetz (CS/CS/HB 7219 by Appropriations Committee, Education Committee, State Affairs Committee and Reps. McKeel and Stargel)

This bill creates the "Healthy Schools for Healthy Lives Act." It provides for a type two transfer of the administration of school food and nutrition programs from the Department of Education (DOE) to the Department of Agriculture and Consumer Services (DACS). The transfer includes all powers, duties, functions, records, personnel, property, pending issues and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds for the administration of the school food and nutrition programs. The bill also transfers the Food and Nutrition Services Trust Fund in the DOE to the DACS.

The bill authorizes the DACS to conduct, supervise, and administer all school food and nutrition programs that are carried out using federal or state funds or funds from other sources, and to coordinate with the federal government to take advantage of any federal financial allotments and assistance that would benefit the school food and nutrition programs. The DACS may act as an agent of, or contract with, the federal government, another state agency, or any county or municipal government regarding the administration of the school food and nutrition programs, including the distribution of funds provided by the federal government in support of the school food and nutrition programs.

The bill requires each school district to submit an updated copy of its wellness policy and physical education policy to the DOE and the DACS when a change or revision is made. The DACS, as well as the DOE, must provide website links to information regarding the nutritional content of foods and beverages and to healthful food choices in accordance with the dietary guidelines of the USDA.

The bill requires the DOE, in consultation with the DACS, to develop and submit a waiver request to the U.S. Department of Agriculture to transfer administration of the school food service and nutrition programs from the DOE to the DACS within 30 days of the bill becoming law. It also requires the DOE to provide notice of the USDA's response to certain officials.

The bill also creates the Healthy Schools for Healthy Lives Council to advise DACS on matters relating to nutritional standards and the prevention of childhood obesity, nutrition education, anaphylaxis, and other needs to further the development of the various school nutrition programs.

The bill provides multiple effective dates. The provision requiring the DOE to submit a waiver request and the section providing the effective dates are effective upon becoming law. The effective date for all other provisions is January 1, 2012, and is contingent upon the USDA granting the waiver request on or before November 1, 2011.
Vote: Senate 37-0; House 115-1

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Committee on Agriculture

CS/CS/HB 7215 — Department of Agriculture and Consumer Services

by Economic Affairs Committee, Appropriations Committee, Agriculture and Natural Resources Subcommittee; and Rep. Crisafulli (CS/CS/SB 2076 by Budget Subcommittee on General Government Appropriations and Agriculture Committee)

This bill addresses issues relating to agriculture and the powers and duties of the Department of Agriculture and Consumer Services. It:

- Transfers the regulation of dairy products to the Division of Food Safety;
- Repeals ch. 503, F.S., relating to frozen desserts and transfers statutory authority regarding frozen desserts to ch. 502, F.S.
- Exempts certain Direct Service Organizations within the department from annual audits;
- Deletes provisions allowing department advisory committee members to claim per diem and travel expenses;
- Increases current levels of insurance for pest control businesses;
- Provides for the establishment, monitoring, and regulation of centralized pest control customer contact centers in lieu of licensure as pest control businesses;
- Establishes a limited certification category authorizing persons to use nonchemical methods for controlling rodents in lieu of licensure;
- Requires registered pesticide brand products that undergo label revision during the biennial registration period to provide the department with a copy of the revised label;
- Allows a lead land manager, instead of the Department of Environmental Protection, to receive the proceeds from the sale of easements for the construction of electric transmission and distribution facilities on Board of Trustees-owned lands;
- Grants the department with the exclusive authority to enforce the Florida Building Code as it relates to wildfire and law enforcement facilities;
- Establishes a Certified Pile Burner program in statute;
- Authorizes monies received from the sale of surplus state-owned wildland firefighting equipment and vehicles to be used to exchange, maintain or purchase wildland firefighting equipment;
- Authorizes the department to dispose of surplus firefighting equipment and vehicles as it sees fit;
- Authorizes the department to delegate authority to local governments to issue authorizations for open burning;
- Requires anyone who produces, harvests, packs or repacks tomatoes that are not permitted under ch. 500, F.S., to register each location annually and to pay a registration fee;
- Renames the Office of Water Coordination as the Office of Energy and Water;
- Provides fair associations with immunity from liability for damages resulting from certain exhibits and concessions at public fairs; provides exceptions to immunity;
- Adds the appointment of a (non-voting) youth member who is active in the Future Farmers of America or a 4-H Club to the Florida State Fair Authority;
- Provides criminal charges for the theft of bee colonies owned by registered beekeepers;

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- Authorizes the Commissioner of Agriculture to discontinue a soil and water conservation district if the district fails to comply with reporting and auditing requirements of Florida Statutes;
- Appropriates $744,000 to the department from the Florida Forever Trust Fund;
- Renames the Division of Forestry as the Florida Forest Service; and
- Directs the Division of Statutory Revision to provide drafting assistance to committees needing to resolve reference conflicts in the Florida Statutes with any other legislation that has been enacted during the 2011 Regular Session or an extension thereof.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 37-1; House 117-0

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Committee on Banking and Insurance

CS/HB 1007 — Insurer Insolvency

by Insurance and Banking Subcommittee; Reps Bernard; Julien; Cruz and others (CS/CS/SB 1568 by Budget Committee; Banking and Insurance Committee and Senator Montford)

The bill contains numerous provisions.

Relating to the State Board of Administration

- The bill allows an insurer to request that the State Board of Administration renegotiate the terms of a surplus note issued before January 1, 2011 under the Insurance Capital Build-Up Incentive Program.
- The bill increases the surplus requirements from $100 million to $250 million for foreign insurers in order to receive credit for reinsurance ceded to these foreign insurers.
- The bill expands the list of nationally recognized statistical rating organizations that may be utilized to provide a secure financial rating.

Relating to Title Insurers

- The bill requires that after an order of rehabilitation has been entered, the receiver shall review the condition of the title insurer and file a plan of rehabilitation for approval with the court.
- The bill requires that policies on real property in this state issued by the title insurer in rehabilitation shall remain in force unless the receiver determines the assessment capacity provided by this section is insufficient to pay claims in the ordinary course of business.
- The bill allows policies on real property located outside the this state may be canceled as of a date provided by the receiver and approved by the court, if the state in which the property is located does not have statutory provisions to pay future losses on those policies.
- The bill requires the establishment of a claims filing deadline for policies on real property located outside this state that have been canceled.
- The bill requires the receiver to establish a proposed percentage of the remaining estate assets to fund out-of-state claims when policies have been canceled, with any unused funds being returned to the general assets of the estate.
- The bill requires the receiver to establish a proposed percentage of the remaining estate assets to fund out-of-state claims where policies remain in force.
- The bill requires that funds allocated to pay claims on policies located outside of this state shall be based on the pro rata share of premiums written in each state over each of the 5 calendar years preceding the date of an order of rehabilitation.
- The bill requires each title insurer shall be liable for an assessment to pay all unpaid title insurance claims and expenses of administering and settling those claims on real property in this state for any title insurer that is ordered into rehabilitation.
- The bill states that the Office of Insurance Regulation (office) shall order an assessment if requested by the receiver on an annual basis in an amount that the receiver deems sufficient for the payment of known claims, loss adjustment expenses, and the cost of

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administration of the rehabilitation expenses. The receiver shall consider the remaining assets of the insurer in receivership when making its request to the office. Annual assessments may be made until no more policies of the title insurer in rehabilitation are in force or the potential future liability has been satisfied. The office may exempt or limit the assessment of a title insurer if such assessment would result in a reduction to surplus as to policyholders below the minimum required to maintain the insurer's certificate of authority in any state.

- The bill requires that the assessments shall be based on the total of the direct title insurance premiums written in this state as reported to the office for the most recent calendar year. Each title insurer doing business in this state shall be assessed on a pro rata share basis of the total direct title insurance premiums written in this state.
- The bill requires that assessments be paid to the receiver within 90 days after notice of the assessment or pursuant to a quarterly installment plan approved by the receiver. Any insurer that elects to pay an assessment on an installment plan shall also pay a financing charge to be determined by the receiver.
- The bill requires that the office shall order an emergency assessment if requested by the receiver. The total of any emergency assessment, when added to any annual assessment in a single calendar year, may not exceed 3 percent of an insurer’s surplus to policyholders as of the end of the previous calendar year or more than 10 percent of its surplus to policyholders over any consecutive 5-year period. The 10 percent limitation shall be calculated as the sum of the percentages of surplus to policyholders assessed in each of those 5 years.
- The bill allows the receiver to use the proceeds of an assessment to acquire reinsurance or otherwise provide for the assumption of policy obligations by another insurer.
- The bill requires that the receiver shall make available information regarding unpaid claims on a quarterly basis.
- The bill requires a title insurer in rehabilitation may not be released from rehabilitation until all of the assessed insurers have recovered the amount assessed either through surcharges collected or payments from the insurer in rehabilitation.
- The bill prohibits a title insurer in rehabilitation, for which an assessment has been ordered, from issuing any new policies until the insurer has been released from rehabilitation and has received approval from the office to resume issuing policies.
- The bill prohibits officers, directors, and shareholders of a title insurer ordered into rehabilitation or liquidation from serving as an officer, director, or shareholder of another insurer authorized in this state unless the officer, director, or shareholder demonstrates to the office for a 2-year period immediately preceding the receivership that: his or her personal actions or omissions were not a significant contributing cause to the receivership; he or she did not willfully violate any order of the office; he or she did not receive directly or indirectly any distribution of funds from the insurer in excess of amounts authorized in writing by the office; the financial statements filed with the office were true and correct statements of the title insurer's financial contrition; he or she did not engage in any business practices which were hazardous to the policyholders, creditors, or the public; and he or she at all times acted in the best interests of the title insurer.

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- The bill requires upon the making of any assessment, the office shall order a surcharge on each title insurance policy issued thereafter, which insures an interest in real property in this state. The office shall set the per transaction surcharge at an amount estimated to generate sufficient funds to recover the amount assessed over a period of not more than 7 years. The amount of the surcharge ordered under this section may not exceed $25 per transaction for each impaired title insurer. If additional surcharges are occasioned by additional title insurers becoming impaired, the office shall order an increase in the amount of the surcharge to reflect the aggregate surcharge.
- The bill states the party responsible for payment of title insurance premium, unless otherwise agreed between the parties, shall be responsible for the payment of the surcharge. No surcharge will be due or owing as to any policy of title insurance issued at the simultaneous issue rate. For all other purposes, the surcharge will be considered a governmental assessment to be separately stated on any settlement statement. The surcharge is not subject to premium tax or reserve requirements.
- The bill requires that a title insurer doing business in this state which wrote no premiums in the prior calendar year shall collect the same per transaction surcharge. Such surcharge collected shall be paid to the receiver within 60 days after receipt from the title agent or agency.
- The bill states that each title insurance agent, agency, or direct title operation shall collect the surcharge as to each title insurance policy written and remit those surcharges along with the policies and premiums within 60 days to the title insurer on whom the policy was written.
- The bill prohibits a title insurer from retaining more in surcharges for an ordered assessment than the amount of assessment that title insurer paid.
- The bill requires each title insurer collecting surcharges to promptly notify the office when it has collected surcharges equal to the amount of the assessments paid. The office shall notify all companies, including those collecting surcharges to cease collecting surcharges when notified that all assessments have been recovered.
- The bill requires that when filing each quarterly financial statement, a title insurer shall provide the office with an accounting of assessments paid and surcharges collected during the period. Any surcharges collected in excess of the amount assessed shall be paid to the Insurance Regulatory Trust Fund.

Relating to the Department of Financial Services

- The bill allows the Department of Financial Services to be named as an ancillary receiver of a non-Florida domiciled company in order to obtain records to adjudicate covered claims of policy holders in Florida.
- The bill provides for the State Risk Management Trust Fund to cover employees, officers, and agents at the department for liability under 31 U.S.C. s. 3713, relating to priority of claims paid by the department while acting as a receiver.
- The bill requires the Insurance Regulation Trust Fund to cover all unreimbursed costs when opening ancillary delinquency proceedings for the purposes of obtaining records.
- The bill further clarifies the department's power to obtain records from third-party administrators.

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Relating to Florida's Insurance Guaranty Associations

- The bill makes changes to the Florida Insurance Guaranty Association (FIGA) and Florida Workers' Compensation Insurance Guaranty Association (FWCIGA) statutes relating to the definition of "covered claims" rejected by another state's guaranty fund.
- The bill amends qualifications of FIGA and FWCIGA board members representing, or employed by, an insurer in receivership.
- The bill clarifies FIGA's obligation to pay valid claims after an independent review of policies and claims has been presented to it.

This bill substantially amends the following sections of the Florida Statutes: 215.5595, 624.610, 631.152, 631.2715, 631.391, 631.400, 631.401, 631.54, 631.56, 631.717, 631.904, and 631.912.

The bill creates section 631.2715, Florida Statutes.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 34-0; House 115-0

Committee on Banking and Insurance

CS/HB 1087 — Insurance

by Economic Affairs Committee; and Rep. Holder (CS/CS/SB 1252 by Rules Committee; Budget Committee; and Senator Smith)

In Florida, the Office of Insurance Regulation (OIR) regulates insurers and other risk-bearing entities. The Department of Financial Services (DFS) has regulatory authority over many insurance-related activities, including, but not limited to, insurance agents and agencies, investigation of insurance fraud, and the administration of the Workers' Compensation Law. The bill provides the following changes to these insurance-related activities:

Notification of the Cancellation, Nonrenewal, or Renewal of a Policy

The bill revises the policyholder notification requirements for an insurer in transactions involving the nonrenewal, renewal, or cancellation of workers compensation, employer liability, commercial liability, motor vehicle, or other property and casualty insurance coverage. The bill changes the designated person or persons an insurer is required to notify from the "named insured" to the "first-named insured" in transactions involving the nonrenewal, renewal, or cancellation of such.

Workers' Compensation Insurance

The bill allows for the use of a prepaid card for the provision of workers' compensation benefits to an injured employee if certain conditions are met. Currently, such benefits are payable by check or by direct deposit into the employee's account. The bill permits flexibility for insurers regarding the frequency of premium audits by providing that such audits are not required for coverage, except as provided by the insurance policy, by an order of the OIR, or at least once each policy period at the request of the insured. The bill provides that assessments for the Special Disability Trust Fund are determined on a calendar year basis rather than a fiscal year basis.

Certificate of Authority Requirements for Insurers

The bill allows insurers domiciled outside of the U.S., that cover only persons who are nonresidents of the U.S., to be exempt from the certificate of authority provisions if certain conditions are met. Currently, life insurers are provided an exemption if certain conditions are met.

Licensure of Agents and Agencies

The bill revises the requirements for disqualification of applicants convicted of certain crimes from agent and adjuster licensure by the DFS. The bill bars persons who commit specified felonies from applying for licensure and revises license waiting periods for other persons.

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Motor Vehicle Insurance

The bill creates a civil penalty for motor vehicle insurance fraud authorizing civil fines of up to $5,000 for the first offense, $10,000 for the second offense, and $15,000 for third and subsequent offenses.

Service Warranty Associations

The bill exempts a service warranty company from licensure requirements if the service warranties are only offered, marketed, or sold to nonresidents of Florida, and meets other requirements.

Surplus Lines Insurance

The bill allows surplus lines insurance agents to place commercial insurance directly in the surplus lines market without requiring the agent to make a diligent effort to procure such coverage from an authorized insurer. The bill also requires the insured to sign a disclosure regarding surplus lines coverage.

Except if otherwise expressly provided in this act and except for section 20, which takes effect upon this act becoming a law, this act takes effect July 1, 2011.
Vote: Senate 38-0; House 111-4

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Committee on Banking and Insurance

CS/HB 1121 — Financial Institutions

by Insurance and Banking Subcommittee and Rep. Ingram (CS/SB 1332 by Banking and Insurance Committee and Senator Richter)

The bill permits the Office of Financial Regulation to approve special stock offering plans if the capital stock of a state financial institution falls below par value and it cannot reasonably issue capital stock to restore the value of the shares. The bill permits the Office to approve a plan by a state financial institution that may call for stock splits, change voting rights, dividends, and the addition of new classes of stock. However, the plan must be approved by a majority vote of the financial institution's board of directors and holders of two-thirds of outstanding shares of capital stock. Nevertheless, the Office is required to assess the fairness of benefits of the plan, and disallow a plan that would not effectively restore capital stock prices to sufficient levels. In emergency situations, a failing financial institution does not have to perform a vote for the plan to be approved by the Office.

The bill creates s. 658.4185(3), F.S., to expand the prior approval privilege of charters from only officers to business entities. The bill allows holding companies to apply for prior approval to merge or acquire control of a failing financial institution. The bill mandates that an entity must file an application for prior approval and submit the $7,500 filing fee.

The bill creates s. 655.03855, F.S., which allows the Office to temporarily place a provisional director, for reasonable compensation by the financial institution, onto a state financial institution's board. Additionally, the bill allows the appointment of a provisional director if the director(s) are not equipped to operate the financial institution in a safe and sound manner. Nevertheless, prior to the placement of a provisional director, the Office must allow the financial institution 30 days to acquire the minimum amount of directors.

The bill eliminates the required examination of state financial institutions by the Office every 36 months. The bill requires that the Office perform examinations every 18 months, but the Office may accept examinations conducted by the appropriate federal regulatory agency. The bill moves the definition of "related interest" to s. 655.005,.F.S., and expands the definition of "related interest" to include relatives and those who reside in the same household of one who is in control of a financial institution. The bill specifies the types of capital and liabilities that a financial institution must use in order to calculate total amounts of capital and liability.

The bill makes the following conforming changes to comply with the Wall Street Reform Act:

The Wall Street Reform Act requires that state regulators allow for de novo banking for out-of-state financial institutions. To conform, the bill allows an out-of-state financial institution to establish a de novo bank without merging or acquiring a state financial institution. The bill also allows for the creation of additional branches in accordance with state law as if the out-of-state financial institution was chartered in Florida. The bill removes restrictions on the ability of out-of-state financial institutions to establish remote financial service units within Florida.

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The Wall Street Reform Act prohibits state regulatory agencies from accepting the conversion of a charter of a federal financial institution when the converting financial institution is subject to regulatory action or a cease and desist order. To conform, the bill amends s. 655.411, F.S., by requiring the applicant to prove that the resulting financial institution will comply with all regulatory actions in effect before the date of conversion and that the appropriate federal regulatory agency does not object to the conversion.

The Wall Street Reform Act requires that in order to participate in the derivatives market, a state financial institution must consider borrower exposure in the evaluation of its risk. To conform, the bill adds the evaluation exposure to risk in derivative transactions.

The Wall Street Reform Act disallows the use of credit ratings in determining investment risk by requiring financial institutions to develop their own risk evaluations. To conform, the bill requires that all financial institutions develop and use internal policies and procedures to determine risk of investments, and prohibits the financial institution from using credit ratings as the sole means of determining investment risk.

The bill makes other technical conforming changes.

These provisions become law on July 1, 2011.
Vote: Senate 39-0; House 114-0

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Committee on Banking and Insurance

CS/HB 1125 — Health and Human Services

by Health and Human Services Quality Subcommittee; and Rep. Corcoran (CS/SB 1922 by Banking and Insurance Committee; and Senator Garcia)

In 2008, the Florida Legislature created the Florida Health Choices Program (program). The program is designed to provide a centralized marketplace for the sale and purchase of health care products. These products would include, but are not limited to, health insurance plans, health maintenance organizations (HMOs) plans, prepaid services, service contracts, and flexible spending accounts. The bill makes the following changes to the program:

- Expands the products, vendors, employers, and individuals that may participate in the program;
- Streamlines and clarifies the process by which new products are approved and offered; and
- Requires the Office of Insurance Regulation (OIR) to approve risk-bearing products offered by the program.

The bill also contains the following provisions:

- Exempts specified Medicaid psychiatric facilities and Level III neonatal intensive care units from the certificate-of-need provisions if certain conditions are met;
- Revises the eligibility requirements for health flex plans by eliminating the requirement that an enrollee must be 64 years of age or younger; and
- Adds licensed orthotists and prosthetists to the current definition of "health care provider," under s. 766.202, F.S., for purposes of medical malpractice actions pursuant to ch. 766, F.S.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 35-4; House 117-0

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Committee on Banking and Insurance

CS/HB 1193 — Health Insurance

by Health and Human Services Quality Subcommittee; and Rep. Hudson and others (CS/SB 1754 by Banking and Insurance Committee; and Senator Garcia)

The bill provides that a person may not be compelled to purchase health insurance, except as a condition of:

- Public employment;
- Voluntary participation in a state or local benefit;
- Operating a dangerous instrumentality;
- Undertaking an occupation having a risk of occupational injury or illness;
- An order of child support; or
- An activity between private persons.

The bill also provides that this would not prohibit the collection of debts lawfully incurred for health insurance.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 30-7; House 81-34

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Committee on Banking and Insurance

CS/CS/CS/SB 1816 — Surplus Lines Insurance

by Budget Committee, Budget Subcommittee on Finance and Tax, Banking and Insurance Committee and Senators Fasano and Richter (CS/CS HB1227 by Finance and Tax Committee, Insurance and Banking Subcommittee and Rep. Hager)

Surplus lines insurance is an alternative type of insurance coverage by which consumers can buy property-liability insurance from unauthorized (non-admitted) insurers when they are unable to purchase needed coverage from admitted insurers. The premiums charged for surplus line coverages are subject to a 5 percent tax on premiums and a service fee of up to 0.3 percent. The Nonadmitted and Reinsurance Reform Act of 2010 (NRRA) was included within the Federal Dodd-Frank Wall Street Reform and Consumer Protection Act. The NRAA (ss. 15 USC-8201-8206) limits regulatory authority over nonadmitted (surplus lines insurance to the home state of the insured (policyholder). Under the NRRA, Florida will no longer have jurisdiction to collect taxes and fees on surplus lines policies that cover risks over Florida and other states unless Florida is the home state of the insured, potentially resulting in significant loss of tax revenue. However, the NRRA authorizes states to enter into agreements with one another for home states to collect taxes on multi-state risks and then allocate tax revenue to the state where the insured risks are located.

Senate Bill 1816 applies the surplus lines tax to the entire premium of a surplus lines policy covering risks over multiple states when Florida is the home state of the insured as defined in the NRAA. The bill also authorizes the Department of Financial Services (DFS) and the Office of Insurance Regulation (OIR) to enter into cooperative reciprocal agreements with other states to collect and allocate nonadmitted surplus lines insurance taxes for multi-state risks pursuant to the NRRA. The bill authorizes the creation of a clearinghouse to receive the surplus lines premium tax collected by the home state of the insured and disburse the appropriate tax amount to the states where the risks are located. The clearinghouse is also authorized to collect a service fee of 0.3 percent of the gross premium. The tax rate collected on a multi-state surplus lines policy is limited to the tax rate where the insured risk is located. The Legislature is authorized to review any such agreement and may instruct the Chief Financial Officer to withdraw from an agreement if it determines that the agreement is not in the best interest of the state. The DFS must issue a report to the President of the Senate and Speaker of the House of Representatives about the terms and conditions of the agreement.

The bill also creates requirements governing the reporting and payment of surplus lines premium tax revenue and fees for policies covering multi-state risks. Surplus lines agents and insureds that do not use a surplus lines agent to procure coverage, have 45 days after the end of the calendar quarter to file and affidavit describing transactions handled during the last quarter and pay the required premium tax and fees.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 116-0

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Committee on Banking and Insurance

HB 4081 — Repeal of Obsolete Insurance Provisions (Chapter 2011-11)

by Rep. Horner (SB 636 by Senator Simmons)

The bill (Chapter 2011-11, L.O.F.) repeals outdated or obsolete language relating to a refund to Citizens Property Insurance Corporation of funds not committed or reserved for insurers in the Insurance Capital Build-Up Incentive Program; requirements of pre-suit notice for suits brought against the Florida Automobile Joint Underwriting Association (FAJUA); form filings for compliance with the mandatory catastrophic ground cover collapse coverage; report on the development of a sinkhole database; feasibility study for Florida sinkhole coverage facility; and effective date of insurers' mandatory windstorm and contents coverage in property insurance policies.

The bill deletes s. 215.5595(11), F.S., which requires the State Board of Administration to refund to Citizens all uncommitted Insurance Capital Build-Up Incentive Program funds that were to have been transferred from Citizens to the Program in 2009 through SB 2860. The transfer of funds was never performed due to the Governor's veto of SB 2860; thus, the bill repeals this obsolete language from the statute.

The bill deletes s. 627.311(3)(k)2., F.S., which contains a 90 day pre-suit notice requirement for suits brought against FAJUA under s. 624.155, F.S. By its own terms, s. 627.311(3)(k)2., F.S., was to expire on October 1, 2007, unless reenacted by the Legislature prior to that date. Because the Legislature did not reinstate s. 627.311(3)(k)2., F.S., prior to October 1, 2007, that subparagraph expired and is obsolete. Therefore, the bill deletes obsolete language from the statute.

The bill deletes s. 627.706(3), F.S., which requires insurers to file a form implementing the mandated coverage of catastrophic ground cover collapse and the optional sinkhole coverage with the Office of Insurance Regulation (OIR) by June 1, 2007. Since the time for filing has passed, and all insurers have filed with OIR, the bill deletes the obsolete language from the statute.

The bill deletes s. 627.7065(5), F.S., which requires the Department of Environmental Protection, in consultation with the Department of Financial Services, to submit a report of sinkhole database recommendations and other similar matters by December 31, 2005, to the Governor, the Chief Financial Officer, and the legislative presiding officers. The report of sinkhole database recommendations was filed by the Department of Environmental Protection before the deadline of December 31, 2005.

The bill repeals s. 627.7077, F.S., which requires the Florida State University College of Business Department of Risk Management and Insurance (Department of Risk Management) was directed by the Legislature to perform a feasibility and cost-benefit study of a Florida Sinkhole Insurance Facility. The Department of Risk Management submitted the report, required by the statute, to the Legislature on April 1, 2005.

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The bill deletes s. 627.712(7), F.S., which provides an effective date of June 1, 2007, or at the latest, October 1, 2007, of the statute requiring residential property insurers to offer windstorm coverage for property insurance policies. This date has passed and insurance companies are now required to offer windstorm coverage.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 38-0; House 116-0

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Committee on Banking and Insurance

HB 4129 — Residential Property/Evaluation Grant Program (Chapter 2011-12, L.O.F.)

by Rep. Crisafulli (SB 638 by Senator Simmons)

The bill (Chapter 2011-12, L.O.F.) deletes s. 627.0629(8), F.S., relating to a grant program for the evaluation of residential property structural soundness. The program was established in 1997 for homeowners insured by the Florida Windstorm Underwriting Association (FWUA) to obtain evaluations of the wind resistance of their homes. The Department of Community Affairs was required by statute to establish by rule standards to govern evaluation, recommendations for retrofitting, the eligibility of those who would perform the evaluations, and the selection of the applicants to obtain the grants.

In 2002, the Florida Legislature combined the FWUA with the Florida Residential Property and Casualty Joint Underwriting Association (RPCJUA) and thereby created Citizens Property Insurance Corporation (Citizens). At that point, Citizens assumed the responsibility to administer the program. When the program was established, it was to be effected "to the extent that funds are provided for this purpose in the General Appropriations Act (GAA)." Representatives of the Division of Emergency Management within the Department of Community Affairs report that the agency has not promulgated rules to establish the grant program because funds have not been provided by the GAA. Representatives for Citizens state that no grants have been awarded since its inception in 2002 because funds have not been provided by the GAA. Because the program has never been activated, the bill deletes the language that created the program.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 37-0; House 112-6

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Committee on Banking and Insurance

HB 4181 — Prohibited Activities of Citizens Property Insurance Corporation

by Rep. Davis (SB 634 by Senator Simmons)

The bill repeals s. 215.55951, F.S., which currently prohibits Citizens Property Insurance Corporation (Citizens) from justifying a rate or assessment increase based on amendments enacted in Chapter 2008-66, L.O.F., to the Insurance Capital Build-Up Incentive Program (the "Program"). Chapter 2008-66, L.O.F., funded the Program by requiring Citizens to transfer $250 million to the General Revenue Fund for transfer to the State Board of Administration to fund the Program. No loans were issued using Citizens monies because the transfer was vetoed by the Governor.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 38-0; House 116-0

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Committee on Budget

CS/CS/SB 1292 — Chief Financial Officer

by Budget Committee, Governmental Oversight and Accountability Committee, and Senator Alexander

The bill provides for the following:

- Beginning October 1, 2011, the Chief Financial Officer (CFO) will begin conducting workshops with state agencies, local governments, educational entities, and entities of higher education to gather information for the development of a uniform chart of accounts.
- The CFO will provide to the state agencies, local governments, educational entities and entities of higher education a draft chart of accounts by July 1, 2013.
- The CFO shall accept comments and input from state agencies, local governments, educational entities, and entities of higher education regarding the draft chart of accounts through November 1, 2013.
- By January 15, 2014, the CFO will present a report to the Governor, President of the Senate, and the Speaker of the House of Representatives recommending a uniform chart of accounts, which requires specific enterprise-wide information related to revenues and expenditures of state agencies, local governments, educational entities, and entities of higher education. The report will include the estimated cost of adopting and implementing a uniform enterprise-wide chart of accounts.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-0; House 118-0

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Committee on Budget

CS/CS/SB 1314 — State Financial Matters

by Budget Committee, Governmental Oversight and Accountability Committee, and Senator Alexander

This bill makes agencies more accountable in their contracting practices, and the Legislature more informed about the agencies' actions. Specifically, the bill:

- Defines a new budget category "Lease or lease/purchase of equipment" in s. 216.011, F.S. for the Legislature to better track expenditures.
- Requires each state agency to provide certain contract information in its Legislative Budget Request when granting a concession contract.
- Requires state agencies to identify the specific appropriation in the contract that will be used to make payment for the first year of the contract with a $5 million threshold, unless the Legislature specifically authorizes otherwise.
- The Act applies to contracts, contract amendments, contract extensions, or contract renewals which are executed on or after July 1, 2011.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 37-0; House 117-0

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Committee on Budget

CS/SB 1738 — State Financial Information

by Governmental Oversight and Accountability Committee and Senator Alexander

The bill provides for the following:

- Creates the Agency for Enterprise Business Services, which is administratively housed in the Department of Management Services, with the Governor and Cabinet as the agency head.
- Establishes an executive director, appointed by the Governor and the Cabinet with at least three affirmative votes, who must be confirmed by the Senate.
- Provides duties to the new agency including:
  - Developing the Enterprise Financial Business Services Strategic Plan;
  - Providing assistance to the Chief Financial Officer in developing recommendations for the uniform chart of accounts;
  - Serving as a clearinghouse for enterprise information relating to the planning, development, implementation, and evaluation of improvements to enterprise financial business services;
  - Making recommendations to the Legislature for additional substantive changes required to implement the Enterprise Financial Business Services Strategic Plan including the associated governance structure.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 36-0; House 94-24

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Committee on Budget

SB 2002 — Implementing 2011-2012 General Appropriations Act

by Budget Committee

The bill, relating to implementing appropriations, provides the following substantive modifications for the 2011-2012 fiscal year:

- **Section 1** provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for FY 2011-2012.
- **Section 2** incorporates the Florida Education Finance Program (FEFP) work papers by reference for the purpose of displaying the calculations used by the Legislature.
- **Section 3** authorizes the transfer of fixed capital outlay appropriations for public schools between appropriation categories upon approval of the Executive Office of the Governor.
- **Section 4** authorizes $2 million from the Workers' Compensation Administration Trust Fund to be used for the Ready to Work Program.
- **Section 5** authorizes a university board of trustees to expend reserve or carry-forward balances from prior year operational and programmatic appropriations on legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.
- **Section 6** authorizes the Department of Children and Families to allocate funds appropriated for forensic mental health treatment services to the areas of the state with the greatest service demand and capacity, and to allocate Community Based Medicaid Administrative Claiming Program funding in proportion to contributed provider earnings.
- **Section 7** prohibits state agencies from implementing regulations with higher standards than those currently in place until Phase 2 and Phase 3 of the department's Florida Onsite Sewage Nitrogen Reduction Strategies Study is completed.
- **Section 8** extends for one year the repeal date of language that provides the Department of Children and Families flexibility in its organizational structure.
- **Section 9** adopts by reference the document used to display the calculations used by the Legislature in making appropriations for the Low Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs.
- **Section 10** provides authority for the Department of Health to transfer funding to the Florida Agricultural and Mechanical University for the Crestview Education Center Project through the budget amendment process.
- **Sections 11 and 12** amends proviso in Specific Appropriation 177 and 182 of the 2011-2012 General Appropriations Act relating the allocation of budget reductions to specified hospitals.
- **Section 13** prohibits the Department of Health from implementing the onsite sewage treatment and disposal program described in s. 381.0065, F.S., until the department submits a plan to and gets the approval of the Legislative Budget Commission.
- **Section 14** provides that the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts incurred by a municipality or county and associated with opening or operating a facility under the authority of the respective department which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed

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one percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county.

- **Section 15** allows the Executive Office of the Governor to request additional positions and appropriations from unallocated general revenue during FY 2011-2012 for the Department of Corrections, if the Criminal Justice Estimating Conference projects a certain increase in the inmate population. The additional positions and appropriations must be approved by the Legislative Budget Commission.
- **Section 16** authorizes the Department of Legal Affairs to transfer cash remaining after required disbursements from specified Attorney General cases to the Operating Trust Fund to pay salaries and benefits.
- **Section 17** authorizes the Department of Legal Affairs to expend appropriated funds in those specific appropriations on the same programs that were funded by the department pursuant to specific appropriations made in prior years.
- **Section 18** extends for another year the authorization for a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.
- **Section 19** limits the reimbursements for health care services by the Department of Juvenile Justice to 110 percent of Medicare allowable rates.
- **Section 20** provides that the state court system is relieved of loan repayment obligations made from Mediation and Arbitration and Court Education Trust Fund during the 2010-2011 fiscal year.
- **Section 21** authorizes the Chief Justice to secure a trust fund loan during the 2011-2012 fiscal year if revenues are insufficient in the State Courts Revenue Trust Fund to fund appropriations.
- **Section 22** allows funds remaining in the Clerks of Court Trust Fund at the end of FY 2010-2011 to be available for clerks of court for FY 2011-2012 expenditures.
- **Section 23** provides that counties are exempt from the requirement to increase expenditures by 1.5 percent for court-related functions.
- **Section 24** provides that funds from the State Agency Law Enforcement Radio System Trust Fund may be used by the Department of Management Services to fund mutual aid build out maintenance and sustainment.
- **Section 25** provides for a study of factors affecting costs and availability of property and casualty insurance in Florida to be conducted by the Catastrophic Storm Risk Management Center at Florida State University.
- **Section 26** authorizes the Department of Management Services to use interest earnings from the Communications Working Capital Trust Fund as the funding source for its responsibilities related to the MyFlorida.com portal.
- **Section 27** provides that funds derived from the sale of property by the Department of Citrus located in Lakeland, Florida, are authorized to be deposited into the Citrus Advertising Trust Fund.

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- **Sections 28 and 29** limit the tax on grapefruit, tangerines, and fresh oranges to the rate in effect on May 1, 2011, and provides that the tax rate on oranges in processed form shall not exceed 25 cents per box.
- **Sections 30 and 31** provide that the Executive Director of the Citrus Commission shall serve a four-year term, except that the initial term of the Executive Director shall end on June 30, 2011.
- **Section 32** allows revenues from the trust fund to be used for Total Maximum Daily Loads programs within the Department of Environmental Protection.
- **Section 33** provides for the allocation of moneys from the Water Management Lands Trust Fund to pay debt service on bonds issued before February 1, 2009, by the South Water Management District and the St. Johns Water Management District; continues to provide for $8 million to be transferred to the General Revenue Fund; and provides the remaining funds be distributed to the Suwannee River Water Management District, of which $500,000 may be used for minimum flows and levels.
- **Sections 34 and 35** authorize the use of revenues in the Ecosystem Management and Restoration Trust Fund for funding of activities to preserve and repair the state's beaches.
- **Section 36** extends for another year the authorization for funds in the General Inspection Trust Fund of the Department of Agriculture and Consumer Services to be appropriated for programs operated by the department which are related to the programs authorized by ch. 570, F.S.
- **Section 37** requires the Department of Environmental Protection to award $2.4 million in grant funds equally to counties having populations of fewer than 100,000 for waste tire, litter prevention, recycling and education, and general solid waste programs.
- **Section 38** allows the Department of Agriculture and Consumer Services to extend, revise, or renew certain contracts related to promotion of agriculture.
- **Section 39** provides that the acquisition and disposition of state-owned lands are exempt from appraisal requirements if the proceeds are used to purchase state-owned lands for preservation, conservation, and recreation purposes. This section requires agencies to submit a list of state-owned lands to Board of Trustees of the Internal Improvement Trust Fund that are available for lease or are surplus lands. Proceeds from the sale of such lands will be deposited into the Florida Forever Trust Fund.
- **Sections 40 and 41** authorize the Fish and Wildlife Conservation Commission to transfer cash balance originating from hunting and finishing license fees in other trust funds into the Federal Grants Trust Fund for the purpose of supporting appropriations.
- **Section 42** provides legislative intent to minimize the impacts of reduced revenues on the Department of Transportation’s work program.
- **Section 43** directs the Department of Transportation to transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to $15 million for the purpose of funding economic development transportation projects. This transfer shall not reduce, delete, or defer any existing projects funded, as of July 1, 2011, in the Department of Transportation's 5-year work program. This section also directs the Department of Transportation to fund airport development projects specified in the General Appropriations Act.

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- **Section 44** provides that funds in the State Transportation Trust Fund may be transferred to the General Revenue Fund and the State School Trust Fund.
- **Section 45** authorizes funds in the State Transportation Trust Fund to be used to pay administrative expenses incurred in accordance with applicable laws for a multi-county transportation or expressway authority created under ch. 343 or 348, F.S., where jurisdiction for the authority includes a portion of the State Highway System and the administrative expenses are in furtherance of the duties and responsibilities of the authority in the development of improvements to the State Highway System.
- **Section 46** provides that the ownership of all vehicles currently used by the Office of Motor Carrier Compliance shall be transferred to Department of Highway Safety and Motor Vehicles, effective July 1, 2011, without payment of any titling or registration fees.
- **Section 47** provides that a participant in an adult or youth work experience activity administered pursuant to ch. 445, F.S., shall be deemed an employee of the state for purposes of workers' compensation coverage. This section provides that, in determining the average weekly wage, all remuneration received from the employer shall be considered a gratuity, and the participant shall not be entitled to any benefits otherwise payable under s. 440.15, F.S.
- **Sections 48 and 49** reenact s. 163.3247, F.S., to remove authorization for members of the Century Commission for a Sustainable Florida to receive per diem and travel expenses while in performance of duties.
- **Sections 50 and 51** reenact s. 201.15, F.S., to remove language distributing certain taxes to the Century Commission for a Sustainable Florida.
- **Section 52** provides the Department of Transportation flexibility to use State Comprehensive Enhanced Transportation System Tax proceeds that are deposited into the State Transportation Trust Fund outside the district in which were collected, in order to assist the department in adopting a work program balanced to revenues.
- **Section 53** delays transfer of funds from the Highway Safety Operating Trust fund to the Transportation Disadvantaged Trust Fund by notwithstanding s. 320.204, F.S.
- **Section 54** provides legislative discretion as to the placement of passenger rail funding with the Department of Transportation budget, notwithstanding s. 341.303(6)(a), F.S.
- **Section 55** provides that incumbent employees transferred from the Office of Motor Carrier Compliance to the Department of Highway Safety and Motor Vehicles who are exempt from career service be placed in career service upon transfer. This section provides legislative intent that incumbent employees retain current status unless otherwise provided in the General Appropriations Act.
- **Section 56** authorizes grants of up to $3 million from the Toll Facilities Revolving Trust Fund for expressway projects.
- **Section 57** authorizes the Executive Office of the Governor to transfer funds in order to align the budget authority granted to pay each department’s risk management insurance.
- **Section 58** authorizes the Executive Office of the Governor to transfer funds in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2011-2012 General Appropriations Act between departments in order to align the budget

authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resources management services.

- **Section 59** extends the authorization of monthly employer contributions into the state employee health savings accounts at $41.66 for individuals and $83.33 for family coverage.
- **Section 60** provides that, notwithstanding the provisions of paragraph 110.123(3)(f), F.S., and for the 2011-2012 fiscal year only, the state contribution toward the cost of any plan in the state group insurance plan shall be the difference between the overall premium and the employee contribution.
- **Section 61** extends the authorization to assign an employee from one agency to another agency if recommended by the Governor and approved by the chairs of the respective legislative appropriations committees.
- **Section 62** provides that legislative salaries will remain at the same level in effect on July 1, 2010.
- **Sections 63 and 64** provide that, in the event that HB 5011 fails to become law, the Justice Administrative Commission will maintain the registry of attorneys qualified for appointment for capital collateral defense.
- **Sections 65 and 66** provide for the transfer of moneys to the General Revenue Fund or State School Trust Fund from trust funds as specified in the 2011-2012 General Appropriations Act.
- **Sections 67 and 68** reenact and amend s. 215.5601, F.S., to clarify that certain withdrawals from the Lawton Chiles Endowment Fund are to be treated as reductions in contributed principal to the fund.
- **Section 69** provides a legislative determination that the authorization and issuance of state debt is in the best interest of the state and is necessary to address a critical state emergency.
- **Section 70** limits the use of state funds for travel by state employees during the 2011-2012 fiscal year.
- **Section 71** provides that the Governor is authorized to transfer funds appropriated in any appropriation category used to pay for data processing in the General Appropriation Act between agencies in order to align the budget authority granted with the utilization rate of each department.
- **Section 72** provides that an agency may transfer funds from the data processing appropriation categories to another appropriation category for the purpose of supporting and managing its computer resources until such time as the agency's data processing function is transferred to the Southwood Shared Resource Center, the Northwood Shared Resource Center, or the Northwest Regional Data Center.
- **Section 73** provides that the Governor is authorized to transfer funds appropriated in the appropriations category "expenses" between agencies in order to allocate a reduction relating to SUNCOM Services.
- **Sections 74 and 75** modify copayments consistent with decisions that have been made in the General Appropriations Act.
- **Section 76** requires the Department of Management Services to use the services of a tenant broker to renegotiate all private lease agreements more than 150,000 square feet

and authorizes the use of savings to generate additional savings through office space consolidation by state agencies.

- **Section 77** requires the Department of Management Services and state agencies to seek to renegotiate private lease agreements of more than 2,000 square feet expiring before June 30, 2013.
- **Section 78** requires the Department of Management Services to issue a solicitation for the Minnesota Multistate Contracting Alliance for Pharmacy agreement as a state term contract.
- **Section 79** requires the Agency for Health Care Administration to competitively reprocure a Florida Discount Drug Card Program to provide market competitive discounts and return money to the state on a per prescription basis. Discounts will be available to Florida residents without income restrictions. Revenues deposited into Grants and Donations Trust Fund to reduce cost of Medicaid pharmacy purchases.
- **Section 80** requires agencies to submit report regarding purchases that could have been made from Prison Rehabilitative Industries and Diversified Enterprises, Inc., (PRIDE), but were made from another vendor.
- **Section 81** specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.
- **Section 82** provides that a permanent change made by another law to any of the same statutes amended by this bill takes precedence over the provision in this bill.
- **Section 83** provides a severability clause.
- **Section 84** provides effective dates.

If approved by the Governor, these provisions take effect June 29, 2011, except as otherwise provided.
Vote: Senate 32-7; House 80-39

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Committee on Budget

SB 2094 — State Employees

by Budget Committee

The bill resolves the noneconomic collective bargaining issues at impasse between the State of Florida and the bargaining representatives for state employees for the 2011-2012 fiscal year. The bill does not change substantive law.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 29-9; House 80-39

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Committee on Budget

SB 2096 — State Financial Information

by Budget Committee

The bill provides for the following:

- Requires charter schools and charter technical career centers to post their financial information on the Transparency Florida website.
- Requires the Auditor General to annually submit to the Legislature a list of any school districts, charter schools, charter technical career centers, colleges, state universities, and water management districts that have failed to comply with the transparency requirements.
- Changes the exemption criteria for municipalities or special districts from a population threshold (fewer than 10,000) to a revenue threshold (less than $10 million in total annual revenues).
- Requires water management districts to post their financial statements on their websites by September 1, 2011.
- Requires the Chief Financial Officer to make a state contract management system publically available that includes information and documentation relating to contracts procured by state governmental entities.
- Requires agency procurement staff to update information within 30 days of any major change to a contract or the execution of a new contract. A major change includes a contract renewal, extension, termination, or amendment.

If approved by the Governor, these provisions take effect upon becoming a law.
Vote: Senate 37-0; House 117-0

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Committee on Budget

SB 2098 — Consolidation of State Information Technology Services

by Budget Committee

The bill provides for the following:

- Clarifies the required components of the Agency for Enterprise Information Technology's annual work plan.
- Clarifies the duties of the Agency for Enterprise Information Technology pertaining to the state data center system, to include developing rules relating to its operation.
- Establishes in statute the agency schedule for data center consolidations, providing requirements for the development and submission of appropriate transition plans, providing requirements for the execution of new or updated service level agreements, and establishing agency limitations pertaining to their agency data centers and email services.
- Provides that approval to transition to a statewide email system is contingent on approval by the Legislative Budget Commission.
- Eliminates the Agency Chief Information Officers Council.
- Eliminates the requirement that agencies hire a Chief Information Officer.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 37-1; House 119-0

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Committee on Budget

SB 2100 — Retirement

by Budget Committee

The bill provides for the following changes with respect to the Florida Retirement System (FRS):

- Effective July 1, 2011, requires three percent employee contribution for all FRS members. DROP participants are not required to pay employee contributions.
- For employees initially enrolled on or after July 1, 2011, the definition of "average final compensation" means the average of the 8 highest fiscal years of compensation for creditable service prior to retirement, for purposes of calculation of retirement benefits. For employees initially enrolled prior to July 1, 2011, the definition of "average final compensation" continues to be the average of the 5 highest fiscal years of compensation.
- For employees initially enrolled in the pension plan on or after July 1, 2011, such members will vest in 100 percent of employer contributions upon completion of 8 years of creditable service. For existing employees, vesting will remain at 6 years of creditable service.
- For employees initially enrolled on or after July 1, 2011, increases the normal retirement age and years of service requirements, as follows:
  For Special Risk Class: Increases the age from 55 to 60 years of age; and increases the years of creditable service from 25 to 30.
  For all other classes: Increases the age from 62 to 65 years of age; and increases the years of creditable service from 30 to 33 years.
- Maintains DROP; however, employees entering DROP on or after July 1, 2011 will earn interest at a reduced accrual rate of 1.3%. For employees currently in DROP or entering before July 1, 2011, the interest rate remains 6.5%.
- Eliminates the cost-of-living adjustment (COLA) for service earned on or after July 1, 2011. Subject to the availability of funding and the Legislature enacting sufficient employer contributions specifically for the purpose of funding the reinstatement of the COLA, the new COLA formula will expire effective June 30, 2016, and the current 3 percent cost-of-living adjustment will be reinstated.
- To implement the bill for the 2011-12 fiscal year, funds the Division of Retirement with four positions and $207,070 in recurring funds and $31,184 in non-recurring funds.

If approved by the Governor, these provisions take effect June 30, 2011.
Vote: Senate 24-13; House 80-39

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Committee on Budget

SB 2104 — Governmental Reorganization

by Budget Committee

The bill provides for the following:

- Moves the Statewide Office for Suicide Prevention from the Executive Office of Governor to the Department of Children and Family Services.
- Eliminates the Seaport Security Standards Advisory Council.
- Removes the Office of Drug Control from involvement in approving waivers to seaport security standards and maritime domain security awareness training.
- Eliminates the Office of Drug Control and moves the Statewide Drug Policy Advisory Council from the Office of Drug Control to the Department of Health.
- Removes the director of the Office of Drug Control from the Suicide Prevention Coordinating Council and replaces with staff from the Governor's Office of Planning and Budgeting.
- Amends s. 1006.07, F.S., to eliminate language requiring the approval role of the Office of Drug Control for materials provided to school districts relating to suicide prevention educational resources.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 35-4; House 81-38

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Committee on Budget

SB 2106 — Florida Energy and Climate Commission

by Budget Committee

The bill provides for the following:

- Provides for a type two transfer of the Florida Energy and Climate Commission (commission) within the Governor's Office to the Department of Agriculture and Consumer Services.
- Abolishes the commission and transfers the majority of the commission's duties to the Department of Agriculture and Consumer Services.
- Transfers the duties of petroleum allocation from the commission to the Division of Emergency Management.
- Transfers energy emergency contingency plans to the Division of Emergency Management.
- Requires the Department of Management Services to coordinate the energy conservation programs of all state agencies.
- Transfers administration of the Coastal Energy Impact Program to the Department of Environmental Protection.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 37-2; House 85-34

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Committee on Budget

SB 2110 — Auditor General

by Budget Committee

The bill provides for the following:

- Modifies statutory requirements relating to the frequency of certain operational and financial audits conducted by the Auditor General.
- Requires the Auditor General to submit an annual report which includes a projected two-year work plan.
- Authorizes the Auditor General to audit virtual education providers receiving state funds or funds from local ad valorem taxes.
- Authorizes the Auditor General to audit water management districts.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-0; House 118-0

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Committee on Budget

SB 2112 — Juvenile Detention Facilities

by Budget Committee

This bill amends ss. 985.686 and 985.688, F.S., allowing counties to operate their own detention facility if they cover the financial cost of detention care for pre-adjudicated juveniles and providing that a county is exempt from the provisions of these sections of Florida Statutes if they are in compliance with specific provisions. They consist of the following:

- Counties must fund the entire cost for pre-adjudication detention for juveniles.
- Counties must authorize the county sheriff, any other county jail operator, or contract provider that is located inside or outside of the county to operate the facility.
- County sheriffs or other county jail operators must be accredited by the Florida Corrections Accreditation Commission or the American Correctional Association.
- Detention facilities must be inspected annually and meet the Florida Model Jail Standards.
- Counties or county sheriffs may form regional detention facilities through interlocal agreements in order to meet the requirements of this section.
- County sheriffs or other county jail operators must follow the federal regulations requiring sight and sound separation of juvenile inmates from adult inmates.
- If counties or county sheriffs comply with the provisions of this new subsection, they will not be subject to any additional training, procedures, or inspections required in ch. 985, F.S.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-0; House 83-35

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Committee on Budget

SB 2114 — Juvenile Justice

by Budget Committee

This bill amends ss. 985.441, 985.0301, 985.033, and 985.46, F.S., to provide that a juvenile judge may not commit an adjudicated delinquent youth whose underlying offense is a misdemeanor to a restrictiveness level other than minimum-risk nonresidential if the youth is adjudicated with a misdemeanor or probation violation for a misdemeanor, other than a new law violation constituting a felony.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 37-2; House 119-0

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Committee on Budget

SB 2116 — State Judicial System

by Budget Committee

This bill:

- Authorizes the regional conflict counsels to establish a Direct Support Organization to benefit the offices and further their mission.
- Makes property title and vehicle searches for indigency determination optional by the clerk of court.
- Requires that payments for attorney fees in criminal conflict cases ordered by the court to be first paid from funds appropriated to the Justice Administrative Commission. After those funds are exhausted, additional payments ordered by the court shall come from funds appropriated to the state court system.
- Requires an agreement between counties and the Statewide Guardian Ad Litem Office when counties provide staff to local Guardian Ad Litem programs.
- Requires the Clerks of Court Operations Corporation to collect and summarize reports to the Legislature on a local surcharge on traffic tickets used to fund court facilities.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 36-3; House 114-4

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Committee on Budget

SB 2118 — Criminal Justice

by Budget Committee

The bill provides for the following:

- Removes permissive language, making it a requirement for a judge to assess a defendant convicted of a crime the current $100 crime lab services fee if state or county crime lab services were performed in the investigation of the crime.
- Eliminates the Department of Correction's authority to operate the Basic Training Program for youthful offenders ("boot camps").
- Provides for the transfer of all powers, duties, and functions relating to the operation of private correctional facilities from the Department of Management Services (currently managed by the Bureau of Private Prison Monitoring) to the Department of Corrections.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-1; House 92-26

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Committee on Budget

SB 2120 — K-12 Education Funding

by Budget Committee

The bill, relating to K-12 education funding, provides the following:

- Authorizes DOR to provide certain information regarding the gross receipts tax to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research. In making the determination of the amount of bonds that can be serviced by the gross receipts tax, the State Board of Education is to disregard the effects of a 2010 nonrecurring refund.
- Expands the class size reduction lottery bond program to include other educational facilities.
- Authorizes a regional educational consortium service organization to generate revenue to support its activities. A consortium may establish ownership of patents, copyrights, trademarks and licenses. Revenues generated must be used to support each organization's marketing and research and development activities in order to increase services to its member school districts.
- Provides that the allocation of state funds for a regional education consortium shall be determined based on funds provided in the General Appropriations Act.
- Adjusts the charter school enrollment process such that students living in a development that provides the facility and related property with an appraised value of at least $10 million for a charter school in the development shall be entitled to 50 percent of the enrollment in the charter school.
- Provides that charter school systems may be designated as local education agencies for the purpose of receiving federal funds.
- Limits the administrative fee that sponsors may withhold from high performing charter schools and high performing charter school systems, as defined by SB 1546, to two percent for up to 250 students and two percent for up to 500 students, respectively.
- Clarifies prior legislation and authorizes the expenditure of PECO funds by a charter-school-in-the-workplace prior to July 1, 2010.
- Increases the number of students that may be assigned to an instructor in the school year prekindergarten program from 11 to 12, and from 18 to 20 for an instructor plus an assistant. Reduces the administrative allowance for early learning coalitions from 4.5 to 4.0 percent.
- Redefines the term "core curricula courses" for the purpose of designating classes subject to the maximum class size requirements and requires the Department of Education (DOE) to maintain a list of such courses.
- Provides flexibility for school districts to implement class size requirements when additional students enroll in a school after the October survey and for students in grades 4 to 8 who take high school courses. Clarifies the use of class size reduction funds.
- Authorizes school districts to establish pilot digital instructional materials schools. Participating districts will be required to have a local instructional improvement system and emphasize the use of electronic instructional materials. Pilot schools will not be

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required to purchase the instructional materials adoption within the first two years and will not have to purchase materials from the depository. Districts will provide a plan and report on the outcomes.

- Revises statutes related to instructional materials for public schools, including revising naming conventions, using "instructional materials" as the generic rather than "textbooks"; modifying and expanding the description and requirements for local instructional improvement systems; revising the instructional materials review process by replacing committees with three national expert reviewers; clarifying and expanding bid advertisement specifications for electronic and digital content; revising the term for instructional materials adoptions from 6 to 5 years; requiring that by 2015-2016, all adopted instructional materials for K-12 students are to be in electronic or digital format and districts are to use at least 50 percent of the annual allocation for the purchase of digital or electronic instructional materials on the state adopted list.
- Provides recurring flexibility, after March 1 of each year, for instructional materials funds to be used to purchase hardware for student instruction after required instructional materials purchases have been made.
- Revises the definition of adult education and provisions relating to the coenrollment of high school students in adult education courses.
- Adjusts industry certified bonus weights based on rigor and the employment value of the certification with revised weights remaining within existing funding levels, and provides for middle school student eligibility for industry certification and bonus weights.
- Requires school districts to provide to the DOE by October 1, copies of contracts and amounts paid to providers of virtual instruction. Also requires districts to spend the difference between funds received for the virtual instruction program and amounts paid to providers of virtual instruction on local instructional improvement systems and electronic and digital instructional materials.
- Removes the additional FTE provision for the Florida Virtual School.
- Creates a virtual education contribution categorical in the FEFP.
- Authorizes an interdistrict transfer of FEFP funds when students in Department of Juvenile Justice facilities are transferred between student membership surveys.
- Allows sixteen districts that passed a referendum in the 2010 general election to levy by supermajority vote 0.25 mills for the authorized two years and eligible districts to receive state compression adjustment funds. Provides for the expiration on June 30, 2011 of this additional 0.25 mills for critical operations or capital outlay.
- Defines casualty insurance for educational and ancillary facilities for purposes of school district expenditure of capital improvement millage revenues.
- Waives the equal dollar reduction penalty in the FEFP for school district audit findings for property and casualty insurance expenditures for the 2009-2010 fiscal year and the 2010-2011 fiscal year prior to January 1, 2011.
- Provides that state funding for the Merit Award Program will be discontinued after the 2011-2012 payment of the 2010-2011 awards.
- Provides the DOE with flexibility to provide Florida Knowledge Network materials and other educational services online or by other electronic media, instead of primarily through television broadcast.

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- Updates and clarifies DOE responsibilities for the Florida Information Resource Network.
- Extends an exemption from state educational facilities requirements for the demolition and replacement of school buildings for certain school districts.
- Adopts by reference, the alternative compliance calculation amounts to the class size reduction operating categorical allocation for the 2010-2011 fiscal year.

This bill substantially amends ss. 213.053, 215.61, 1001.10, 1001.25, 1001.271, 1001.28, 1001.451, 1002.33, 1002.34, 1002.45, 1002.55, 1002.63, 1002.71, 1003.01, 1003.03, 1004.02, 1006.28, 1006.281, 1006.29, 1006.30, 1006.31, 1006.32,1006.33, 1006.34, 1006.35, 1006.36, 1006.38, 1006.39, 1006.40, 1006.43, 1011.62, 1011.685, 1011.71, 1012.225, 1013.737, creates ss. 1003.4935, 1006.282, and 1011.621, and repeals s. 1006.43 of the F.S.

If approved by the Governor, these provisions take effect July 1, 2011
Vote: Senate 30-7; House 79-39

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Committee on Budget

SB 2122 — State Government Operations

by Budget Committee

This bill provides for the following:

- Within the Department of Agriculture and Consumer Services (DACS), consolidates the Division of Dairy Industry within the Division of Food Safety.
- Transfers authority for the regulation and enforcement of the state Lemon Law and the price gouging program entirely to the Department of Legal Affairs.
- Renames the Division of Forestry within the DACS as the Florida Forest Service.
- Reduces the membership of the Citrus Commission from twelve members to nine, reduces the number of citrus districts from four to three, and reassigns counties to those three districts.
- Provides that the Executive Director of the Department of Citrus be appointed by a majority vote of the commission and serve a four-year term, except for the initial term, which expires on June 30, 2011, and shall be subject to confirmation by the Senate in the legislative session following appointment.
- Imposes limits on the tax per box of grapefruit, oranges, and tangerines. The tax on grapefruit, tangerines, and fresh oranges is capped at the rate in effect on May 1, 2011, and the tax rate on oranges in processed form cannot exceed 25 cents per box.
- Requires employees of the Department of Citrus to work a five-day, 40-hour work week, except when on approved leave.

The consolidation of the Division of Dairy Industry into the Division of Food Safety provides a recurring cost savings of $239,496 in general revenue. The elimination of activities by the Division of Consumer Services relating to the Lemon Law and the price gouging program provides a recurring cost savings to the General Inspection Trust Fund within the DACS of $386,415.

If approved by the Governor, these provisions take effect upon becoming a law.
Vote: Senate 37-0; House 118-0

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Committee on Budget

SB 2128 — Public Employees Relations Commission

by Budget Committee

The bill requires the Public Employees' Relations Commission to be comprised of a chair and two part-time commissioners. The part-time members are prohibited from engaging in any other business, vocation, or employment that conflicts with their duties while serving as a commissioner. The provisions in this bill provide an annual cost savings of $125,652.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-0; House 119-0

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Committee on Budget

SB 2130 — Pollution Control

by Budget Committee

The bill revises requirements for the deposit of funds used in providing financial assistance for water pollution control. The bill requires that such funds be deposited into the Federal Grants Trust Fund within the Department of Environmental Protection (department) rather than the Grants and Donations Trust Fund within the department. The bill also expands the use of existing service fees, as authorized by the Federal Water Pollution Control Act, to include other water quality activities performed by the department. These activities include monitoring, developing total maximum daily loads, watershed restoration best management practices, and source water assessments.

The bill has a recurring positive fiscal impact of $1.8 million to the General Revenue Fund and $300,000 to the Permit Fee Trust Fund by allowing the department to transfer administrative costs associated with other water quality activities from the General Revenue Fund and the Permit Fee Trust Fund to the Federal Grants Trust Fund.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-0; House 118-0

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Committee on Budget

SB 2132 — Department of Financial Services

by Budget Committee

The bill provides for the following:

- Requires that the Department of Financial Services (department) and all state agencies with more than 3,000 full-time employees that are provided insurance coverage from the Division of Risk Management, within the department, establish and maintain return-to-work programs for injured state workers. This provision is anticipated to result in an estimated annual cost savings of $1 million to the state's self-insurance program.
- Requires the Division of Risk Management to utilize agency loss prevention results in addition to claims history as criteria for calculating state agency risk management premiums.
- Requires the Division of Risk Management to evaluate each agency's risk management programs at least once every five years and to produce reports recommending improvements. In addition, the bill outlines a process for each agency's response to the division's evaluation and recommendations.
- Eliminates the Chief Financial Officer's authority to operate a check cashing service at the state capitol, which will eliminate three full-time positions and provide a savings of $129,022.
- Requires that unencumbered and undisbursed funds that are transferred from the Workers' Compensation Administration Trust Fund within the department revert back to the fund each year.
- Revises the responsibilities of the Division of Consumer Services within the department to reflect organizational changes related to the Office of Insurance Regulation and the Office of Financial Regulation.
- Authorizes the department to accept donations, grants of property or moneys from any governmental unit, public agency, institution, person, firm, or corporation for its anti-fraud efforts in the Division of Insurance Fraud within the department and provides for the vesting of certain rights in the Division of Insurance Fraud upon donation. The bill authorizes the department to request annual appropriations from these funds.
- Requires that all donations or grants of monies to the Division of Insurance Fraud be deposited immediately into the Insurance Regulatory Trust Fund within the department, to be separately accounted for. The bill authorizes the use of these funds by the Division of Insurance Fraud to carry out its duties and responsibilities or for the sub-granting of funds to the state attorneys for funding or defraying the cost of dedicated fraud prosecutors.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 35-4; House 93-24

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Committee on Budget

SB 2136 — Federal Grants Trust Fund/Department of Business and Professional Regulation

by Budget Committee

The bill creates the Federal Grants Trust Fund within the Department of Business and Professional Regulation (department). This trust fund is established for allowable grant activities funded by restricted program revenues. Funds credited to the Federal Grants Trust Fund will consist of grants and funding from the federal government, interest earnings, and cash advances from other trust funds. The creation of this trust fund will align agency accounts pursuant to the requirements of s. 215.32, F.S. The trust fund will terminate in four years, on July 1, 2015, pursuant to s. 19(f)(2), Art. III of the State Constitution, unless terminated sooner or re-created by the Legislature. Creation of the Federal Grants Trust Fund within the department will allow for improved segregation of funds and accounting records.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-0; House 118-0

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Committee on Budget

SB 2142 — Water Management Districts

by Budget Committee

The bill provides for the following:

- Requires the Legislature to annually review the preliminary budget for each water management district and set the maximum amount of revenue a district may raise in the next fiscal year through its ad valorem tax. For the 2011-2012 fiscal year, the bill limits the total ad valorem taxes that may be levied by water management districts to the following amounts: $3,946,969 for the Northwest Florida Water Management District; $5,412,674 for the Suwannee River Water Management District; $85,335,619 for the St. Johns Water Management District; $107,766,957 for the Southwest Florida Water Management District; and $284,901,967 for the South Florida Water Management District.
- Provides that, if the annual maximum amount of property tax revenue is not set by the Legislature on or before July 1 of each year, the maximum property tax revenue that may be raised reverts to the amount authorized in the prior year.
- Requires each water management district to provide a monthly financial statement to its governing board and make such information available to the public through the district's website.
- Revises provisions relating to the review of district budgets to allow the Legislative Budget Commission, in addition to the Executive Office of the Governor,to disapprove, in whole or in part, the budget of each water management district.

If approved by the Governor, these provisions take effect upon becoming a law.
Vote: Senate 38-1; House 83-34

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Committee on Budget

SB 2144 — Medicaid

by Budget Committee

The bill provides statutory changes to conform to the FY 2011-2012 General Appropriations Act. Specifically, the bill:

- Modifies the nursing home staffing requirements to allow for a combined direct care staffing requirement of 3.6 hours per resident per day and modifies the formula for calculating the direct care subcomponent of the nursing home reimbursement.
- Modifies the requirements for the Agency for Health Care Administration to deny licensure and renewal requests.
- Repeals the sunset of the Medically Needy for adults program and the Medicaid Aged and Disabled (MEDS-AD) waiver, which will sunset June 30, 2011.
- Eliminates a requirement for a hospitalist program in nonteaching hospitals.
- Modifies the formula used for calculating reimbursements to providers of prescribed drugs.
- Repeals the sunset date for the freeze on Medicaid institutional unit cost; and deletes obsolete workgroups and reporting requirements.
- Provides for the allowed aggregated amount of assessments for all nursing home facilities to increase to conform to federal regulations and revises the criteria for exempting qualified public, nonstate-owned or operated nursing home facilities from quality assessments.
- Repeals the sunset of the quality assessment on privately operated intermediate care facilities for the developmentally disabled.
- Revises the years of audited data used in determining Medicaid and charity care days for hospitals in the Disproportionate Share Hospital (DSH) Program; and changes the distribution criteria for Medicaid DSH payments to implement funding decisions for the DSH program.
- Eliminates the requirement to implement a wireless handheld clinical pharmacology drug information database for practitioners; and allowing electronic access to certain pharmacology drug information.
- Authorizes the implementation of a home delivery of pharmacy products program; establishes the requirements for the procurement and the program; and eliminates the requirement for the expansion of the mail-order-pharmacy diabetes-supply program.
- Eliminates certain specific components of the prescription drug management system program.
- Authorizes an additional Program of All-inclusive Care for the Elderly (PACE) site in Palm Beach County and approves up to 150 initial enrollees, subject to a specific appropriation.
- Authorizes the agency in conjunction with the specialty behavioral health plan to develop a clinically effective, evidence-based alternatives as downward substitution for the statewide inpatient psychiatric program and similar residential care and institutional services

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- Deletes a provision that sunsets the ability of tobacco companies to deposit a limited amount of security with the Florida Supreme Court.
- Authorizes the use of a managing entity in the Medipass program in certain counties to implement program initiatives to improve care coordination, patient outcomes, and reduce costs.
- Assigns Medicaid program recipients diagnosed with HIV/AIDS residing in Broward, Miami-Dade, or Palm Beach counties to an HIV/AIDS specialty plan.
- Exempts from Insurance Premiums Tax the premiums, contributions, and assessments received under a contract with Medicaid to solely provide services to Medicaid recipients by a prepaid limited health service organization (PLHSO) licensed under chapter 636, F.S. Provides that the provisions within the bill will operate prospectively and does not provide a basis for an assessment of taxes not paid, or a basis for determining any right to a refund of taxes paid, prior to the effective date.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 24-15; House 80-38

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Committee on Budget

SB 2146 — Allocation of Funds for Community-Based Care Lead Agencies

by Budget Committee

The bill provides statutory changes to conform to the FY 2011-2012 General Appropriations Act. Specifically, the bill:

- Creates s. 409.16713, F.S.
- Requires the Department of Children and Family Services to allocate funds for community-based care lead agencies according to a specified equity allocation model.
- Specifies that included in the equity model is core services funding for foster care and in-home care.
- Specifies that excluded from the equity model is funding for independent living, maintenance adoption subsidies, mental health wrap-around services, non-recurring funds, special project funds, and training funds.
- Specifies the factors used in the equity model for each lead agency are as follows:
  - The proportion of children in poverty,
  - The proportion of child abuse hotline workload,
  - The proportion of children in care (in-home and out-of-home), and
  - The proportion of contribution in the reduction of out-of-home care.
- Specifies the weighting for these factors to calculate the equity allocation for core service fund:
  - Proportion of children in poverty – 30 percent of the total,
  - Proportion of child abuse hotline workload – 30 percent of the total,
  - Proportion of children in care – 30 percent of the total, and
  - Proportion of contribution to the reduction in out-of-home care – 10 percent of the total.
- Requires that, beginning in the 2011-2012 fiscal year, 75 percent of recurring core services funding for each lead agency be based on the prior year recurring base, and 25 percent be based on the equity allocation model.
- Specifies that any new funds for FY 2011-2012 be allocated based on the equity allocation model and only to those lead agencies where the current funding proportion is less than the proportion of funding based on the equity model.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 25-13; House 110-9

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Committee on Budget

SB 2150 — Postsecondary Education Funding

by Budget Committee

The bill relating to Higher Education Appropriations Issues provides for the following:

- Authorizes the Department of Revenue to provide information regarding gross receipts taxes to the State Board of Education, the Division of Bond Finance and the Office of Economic and Demographic Research. In making the determination of the amount of bonds that can be serviced by gross receipts tax the State Board of Education is to disregard the effects of a 2010 nonrecurring refund.
- Expands the class size reduction lottery bond program to include other educational facilities.
- Repeals certain responsibilities of the Department of Education for monitoring rehabilitation providers and services; repeals rehabilitation provider qualifications.
- Authorizes the implementation of a transient student admission application process through the Florida Academic Counseling Tracking for Students system to include admissions, readmissions, financial aid, and transfer of credit functions. Authorizes a fee of $5 to support the system.
- Designates the Northwest Regional Data Center as a primary data center.
- Requires an annual report on cost savings from collaborative licensing of electronic library resources.
- Authorizes the Florida Fund for Minority Teachers, Inc. to use other available funds for administration.
- Authorizes a spring and summer term student enrollment pilot program at the University of Florida for the purpose of aligning student enrollment and the availability of instructional facilities. Authorizes Bright Futures scholarships in the summer for these students.
- Updates the provisions related to tuition and out-of-state fees for postsecondary students in workforce, college, and university programs to include 2011-2012 tuition.
- Requires a block tuition and corresponding out-of-state fee for students enrolled in adult general education courses. Removes fee exemptions for certain students and requires residency of students to be documented.
- Authorizes college and school district workforce programs to use capital improvement fee revenue for the acquisition of improved real property.
- Authorizes college and school district workforce programs to charge a convenience fee for processing automated or online credit card payments.
- Authorizes the Board of Trustees of Santa Fe College to establish a transportation access fee of up to $6 if approved by a referendum held by student government.
- Provides an exemption from the 30 percent need-based expenditure requirement from the tuition differential fee if the university has covered the entire tuition and fee costs of all resident students who are eligible for need-based aid.
- Authorizes alternative documentation for tuition fee waivers for Purple Heart veterans.

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- Increases the Florida Medallion Scholarship test scores in 2013-2014, from 1050 to 1170 for SAT, including the applicable home school test scores. Increases or establishes required community service hours for Bright Futures applicants.
- Requires applicants for Bright Futures, FRAG, and ABLE programs to submit the Free Application for Federal Student Aid prior to disbursement of funds.
- Increases the tuition surcharge for excess hours to 100 percent in excess of 115 percent of the credit hours required for a degree.
- Provides that funding for student financial aid and tuition assistance programs shall be as provided in the General Appropriations Act.
- Streamlines library operations through consolidation and joint purchasing. Requires creation of a union catalog for higher education.
- Prioritizes state student financial aid to the neediest (Pell eligible) students for the Florida Work Experience Program and the First Generation in College Program.
- Prohibits funding for coenrollment in public schools and adult general education programs, except that for the 2011-2012 fiscal year students may enroll in core courses for credit recovery or dropout prevention for up to two courses. High school students are exempt from the payment of block tuition for general adult education programs.
- Prohibits the use of state workforce education and Florida College funding for prison inmate education.
- Temporarily suspends the state match for facilities and operating challenge grant programs for colleges and universities, effective July 1, 2011. Existing eligible donations will remain eligible for future match. The suspension may be removed once $200 million of the grant backlog has been matched.
- Allows a university board of trustees to expend carry-forward balances from prior year operational appropriations on legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.
- Requires the Florida College System Council of Presidents to develop and recommend an equitable funding formula for the distribution of PECO funds to the college system institutions.
- Provides for the use of a funding formula to ensure equitable distribution of district workforce funds.
- Provides a $200,000 limit on the amount of state funds that may be paid for salaries of college and university presidents and administrative employees.
- Allows the Division of Blind Services to lease donated property.
- Provides that funds received from community events or festivals are not eligible for state match under the Dr. Philip Benjamin Matching Grant Program.
- Terminates the University Concurrency Trust Fund.

This bill substantially amends ss. 213.053, 215.61, 440.491, 413.011, 1004.091, 1006.72, 1007.28, 1009.22, 1009.23, 1009.24, 1009.25, 1009.286, 1009.531, 1009.534, 1009.535, 1009.536, 1009.55, 1009.56, 1009.57, 1009.60, 1009.605, 1009.68, 1009.69, 1009.701, 1009.73, 1009.74, 1009.77, 1009.89, 1009.891, 1011.32, 1011.61, 1011.80, 1011.81, 1011.85, 1011.94, 1012.885, 1012.975, 1013.33, 1013.737, 1013.79 and creates ss. 1004.649, 1009.21, 1009.215, 1012.886, 1012.976, and repeals s. 1013.63 of the F.S.

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If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 35-3; House 89-29

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Committee on Budget

SB 2152 — Transportation

by Budget Committee

The bill provides for the following:

- Clarifies that the Florida Department of Transportation is authorized to adjust toll rates by rule and is not subject to the provisions of ss. 120.54(3)(b) and 120.541., F.S.;
- Authorizes the use of excess toll revenues from the Alligator Alley Toll Road to develop and operate a fire station at mile marker 63 on Alligator Alley to provide, fire, rescue, and emergency management services to the adjacent counties along Alligator Alley;
- Repeals the Brevard County Expressway Authority, Broward County Expressway Authority, Pasco County Expressway Authority, St. Lucie County Expressway Authority, Seminole County Expressway Authority, and Southwest Florida Expressway Authority;
- Repeals various sections of law relating to and authorizing lease purchase agreements between certain transportation authorities and FDOT;
- Clarifies that an airport providing communications services within its own confines is exempt from the definition of telecommunications company;
- Corrects cross references in various sections of law to conform to changes made in this amendment; and
- Directs state agencies to develop and adopt assessment protocols for evaluating damaged equipment before a request for purchase is approved.

If approved by the Governor, these provisions take effect July 2, 2011.
Vote: Senate 33-5; House 85-33

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Committee on Budget

SB 2154 — Florida Housing Finance Corporation; Federal Grants Trust Fund

by Budget Subcommittee on Transportation, Tourism, and Economic Development

This bill as filed modified statutes pertaining to the Florida Housing Finance Corporation, but the conference committee report instead creates the Federal Grants Trust Fund within the Executive Office of the Governor for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

This trust fund is needed in order to implement the transfer of the Division of Emergency Management from the Department of Community Affairs to the Executive Office of the Governor as proposed in legislation before the 2011 Legislature.

In accordance with s. 19(f)(2), Art. III, State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2), F.S.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 33-5; House 118-0

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Committee on Budget

SB 2156 — Governmental Reorganization

by Budget Committee

1. REORGANIZATION
   a. Creates the Department of Economic Opportunity (DEO):
      - Agency head, known as the "executive director," appointed by the Governor and confirmed by the Senate.
      - Transfers the Office of Tourism, Trade and Economic Development (OTTED), portions of the Department of Community Affairs (DCA), and portions of the Agency for Workforce Innovation (AWI) workforce functions to the new agency, effective October 1, 2011.
      - The Ready to Work program is transferred from the Department of Education (DOE) to the Department of Economic Opportunity.
   b. Transfers the AWI Office of Early Learning to the Department of Education as a separate entity:
      - Director of the office appointed by the Governor, and confirmed by the Senate.
      - DOE may not impose requirements or standards on early learning programs beyond those authorized in law for voluntary prekindergarten (VPK).
      - Auditor General to review programs and delivery systems (including early learning coalitions) by December 31, 2011.
   c. Consolidates public-private economic development partnerships:
      - Enterprise Florida, Inc., (EFI) President, known as the "Secretary of Commerce," is appointed by and serves at the pleasure of the Governor.
      - EFI board remains largely as it is under current law, however new language requires certain private-sector representation (e.g., space, tourism, etc).
      - Space Florida retains special district status under the direction of appointed EFI board members.
      - VISIT Florida direct support organization is retained under contract with the EFI Board.
      - Black Business Investment Board (BBIB) and Florida Sports Foundation are merged into EFI, and related divisions are created in EFI.
      - Matching requirements for EFI and VISIT Florida (1-to-1 match) remain as required under current law.
      - Workforce Florida, Inc., maintains independent status as currently provided in law.
   d. Other transfers:
      - Florida Communities Trust and Stan Mayfield Working Waterfronts are transferred from DCA to the Department of Environmental Protection.
      - Florida Building Commission is transferred from DCA to the Department of Business and Professional Regulation.
      - Division of Emergency Management is transferred from DCA to the Executive Office of the Governor.
      - Florida Energy and Climate Commission within the Executive Office of the Governor is transferred to the Department of Agriculture and Consumer Services.

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e. Repeals DCA, AWI, and OTTED.

2. PURPOSE AND FUNCTIONS OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY
   a. Responsibilities of the department:
      - Oversight and coordination of economic development, housing, growth management, community development programs, and unemployment compensation.
      - Develop a single, statewide 5-year strategic plan to address the promotion of business formation, expansion, recruitment, and retention in order to create jobs for all regions of the state. The plan must address economic development, marketing and infrastructure development for rural communities.
      - Submit an annual report on the condition of the business climate and economic development in the state, with assistance from EFI and WFI.
      - Manage the activities of the public-private partnerships.
      - Establish annual performance standards for Enterprise Florida, Inc., Workforce Florida, Inc., VISIT Florida, and Space Florida and report annually on how these performance measures are being met.
   b. Streamlined incentive process:
      - Incentives for economic development projects must be approved or denied within 10 days of submitting an application to the department.
      - The release of funds for the incentive or incentives awarded to the applicant depends upon the statutory requirements of the particular incentive program.
      - Quick Action Closing Fund projects require recommendation to the Governor in 7 days. In addition, the Governor can approve projects under $2 million. Projects ranging from $2 million - $5 million require notification to the chairs and vice chairs of the Legislative Budget Commission (LBC). Projects totaling more than $5 million must be approved by the LBC.
   c. Business plan required by September 1, 2011, in conjunction with EFI, must outline:
      - Strategies to be used by department and EFI for business recruitment and expansion.
      - Benchmarks related to: business recruitment, business expansion, number of jobs created or retained.
      - Tools, financial and otherwise, needed to achieve benchmarks, and timeframes necessary to achieve standards.
      - By Jan. 1, 2012, the department must make recommendations for any further reorganization and streamlining of economic development and workforce functions.
3. PURPOSE AND FUNCTIONS OF ENTERPRISE FLORIDA, INC.
   a. Responsibilities of EFI:
      - Must enter a performance-based contract with the Department of Economic Opportunity.
      - Acts as primary economic agency for the state; chief negotiator for business recruitment and business expansion.

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- Increase private investment in Florida.
- Advance international and domestic trade opportunities.
- Market the state as a pro-business location for new investment and as a tourist destination.
- Revitalize Florida's space and aerospace industries.
- Promote opportunities for minority-owned businesses.
- Assist and market professional and amateur sports teams and sporting events.
- Assist and promote economic opportunities in rural and urban communities.

b. Annual incentive report must include:
- Description of incentive programs.
- Amount of awards granted, by year, since inception.
- Economic benefits including actual amount of private capital invested, actual number of jobs created, actual wages paid for incentive agreements, annual average wage.
- The number of applications submitted, and the number of projects approved and denied by the department.
- Federal and local incentives provided.
- The number of projects that did not fulfill the terms of their agreements and consequently did not receive incentives.
- Trends related to usage of the various incentives, including the number of minority-owned businesses receiving incentives.

4. DEEPWATER HORIZON OIL SPILL

To address the negative economic impacts of the Deepwater Horizon oil spill:
- Defines the following counties as "disproportionally affected counties" and waives job, wage, and other requirements for businesses seeking economic development incentives in these counties: Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Walton, and Wakulla.
- Provides that during a state of emergency permits are tolled and an additional 6 months is added to existing permits.
- Creates the Commission on Oil Spill Response Coordination (expires Sept. 2012).
- Appropriates $10 million per year for three fiscal years to develop and implement an economic strategic plan in counties designated as disproportionally affected.
- Directs how funds received by the state for damages caused by the Deepwater Horizon oil spill may be directed.

5. STATE ECONOMIC ENHANCEMENT AND DEVELOPMENT (SEED) TRUST FUND (HB 7205 creates the SEED Trust Fund within the Department of Economic Opportunity)

This bill provides:
- Effective July 1, 2012, redirects a total of $75 million from documentary stamp tax revenues, currently dedicated to affordable housing trust funds, into the SEED Trust Fund.

- Effective July 1, 2012, begins redirecting from documentary stamp tax revenues currently dedicated to the State Transportation Trust Fund (STTF) into the SEED Trust Fund. In order to lessen the impacts to the Florida Department of Transportation (FDOT) Work Program, the bill phases-in the amounts to be redirected as follows: $50 million for FY 2012-13; $65 million for FY 2013-14; and $75 million for FY 2014-15 and subsequent years.
- The above-mentioned funds are to be appropriated annually in the General Appropriations Act.
- The affordable housing trust funds are maintained as in current law.

6. FLORIDA ENERGY AND CLIMATE COMMISSION PROVISIONS
   a. Provides for transfer of the powers, duties, and functions of the Florida Energy and Climate Commission within the Governor's Office to the Department of Agriculture and Consumer Services and abolishes the Commission.
   b. Transfers the duties of petroleum allocation from the Commission to the Division of Emergency Management.
   c. Transfers energy emergency contingency plans to the Division of Emergency Management.
   d. Requires the Department of Management Services to coordinate the energy conservation programs of all state agencies.
   e. Transfers administration of the Coastal Energy Impact Program to the Department of Environmental Protection.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 33-6; House 81-35

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

Committee on Budget

SB 2160 — Department of Highway Safety and Motor Vehicles

by Budget Committee

The bill contains provisions relating to the Department of Highway Safety and Motor Vehicles and provides for the following:

- Creates the Division of Motorist Services within the department;
- Transfers the Office of Motor Carrier Compliance sworn law enforcement officers and administrative personnel from the Florida Department of Transportation (FDOT);
- Allows the department to contract with a vendor to outsource the online sale of crash records;
- Authorizes revenue sharing with county tax collectors on the issuance of driver's license replacement and identification cards, beginning July 1, 2015, when the those services are provided by the tax collector;
- Creates a Law Enforcement Consolidation Task Force to evaluate the duplication of law enforcement functions throughout state government; and
- Directs the department to contract with providers for online traffic law and substance abuse education courses to serve as third party provider for online examinations for Class E learner's driver's license.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 36-2; House 99-20

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

Committee on Budget

SB 2162 — Welfare Transition Trust Fund

by Budget Committee

This bill creates the Welfare Transition Trust Fund within the Department of Education.

This trust fund is needed in order to implement the transfer of programs to the Department of Education as proposed in legislation before the 2011 Legislature. Specifically, the School Readiness Program, proposed for transfer from the Agency for Workforce Innovation to the Department of Education as part of the creation of the Department of Economic Opportunity, is currently partially funded with federal funds derived from the Temporary Assistance for Needy Families (TANF) Block Grant.

The trust fund is established for use as a depository for receiving federal funds under the Temporary Assistance for Needy Families Program. Trust fund moneys shall be used exclusively for the purpose of providing services to individuals eligible for Temporary Assistance for Needy Families pursuant to the requirements and limitations of part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Funds credited to the trust fund consist of those funds collected from the Temporary Assistance for Needy Families Block Grant.

In accordance with s. 19(f)(2), Art. III, State Constitution, the Welfare Transition Trust Fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2), F.S.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 39-0; House 119-0

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

Committee on Budget

HB 5011 — Commission on Capital Cases

by Appropriations Committee and Rep. Grimsley

The bill provides for the following:

- Repeals the Commission on Capital Cases from s. 27.709, F.S.
- Requires the executive director of the Justice Administrative Commission to maintain the registry of capital collateral qualified attorneys.
- Requires the executive director of the Justice Administrative Commission to request additional attorneys to add to the registry when fewer than 50 attorneys are listed statewide on the registry.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 27-12; House 82-37

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Committee on Budget

HB 5303 — Biomedical Research

by Health Care Appropriations Subcommittee; Rep. Hudson

The bill provides statutory changes to conform to the FY 2011-2012 General Appropriations Act. Specifically, the bill revises provisions of s. 216.5602 (12), F.S., as follows:

- Modifies the amount of revenue from the cigarette surcharge deposited in the Health Care Trust Fund to be reserved and subsequently transferred to the Biomedical Research Trust Fund within the Department of Health from $50 million to $25 million beginning in the 2011-2012 fiscal year. Allocation of the funds is subject to an annual appropriation in the General Appropriations Act.
- Decreases the amount of funding provided to the James and Esther King Biomedical Research Program and the William G. "Bill" Bankhead Coley Cancer Research Program from $20 million each to $5 million each.
- Decreases the amount of funding provided to the H. Lee Moffitt Cancer Center and Research Program from $10 to $5 million.
- Provides $5 million each to the Sylvester Cancer Center at the University of Miami and the Shands Cancer Center at the University of Florida for cancer research activities. The 2011-12 General Appropriations Act appropriates $5 million to the Shands Cancer Hospital, not the Shands Cancer Center. This is an error in the bill and Senator Negron made a statement on the Floor of the Senate indicating his intent that the funds go to the Shands Cancer Hospital.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 31-7; House 115-0

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Committee on Budget

HB 5305 — Correctional Medical Authority

by Health Care Appropriations Subcommittee; Rep. Hudson

The bill provides statutory changes to conform to the FY 2011-2012 General Appropriations Act. Specifically, the bill:

- Repeals all sections of statute creating the Correctional Medical Authority.
- Repeals all sections of statute establishing and directing the duties and responsibilities of the Correctional Medical Authority.
- Makes conforming changes by deleting reference to the Correctional Medical Authority elsewhere in statute.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 26-13; House 81-34

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

Committee on Budget

HB 5401 — Cybercrime Office

by Appropriations Committee and Rep. Glorioso

The bill which repeals s. 16.61, F.S., and creates s. 943.0415, F.S., provides for the transfer of the powers, duties and functions of the Cybercrime Office from the Department of Legal Affairs to the Department of Law Enforcement.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 39-0; House 118-0

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

Committee on Budget

HB 5405 — Trust Funds of the State Courts System

by Appropriations Committee and Rep. Glorioso

The bill:

- Amends ss. 28.241, 34.041, 35.22, and 44.108, F.S., to redirect moneys generated from filing fees from the state courts' Mediation and Arbitration Trust Fund to the State Courts Revenue Trust Fund.
- The moneys credited to the State Courts Revenue Trust Fund include fees for trial and appellate proceedings, filing fees from any civil action, suit, or proceeding in county court, clerk of district court filing fees, and a filing fee of $1 on all proceedings in the circuit or county courts.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 39-0; House 117-1

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Committee on Budget

HB 7205 — State Economic Enhancement and Development Trust Fund

by the Select Committee on Government Reorganization; and Reps. Aubuchon and Hukill

This bill creates the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. Funds deposited into the trust fund shall be used for infrastructure and job creation opportunities and for the following purposes or programs:

- Transportation facilities that meet a strategic and essential state interest with respect to the economic development of the state;
- Affordable housing programs and projects in accordance with ch. 420, F.S.;
- Economic development incentives for job creation and capital investment;
- Workforce training associated with locating a new business or expanding an existing business; and
- Tourism promotion and marketing services, functions, and programs.

The trust fund is established for use as a depository for funds credited to the trust fund, to consist of documentary stamp tax proceeds as specified in law, local financial support funds, interest earnings, and cash advances from other trust funds.

In accordance with s. 19(f)(2), Art. III, State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 34-5; House 84-34

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Committee on Budget

HB 7207 — Trust Funds; Growth Management

by the Select Committee on Government Reorganization; and Rep. Aubuchon

This bill as filed amended statutes for various trust funds – terminating certain trust funds and providing for revenue sources for a newly created trust fund.

The conference report provides instead for various provisions relating to growth management:

- Makes concurrency for parks and recreation, schools, and transportation facilities optional for local governments.
- Applies and revises the expedited comprehensive plan amendment process statewide.
- Deletes the requirement that comprehensive plans be financially feasible.
- Deletes the twice a year limitation on comprehensive plan amendments.
- Revises the small scale amendment process.
- Specifies that population projections should be a floor for requisite development except for areas of critical state concern.
- Allows additional planning periods for specific parts of the comprehensive plan.
- Abolishes 9J-5 (DCA's growth management regulations and incorporates certain provisions into the bill).
- Removes many of the state specifications and requirements for optional elements in the comprehensive plan, but allows local governments to continue to include optional elements.
- Expands and revises the optional sector plan process.
- Reduces the requirements of the evaluation and appraisal process.
- Revises the rural land stewardship program.
- Restricts the state's ability to interpret joint planning agreements.
- Clarifies and broadens the window for permit extensions.
- Creates a 4-year development of regional impact permit extension.
- Removes industrial areas, hotels/motels, and theaters from the list of developments of regional impact.
- Creates an exemption from the DRI process for mining projects and allows those mines to enter into agreements with the Department of Transportation.
- Adds a new 2-year permit extension, but caps the maximum extension at 4 years.
- Prohibits local governments from having referenda for local comprehensive plan amendments.
- Encourages planning innovation technical assistance.
- Sunsets the Century Commission in two years.
- Clarifies requirements for adopting criteria to address compatibility of lands relating to military installations.
- Allows a certain plan amendment to be readopted by a local government without being resubmitted to the state land planning agency.
- Clarifies when a local government can reject a proposed change to a development of regional impact.

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- Encourages adaptation strategies.
- Requires DOT to study the proportionate share calculation.
- Allows DCA to have procedural issues on their website.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 34-5; House 87-31

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Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations

SB 1012 — State Attorneys Revenue Trust Fund/Justice Administrative Commission

by Budget Subcommittee on Criminal and Civil Justice Appropriations

The bill (Chapter 2011-16, L.O.F.) re-creates the State Attorneys Revenue Trust Fund within the Justice Administrative Commission without modification, and repeals the provisions that would have terminated the trust fund. The trust fund receives revenues from the Article V traffic assessment authorized in s. 318.18, F.S., the worthless check diversion program authorized in s. 832.08, F.S., and the cost of prosecution assessment authorized under s. 938.27, F.S. This bill repeals s. 27.367(2), F.S.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 40-0; House 116-0

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

Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations

SB 1014 — Public Defenders Revenue Trust Fund/Justice Administrative Commission

by Budget Subcommittee on Criminal and Civil Justice Appropriations

The bill (Chapter 2011-17, L.O.F.) re-creates the Public Defenders Revenue Trust Fund within the Justice Administrative Commission without modification, and repeals the provisions that would have terminated the trust fund. The trust fund receives revenues from the Article V traffic assessment authorized in s. 318.18, F.S. This bill repeals s. 27.61(2), F.S.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 40-0; House 114-0

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Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations

SB 1016 — Indigent Civil Defense Trust Fund/Justice Administrative Commission

by Budget Subcommittee on Criminal and Civil Justice Appropriations

The bill (Chapter 2011-18, L.O.F.) re-creates the Indigent Civil Defense Trust Fund within the Justice Administrative Commission without modification, and repeals the provisions that would have terminated the trust fund. This bill repeals s. 27.5111(2), F.S.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 40-0; House 116-0

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Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations

SB 1018 — State Courts Revenue Trust Fund

by Budget Subcommittee on Criminal and Civil Justice Appropriations

The bill (Chapter 2011-19, L.O.F.) re-creates the State Courts Revenue Trust Fund within the State Courts System without modification, and repeals the provisions that would have terminated the trust fund. This bill repeals s. 29.22(2), F.S.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 40-0; House 114-0

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

Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations

SB 1020 — Federal Grants Trust Fund/Department of Legal Affairs

by Budget Subcommittee on Criminal and Civil Justice Appropriations

The bill (Chapter 2011-20, L.O.F.) re-creates the Federal Grants Trust Fund within the Department of Legal Affairs. The bill also repeals s. 20.112(3), F.S., which provided for a scheduled termination date of July 1, 2012, four years after the initial creation of the trust fund, in accordance with s. 19(f), Art. III, State Constitution. This trust fund provides the department with the necessary segregation of funds and proper alignment of agency accounts with the requirements of s. 215.32, F.S. The Federal Grants Trust Fund is used for allowable grant activities funded by restricted program revenues. Funds credited to the trust fund consist of grants and other funding from the federal government, interest earnings, and cash advances from other trust funds. Trust fund expenditures are authorized by legislative appropriation or by an operating budget amendment approved according to the provisions in chapter 216, F.S.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 40-0; House 116-0

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

Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations

SB 1022 — Operating Trust Fund/Department of Legal Affairs

by Budget Subcommittee on Criminal and Civil Justice Appropriations

The bill (Chapter 2011-21, L.O.F.) re-creates the Operating Trust Fund within the Department of Legal Affairs. The bill also repeals s. 20.112(3), F.S., which provided for a scheduled termination date of July 1, 2012, four years after the initial creation of the trust fund, in accordance with s. 19(f), Art. III, State Constitution. The Operating Trust Fund functions as a depository for funds which are used for program operations funded by program revenues. Trust fund receipts consist primarily of fines, forfeitures, and judgments collected by the department for actions involving violations of state laws and are used to support the program activities of the Office of Statewide Prosecution and the Medicaid Fraud Control Unit. Trust fund expenditures are authorized by legislative appropriation or by a budget amendment approved according to the provisions of chapter 216, F.S.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 40-0; House 115-0

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

Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations

SB 1024 — Federal Grants Trust Fund/Department of Juvenile Justice

by Budget Subcommittee on Criminal and Civil Justice Appropriations

The bill (Chapter 2011-22, L.O.F.) re-creates the Federal Grants Trust Fund within the Department of Juvenile Justice without modification, and repeals the provisions that would have terminated the trust fund. This bill amends s. 20.3161, F.S.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 40-0; House 115-0

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

Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations

SB 1026 — Operating Trust Fund/Department of Education

by Budget Subcommittee on Education PreK-12 Appropriations

In accordance with s. 19(f)(2), Art. III. State Constitution, the Operating Trust Fund shall, unless terminated sooner, be terminated on July 1, 2012. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206 (1) and (2), F.S.

The Operating Trust Fund is used as a depository for funds to be used for program operations funded by program revenues, as provided in s. 1001.281, F.S. Moneys to be credited to the trust fund include, but are not limited to, revenues received from fees for General Equivalency Diploma (GED) testing and the leasing of available time for the state's satellite transponder resources. The revenue for this fund for the 2010-11 fiscal year is $1,538,201.

The effect of this bill (Chapter 2011-23, L.O.F.) is to recreate the Operating Trust Fund effective July 1, 2011, based on a review as required in s. 215.3206 (1) and (2), F.S., to be used as provided in s. 1001.281, F.S.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 40-0; House 117-0

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

Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations

SB 1028 — Administrative Trust Fund/Department of Education

by Budget Subcommittee on Education PreK-12 Appropriations

In accordance with s. 19(f)(2), Art. III, State Constitution, the Administrative Trust Fund shall, unless terminated sooner, be terminated on July 1, 2012. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206 (1) and (2), F.S.

The Administrative Trust Fund is used as a depository for funds to be used for management activities that are department-wide in nature and funded by indirect cost earnings or assessments against trust funds, as provided in s. 1001.282, F.S. Moneys to be credited to the trust fund include indirect cost reimbursements from grantors, administrative assessments against trust funds, interest earnings, and other appropriate administrative fees. The revenue for the 2010-2011 fiscal year for this fund is $10,912,479.

The effect of this bill (Chapter 2011-24, L.O.F.) is to recreate the Administrative Trust Fund effective July 1, 2011, based on a review as required in s. 215.3206 (1) and (2), F.S., to be used as provided in s. 1001.282, F.S.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 40-0; House 117-0

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Committee on Budget Subcommittee on Finance and Tax

CS/HB 7185 — Corporate Income Tax

by Economic Affairs Committee; Finance and Tax Committee; and Reps. Precourt and others (CS/CS/SB 1998 by Budget Committee; Budget Subcommittee on Finance and Tax; and Senators Alexander and Bogdanoff)

The bill updates the Florida Income Tax Code to adopt the federal Internal Revenue Code in effect on January 1, 2011, but expressly excludes the increases in depreciation and expensing deductions provided in federal legislation adopted in 2010. For the increased deductions, the bill allows Florida corporations to get the benefit by spreading the deductions over a 7-year period.

The bill also increases the corporate income tax exemption from $5,000 to $25,000.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 110-5

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

Committee on Budget Subcommittee on General Government Appropriations

SB 1030 — Trust Funds/Department of Financial Services

by Budget Subcommittee on General Government Appropriations

The bill (Chapter 2011-25, L.O.F.) terminates the State Treasury Escrow Trust Fund, FLAIR number 43-2-622, and the Employee Refund Clearing Trust Fund, FLAIR number 43-2-194, within the Department of Financial Services, which are obsolete. The State Treasury Escrow Trust Fund was historically used to hold monies in escrow related to the transactions of state agencies, thereby eliminating the need for costly private escrow accounts. The department has not used this trust fund in recent years. The Treasury Cash Deposit Trust Fund is currently being utilized for this purpose. The Employee Refund Clearing Trust Fund was originally used as a clearing account for the deposit of salary overpayment refunds received from state employees until these funds could be transferred back to the fund of its original disbursement. The need for the Employee Refund Clearing Trust Fund was eliminated more than ten years ago when the department implemented a new process for salary refunds. The termination of these trust funds will not affect state operations.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 40-0; House 115-0

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

Committee on Budget Subcommittee on General Government Appropriations

SB 1032 — Federal Grants Trust Fund/Department of Environmental Protection

by Budget Subcommittee on General Government Appropriations

The bill (Chapter 2011-26, L.O.F.) re-creates the Federal Grants Trust Fund, FLAIR number 37-2-261, within the Department of Environmental Protection without modification. The trust fund serves as a repository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources. The bill has no fiscal impact on state agencies or state funds, on local governments as a whole, or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 40-0; House 118-0

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Committee on Budget Subcommittee on General Government Appropriations

SB 1034 — Federal Grants Trust Fund/Department of Revenue

by Budget Subcommittee on General Government Appropriations

The bill (Chapter 2011-27, L.O.F.) re-creates the Federal Grants Trust Fund, FLAIR number 73-2-261, within the Department of Revenue without modification. The trust fund was established for allowable grant activities funded by restricted program revenues. Funds credited to the Federal Grants Trust Fund consist of grants and funding from the federal government, interest earnings, and cash advances from other trust funds. The re-creation of this fund is effective beginning July 1, 2011. This bill has no fiscal impact on state agencies or state funds, on local governments as a whole, or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 40-0; House 118-0

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Committee on Budget Subcommittee on General Government Appropriations

SB 1036 — Operations Trust Fund/Department of Revenue

by Budget Subcommittee on General Government Appropriations

This bill (Chapter 2011-28, L.O.F.) re-creates and renames the Operations Trust Fund, FLAIR number 73-2-510, within the Department of Revenue. The Operations Trust Fund is renamed the Operating Trust Fund. This trust fund serves as a depository for funds to be used for program operations funded by program revenues. The bill has no fiscal impact on state agencies or state funds, on local governments as a whole, or on the private sector. It simply re-creates and renames an existing state trust fund and continues the current use of the fund.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 40-0; House 116-0

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Committee on Budget Subcommittee on General Government Appropriations

SB 1038 — Federal Grants Trust Fund/Department of Financial Services

by Budget Subcommittee on General Government Appropriations

The bill (Chapter 2011-29, L.O.F.) creates the Federal Grants Trust Fund within the Department of Financial Services (department). This trust fund is established for allowable grant activities funded by restricted program revenues. Funds credited to the Federal Grants Trust Fund will consist of grants and funding from the federal government, interest earnings, and cash advances from other trust funds. The creation of this trust fund will align agency accounts with the requirements of s. 215.32, F.S. The trust fund will terminate in four years, on July 1, 2015, pursuant to s. 19(f)(2), Art. III of the State Constitution, unless terminated sooner or re-created by the Legislature. Creation of the Federal Grants Trust Fund within the department will allow for improved segregation of funds and accounting records.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 39-0; House 118-0

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

Committee on Budget Subcommittee on General Government Appropriations

SB 1040 — Florida Drug, Device, and Cosmetic Trust Fund/Department of Business and Professional Regulation

by Budget Subcommittee on General Government Appropriations

The bill (Chapter 2011-30, L.O.F.) creates the Florida Drug, Device, and Cosmetic Trust Fund within the Department of Business and Professional Regulation. This trust fund is established for activities relating to the regulation and administration of the Florida Drug and Cosmetic Act as authorized by s. 499.002, F.S. Funds to be credited to the Florida Drug, Device, and Cosmetic Trust Fund consist of licenses, fees, interest earnings, and permits. The trust fund will terminate in four years, on July 1, 2015, pursuant to s. 19 (f)(2), Art. III of the State Constitution, unless terminated sooner or re-created by the Legislature. Creation of the Florida Drug, Device, and Cosmetic Trust Fund will allow the department to administer funds to be used for activities relating to the regulation and administration of the Florida Drug and Cosmetic Act.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 39-0; House 116-0

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Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

SB 1042 — Federal Grants Trust Fund/Highway Safety and Motor Vehicles

by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

The bill (Chapter 2011-31, L.O.F.) re-creates the Federal Grants Trust Fund, FLAIR number 76-2-261, within the Department of Highway Safety and Motor Vehicles. This trust fund serves as a repository of grants and funding from the Federal Government, interest earnings, and cash advances from other trust funds. Re-creation is effective beginning July 1, 2011 prior to the scheduled termination date of July 1, 2012.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 40-0; House 116-0

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

Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

SB 1044 — International Registration Clearing Trust Fund/Highway Safety and Motor Vehicles

by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

The bill (Chapter 2011-32, L.O. F.) terminates the International Registration Clearing Trust Fund, FLAIR number 76-2-410 within the Department of Highway Safety and Motor Vehicles effective July 1, 2011. Remaining balances in, and all revenues of, the trust fund shall be transferred to the General Revenue Fund. The bill repeals Chapter 2004-235, s. 2(4)(a), L.O.F.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 40-0; House 115-0

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Committee on Children, Families, and Elder Affairs

CS/CS/HB 1037 — Continuing Care Retirement Communities

by Health and Human Services Committee; Health and Human Services Quality Subcommittee; Reps. Bembry and Passidomo; and others (CS/SB 1340 by Children, Families, and Elder Affairs Committee and Senator Bogdanoff)

This bill authorizes the use of continuing care at-home contracts in order to allow individuals to receive services offered by a continuing care retirement community (CCRCs) in their own homes while reserving the right to shelter to be provided by the CCRC at a later date.

The bill defines the term "continuing care at-home" to mean "pursuant to a contract other than a contract described in subsection (2) [relating to continuing care], furnishing to a resident who resides outside the facility the right to future access to shelter and nursing care or personal services, whether such services are provided in the facility or in another setting designated in the contract, by an individual not related by consanguinity or affinity to the resident, upon payment of an entrance fee."

The bill creates s. 651.057, F.S., to govern continuing care at-home (CCAH) contracts and provides requirements for providers offering CCAH contracts.

Section 651.021, F.S., is amended to require written approval from the Office of Insurance Regulation (OIR) before constructing a new facility or marketing the expansion of an existing facility equivalent to the addition of at least 20 percent of existing units or 20 percent or more in the number of CCAH contracts.

The bill amends s. 651.023, F.S., to provide that if a feasibility study is prepared by an independent certified public accountant, it must contain an examination opinion for the first three years of operations and financial projections having a compilation opinion for the next three years. If the feasibility study is prepared by an independent consulting actuary, it must contain mortality and morbidity data and an actuary's signed opinion that the project as proposed is feasible and that the study has been prepared in accordance with standards adopted by the American Academy of Actuaries.

A certificate of authority may not be issued until the CCRC project has a minimum of 50 percent of the units reserved and proof is provided to OIR. The bill provides that if a provider offering CCAH contracts is applying for a certificate of authority or approval of an expansion, then the same minimum reservation requirements must be met for the continuing care and CCAH contracts, independently of each other.

The bill further provides that for an expansion of a continuing care facility or CCAH contracts, a minimum of 75 percent of the moneys paid for all or any part of an initial entrance fee for continuing care and 50 percent of the moneys paid for all or any part of the initial fee collected for CCAH shall be placed in an escrow account or on deposit with the department. Additionally, a provider is entitled to secure release of moneys held in escrow if, among other things, the

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consultant who prepared the feasibility study (or an approved substitute) certifies *within 12 months before the date of filing for office approval* that there has been no material adverse change in status with regard to the study.

The bill amends s. 651.055, F.S., to provide that a prospective resident, resident, or resident's estate is not entitled to interest of any kind on a deposit or entrance fee unless specifically provided for in the continuing care contract. The bill permits contracts for continuing care and CCAH to include agreements to provide care for any duration. The bill also requires a provider to file a new residency contract for approval within 30 days after receipt of a letter from OIR notifying the provider of a noncompliant residency contract. The bill provides that pending review and approval of the new residency contract, the provider may continue to use the previously approved contract.

The bill amends s. 651.118, F.S., to provide that the Agency for Health Care Administration (AHCA) does not need to approve sheltered nursing home beds for the residences of residents living outside the facility pursuant to a CCAH contract.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 39-0; House 114-0

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Committee on Children, Families, and Elder Affairs

CS/CS/SB 1366 — Child Welfare/Mental Health/Substance Abuse

by Health Regulation Committee; Children, Families, and Elder Affairs Committee and Senator Storms

The bill includes managing entities and the agencies that have contracted with monitoring agents among the entities who must identify and implement changes that improve the efficiency of administrative monitoring of child welfare services and the efficiency of administrative, licensure, and programmatic monitoring of mental health and substance abuse service providers.

To improve efficiency, these entities must limit administrative monitoring to once every three years if the provider of child welfare services is accredited by the Joint Commission, the Commission on Accreditation of Rehabilitation Facilities (CARF), or the Council on Accreditation (COA), and must limit administrative, licensure, and programmatic monitoring to once every three years if the provider of mental health or substance abuse services is accredited by these entities.

The bill provides that the limitations on administrative, licensure, and programmatic monitoring apply only to providers of mental health or substance abuse services that are accredited for the services being monitored and, despite the limitations on such monitoring, these entities may continue to monitor the service provider as to specified areas of concern.

These entities must also allow the private sector to develop and implement an Internet-based, secure, and consolidated data warehouse and archive for maintaining certain records of providers of child welfare, mental health, or substance abuse services and the entities must use the data warehouse to request documents.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 36-0; House 116-0

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Committee on Children, Families, and Elder Affairs

CS/SB 1992 — Background Screening

by Budget Committee; Children, Families, and Elder Affairs Committee; and Senator Storms

The bill makes a number of changes to background screening requirements, primarily pertaining to individuals who work with Florida's vulnerable populations. Those changes include:

- Exempting from fingerprinting and screening requirements, mental health personnel working in a facility licensed under ch. 395, F.S., who work on an intermittent basis for less than 15 hours a week of direct, face-to-face contact with patients, except that individuals working in a mental health facility where the primary purpose is the mental health treatment of minors must be fingerprinted and meet screening requirements;
- Revising the list of professionals to include law enforcement officers so that officers are not required to be refingerprinted or rescreened if they are working or volunteering in a capacity that would otherwise require them to be screened;
- Exempting, from the definition of "direct service provider;" individuals who are related to the client, the client's spouse, and volunteers who assist on an intermittent basis for less than 20 hours of direct, face-to-face contact with a client per month;
- Exempting, from any additional Level 2 background screening requirements, an individual who was background screened pursuant to an Agency for Health Care Administration (AHCA) licensure requirement if they are providing a service within the scope of their licensed practice;
- Allowing the Department of Elderly Affairs (DOEA) to adopt rules to implement a schedule to phase in the background screening of individuals serving as direct service providers on July 31, 2010. The phase in must be completed by July 1, 2012;
- Specifying that employers of direct service providers previously qualified for employment or volunteer work under Level 1 screening standards, and individuals required to be screened according to the Level 2 screening standards, shall be rescreened every five years, except in cases where fingerprints are electronically retained and monitored by the Department of Law Enforcement (FDLE);
- Removing a provision relating to criminal offenses that was inadvertently applied to theDOEA;
- Requiring fingerprint vendors to meet certain technology requirements;
- Establishing a July 1, 2013, date for retention of prints for persons screened under ch. 435, F.S.;
- Allowing an employer to hire an employee for the purpose of training and orientation before the employee completes the screening process. The employee may not have direct contact with vulnerable persons until the screening process is complete;
- Providing personnel of a qualified entity, as defined in ch. 943, F.S., with the ability toapply for an exemption from disqualification from being employed;
- Establishing a rescreening schedule for individuals required by the AHCA to be screened;
- Requiring the Board of Nursing to waive background screening requirements for certain certified nursing assistants; and

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- Requiring the Department of Children and Family Services, the Department of Juvenile Justice, the AHCA, the DOEA, the Department of Health, the Agency for Persons with Disabilities, and the Department of Law Enforcement to establish a statewide background screening workgroup, providing duties of the workgroup, and requiring a report to the Legislature by November 1, 2011.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 39-0; House 106-0

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Committee on Children, Families, and Elder Affairs

CS/HB 4045 — Assisted Living Facilities

by Health and Human Services Committee and Rep. Hudson and others (CS/HB 692 by Rules Committee and Senator Richter)

This bill makes several changes to provisions of law relating to assisted living facilities (ALFs).

The bill amends s. 429.19, F.S., to remove the requirement that the Agency for Health Care Administration (AHCA or agency) develop and disseminate an annual list of ALFs sanctioned or fined for violations of state standards. The bill also eliminates language providing that AHCA may provide the information electronically or on its website. While the bill eliminates the requirement that AHCA publish this annual list, the agency would still have the discretion to do so if it wished.

The bill amends s. 429.23, F.S., to remove the requirement that all assisted living facilities report monthly to the Agency for Health Care Administration any liability claim filed against it.

This bill also amends s. 429.35, F.S., to remove the requirement that the AHCA distribute, within 60 days after the date of the biennial inspection visit or within 30 days after the date of any interim visit, all biennial and interim visit reports of ALFs to the local ombudsman council, at least one public library or to the county seat in which the inspected ALF is located if there is no library, and to the district Adult Services and Mental Health Program Offices.

Section 429.41, F.S., is amended to remove the requirement that the Department of Elderly Affairs (DOEA) submit a copy of proposed rules to the Speaker of the House of Representatives, the President of the Senate, and appropriate committees of substance for review and comment prior to enactment. The bill also removes the requirement that rules promulgated by DOEA encourage the development of homelike facilities which promote the dignity, individuality, personal strengths, and decision-making ability of residents.

Section 429.54, F.S., relating to the collection of information and local subsidies for ALFs, provides that DOEA may conduct field visits and audits of ALFs in order to collection information regarding the actual cost of providing room, board, and personal care to residents. Additionally, the law provides that local governments or organizations may contribute to the cost of care of residents in local ALFs by subsidizing the rate of state-authorized payment to such facilities. This bill repeals s. 429.54, F.S.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 39-0; House 111-3

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Committee on Commerce and Tourism

CS/CS/SB 1346 — Obsolete References and Programs

by Children, Families, and Elder Affairs Committee; Commerce and Tourism Committee; and Commerce and Tourism Committee

CS/CS/SB 1346 amends or repeals 35 obsolete references to the former Department of Labor and Employment Security, or one of its former programs, and ten obsolete references to the Florida Department of Commerce still remaining in Florida Statutes. Additionally, it repeals or amends other statutes that have been identified that relate to programs related to or within a department that were obsolete prior to department abolishment.

The bill repeals provisions related to the obsolete Florida-Caribbean Basin Trade Initiative; the obsolete microenterprise program; an obsolete public records exemption for Base Realignment and Closure (BRAC); and the inactive Inner City Redevelopment Review Panel. The bill also removes references to the inactive Florida Trade Data Center.

Finally, the bill repeals or amends numerous sections of law relating to programs or functions of the Department of Children and Family Services (DCF), which are outdated, no longer effective, applicable, or being implemented.

This bill amends the following sections of the Florida Statutes: 14.2015, 20.18, 20.195, 39.00145, 39.0121, 39.301, 39.3031, 45.031, 49.011, 69.041, 112.044, 252.85, 252.87, 252.937, 287.09431, 287.09451, 287.0947, 288.012, 288.021, 288.035, 288.1168, 288.1229, 288.1169, 311.07, 331.369, 377.711, 377.712, 381.006, 381.0072, 390.01114, 402.35, 409.1685, 409.2576, 411.01013, 414.24, 414.40, 440.385, 440.49, 450.161, 464.203, 469.002, 489.1455, 489.5335, 553.62, 597.006, 753.03, 877.22, 944.012, and 944.708.

This bill repeals the following sections of the Florida Statutes: 39.0015, 39.305, 39.311, 39.312, 39.313, 39.314, 39.315, 39.316, 39.317, 39.318, 39.816, 39.817, 255.551, 255.552, 255.553, 255.5535, 255.555, 255.556, 255.557, 255.558, 255.559, 255.56, 255.561, 255.562, 255.563, 288.038, 288.386, 288.9618, 288.982, 383.0115, 393.22, 393.503, 394.922, 402.3045, 402.50, 402.55, 409.1672, 409.1673, 409.1685, 409.801, 409.802, 409.803, 409.946, 446.60, and 469.003(2)(b).

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-0; House 102-8

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Committee on Commerce and Tourism

CS/SB 1884 — Consumer Protection

by Commerce and Tourism Committee and Senator Gaetz

This bill prohibits a post-transaction third-party seller from charging a consumer for a good or service sold over the Internet unless specific disclosures are made and the seller receives the informed consent of the consumer. It also requires a post-transaction third-party seller to provide a simple mechanism for a consumer to cancel a purchase of a good or service and stop any recurring charges. Finally, it prohibits an initial merchant from disclosing a consumer's credit card number, debit card number, bank account number, or other account number, or disclose other consumer billing information, to a post-transaction third-party seller.

This bill is very similar to recently enacted federal law, enacted to counter "negative option marketing," which refers to a category of commercial transactions in which sellers interpret a customer's failure to take an affirmative action, either to reject an offer or cancel an agreement, as assent to be charged for goods or services.

By including these same protections in our statutes, Florida has jurisdiction to enforce the consumer protections provided in the act under state law.

If approved by the Governor, these provisions take effect October 1, 2011.
Vote: Senate 38-0; House 116-1

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Committee on Commerce and Tourism

CS/HB 4013 — Television Picture Tubes

by Business & Consumer Affairs Subcommittee; and Rep. Eisnaugle (CS/SB 1626 by Commerce and Tourism Committee and Senator Lynn)

The bill repeals s. 817.559, F.S., which requires cathode ray tubes (CRT, or television picture tubes) be correctly labeled to indicate the new and used components and materials in such picture tubes. The bill also repeals s. 817.56, F.S., which prohibits activities related to the sale or servicing of cathode ray tubes.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 37-1; House 116-0

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Committee on Commerce and Tourism

HB 4023 — Sales Representative Contracts/Commissions

by Rep. Plakon (SB 474 by Senator Evers)

This bill repeals s. 686.201, F.S., relating to sales representatives contracts.

Enacted in 1984, this provision requires a written contract between principal and commissioned sales representatives which specifies the terms of the commission. In the event that there was no written contract, this provision requires that the sales representative be paid within 30 days of termination of the unwritten contract. Should the principal not comply with this requirement, the sales representative has a cause of action for damages equal to triple the amount of commission found to be due, and reasonable attorney's fees and court costs.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 36-1; House 93-25

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Committee on Commerce and Tourism

HB 4033 — Florida Industrial Development Corporation

by Rep. Dorworth (SB 1632 by Senator Lynn)

This bill repeals all of ch. 289, F.S., the Florida Industrial Development Corporation (FIDC). The chapter had been enacted by the Legislature in 1961 to create a process by which residents, businesses, and financial institutions could create an FIDC to issue revenue bonds for economic development projects. It appears that only two FIDCs have been created, and both have dissolved, according to the state Division of Corporations.

Specifically repealed are ss. 289.011, 289.021, 289.031, 289.041, 289.051, 289.061, 289.071, 289.081, 289.091, 289.101, 289.111, 289.121, 289.131, 289.141, 289.151, 289.161, 289.171, 289.181, 289.191, and 289.201, F.S. Also, ss. 212.08, 220.183, 220.62, 440.491, and 658.67, F.S., are revised to remove ch. 289, F.S., cross-references.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 39-0; House 118-0

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Committee on Commerce and Tourism

CS/CS/HB 7005 — Unemployment Compensation

by Economic Affairs Committee; Finance and Tax Committee; Economic Development and Tourism Subcommittee; and Rep. Holder (CS/CS/SB 728 by Judiciary Committee; Commerce and Tourism Committee; and Senators Detert and Gaetz)

This bill reforms the unemployment compensation (UC) law in the following manner:

- The bill changes qualifying requirements by (effective August 1, 2011):
  - Requiring claimants to participate in an initial skills review using an online education or training program as part of reporting for benefits;
  - Requiring claimants to make a systematic and sustained effort to find work, and to contact at least five prospective employers each week or report in person to a One-Stop Career Center to meet with a representative for reemployment services each week; and
  - Requiring claimants to file continuing claims by Internet, rather than by phone or mail.
- The bill changes the criteria by which claimants are disqualified from receiving benefits by:
  - Changing the standard to show misconduct from "willful" (a high standard) to "conscious" (a lower standard);
  - Changes the definition of misconduct to specify certain acts of misconduct that would disqualify an individual from benefits, such as absenteeism;
  - Adds a disqualification for any weeks in which an individual receives severance pay from an employer (effective August 1, 2011);
  - Expands disqualification to include being fired for all crimes committed in connection with work (rather than only those punishable by imprisonment) (effective August 1, 2011); and
  - Adds a specific disqualification for individuals who are incarcerated or imprisoned (effective August 1, 2011).
- The bill creates a sliding scale for benefits beginning in 2012 by correlating the maximum weeks of benefits available with the rate of unemployment. The maximum amount of benefits available is 23 weeks when the unemployment rate is 10.5 percent or greater, and this scales down to 12 weeks of benefits when the unemployment rate is 5 percent or less.
- The bill codifies the executive order extending the temporary state extended benefits program and amends the program to conform to new federal law.
- The bill eliminates the payment of benefits by mail (effective August 1, 2011).
- Related to unemployment taxes, the bill:
  - Allows employers to continue to have the option to pay their taxes in installments over 2012, 2013, and 2014;
  - Provides tax relief for employers beginning in 2012 by adjusting the tax calculation;
  - Increases the number of employee leasing companies who may obtain tax information for their clients by filing a memorandum of understanding, instead of filing a power of attorney for each client, with the Department of Revenue.

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- The bill allows appeals of orders by the Unemployment Appeals Commission to be filed in district courts of appeal where the claimant resides, where the business was located, or where the order was issued (effective August 1, 2011).
- The bill codifies certain agency rules related to the exclusion of evidence that is irrelevant or repetitious, and revises the admissibility of hearsay evidence to allow it to be used to establish a fact under certain circumstances (effective August 1, 2011).
- The bill creates a rebuttable presumption that the date on a document mailed by AWI or DOR is the date that the document was mailed.
- The bill amends law related to statutory construction to repeal language which requires that unemployment laws be liberally construed in favor of a claimant.
- The bill permits AWI to contract with consumer reporting agencies to access wage records and requires that any revenues from the contract be used for administration of the unemployment system.

If approved by the Governor, these provisions take effect upon becoming law, unless otherwise specified in the bill.
Vote: Senate 27-11; House 80-38

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Committee on Commerce and Tourism

CS/HB 7209 — Consumer Services Functions/DOACS

by Economic Affairs Committee; Business and Consumer Affairs Subcommittee; and Rep. Crisafulli (CS/CS/SB 1916 Budget Subcommittee on General Government Appropriations; Commerce and Tourism Committee; and Senator Detert)

This bill addresses a number of issues regarding the Department of Agriculture and Consumer Services (department) responsibilities related to consumer services, professional licenses, and inspection of oil and gas operations.

The bill deletes the authority for the department to:

- Enforce the prohibition against unconscionable prices relating to the rental or sale of essential commodities during a declared state of emergency (also known as the statutory "Price Gouging" restriction); and
- Bring actions for injunctive relief under the Bedding Act.

The bill transfers department responsibilities under the Motor Vehicle Warranty Enforcement Act (or "Lemon Law") to the Attorney General.

The bill creates a regulatory system for Cottage Food Operations, to exempt from permitting by the department a cottage food operation that sells less than $15,000 annually, and provides for labeling requirements of cottage food products.

As to department responsibilities relating to the inspection of oil and gas, and consistent with requirements imposed by the Department of Revenue, this bill adds terminal suppliers and importers to the list of those who must supply the affidavits currently required of manufacturers and wholesalers.

The bill also deletes obsolete provisions relating to the transition to the sale of ethanol gasoline.

The bill requires applicants for certain licenses to meet the following citizenship and residency qualifications:

- Applicants for an armed security guard or firearms instructor license must be a U.S. citizen or permanent legal resident alien. An applicant who is a permanent resident alien must also provide proof that the applicant has resided in the state of residence shown on the application for at least 90 consecutive days before the date the application is submitted; and
- Applicants for a security guard, private investigator, or recovery agent license must be a U.S. citizen or permanent resident alien or submit proof of current employment authorization issued by the U.S. Citizenship and Immigration Services.

As to other issues relating to licensees, the bill:

- Extends the Class "K" firearms instructor license period from 2 to 3 years.

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- Amends current law effective January 1, 2012, to require applicants for a security guard or private investigator intern licenses to have completed 40 hours of professional training before they apply for their license;
- Provides that an armed security officer or firearms instructor is subject to discipline if he is prohibited from purchasing or possessing a firearm by state of federal law;
- Deletes the requirement that an application be notarized and requires that it be verified by the applicant under oath as provided in s. 92.525, F.S.;
- Allows for payment of application fees by electronic funds transfer and removes the option to pay by certified check;
- Provides for a more thorough review of an applicants' criminal history; and
- Streamlines current processes, and makes technical and conforming changes to current law.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 35-0; House 113-0

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Committee on Communications, Energy, and Public Utilities

CS/CS/HB 1231 — Telecommunications

by State Affairs Committee; Energy and Utilities Subcommittee; and Reps. Horner and Williams, A. (CS/CS/SB 1524 by Commerce and Tourism Committee; Communications, Energy, and Public Utilities Committee; and Senator Simmons)

The bill completes retail deregulation of wireline telecommunication services by repealing statutes that: provide for price regulation, including rate caps; require companies to offer a flat-rate pricing option for basic local telecommunications service; and authorize the Public Service Commission to engage in consumer protection activities, including service quality regulation.

It maintains the role of the Public Service Commission in resolving wholesale disputes between service providers and consolidates these statutes.

It maintains Lifeline and Link-Up and creates authority for the Public Service Commission to inform customers of these programs.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 39-0; House 110-4

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Committee on Community Affairs

CS/CS/CS/HB 1163 — Ad Valorem Taxation

by Economic Affairs Committee; Appropriations Committee; Finance and Tax Committee; and Reps. Dorworth, Bovo and others (CS/SB 1722 by Judiciary Committee; and Senators Fasano and Gaetz)

This bill provides statutory implementation of House Joint Resolution (HJR) 381 should the joint resolution be approved by the voters. The bill reduces the limitation on annual assessment increases applicable to non-homestead property and certain residential and nonresidential property from 10 percent to 5 percent, except that changes, additions, and improvements begin being assessed at just value.

The bill also provides an additional homestead exemption for specified "first-time Florida homesteaders," who have established the right to receive a homestead exemption as provided in s. 196.031, F.S., within one year after purchasing homestead property and who have not owned property and received a homestead exemption in the past three calendar years. The bill allows a "first-time Florida homesteader" to receive an additional homestead exemption equal to 50 percent of the just value of the homestead property, not to exceed the median just value of all homestead property within the county. The additional exemption applies for a period of five years or until the property is sold and shall be reduced by 20 percent of the initial exemption on January 1 of each succeeding year until it is no longer available in the sixth and subsequent years. The exemption does not apply to school levies.

The bill grants the Florida Department of Revenue emergency rulemaking authority in order to implement the provisions of this bill and requires an annual appropriation, beginning in the 2012-2013 fiscal year, to offset ad valorem revenue reductions experienced by fiscally constrained counties, as defined in s. 218.67(1), F.S., due to the constitutional revisions contained in HJR 381.

This bill shall take effect upon becoming law. If provisions of this bill take effect upon approval of HJR 381 at the 2012 presidential preference primary, the provisions shall apply retroactively to the 2012 tax roll. If provisions of this bill take effect upon approval of HJR 381 at the November 2012 general election, the provisions shall apply to the 2013 tax roll.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 28-8; House 96-18

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Committee on Community Affairs

HB 4031 — Local Government Services

by Rep. Dorworth and others (SB 1942 by Senator Bennett)

This bill repeals a section of law created in 1999 that provides a process for counties and municipalities to develop and adopt plans to improve the efficiency, accountability and coordination of the delivery of local government services. Local governments may accomplish the same results by entering into interlocal agreements and do not use the procedure provided in this law.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 39-0; House 118-0

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Committee on Community Affairs

HB 7001 — Growth Management

by Community and Military Affairs Subcommittee and Rep. Workman (SB 174 by Senators Bennett and Gaetz)

In response to ongoing litigation, this bill (Chapter 2011-14, L.O.F.) reenacts sections of law amended by the parts of ch. 2009-96, Laws of Florida, (SB 360 from 2009) most closely related to the subject of growth management to eliminate any possible question that any of these provisions could be subjected to a single subject challenge. Additionally, since the bill passed by a 2/3 majority of each house, it could remove the argument that these provisions violate the mandates provision of the Florida Constitution. The bill does not change the law but reaffirms the changes to the law made in 2009 related to growth management.

These provisions became law upon approval by the Governor on April 27, 2011.
Vote: Senate 30-7; House 80-39

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Committee on Community Affairs

HB 7003 — Affordable Housing

by Community and Military Affairs Subcommittee and Rep. Workman (SB 176 by Senators Bennett and Gaetz)

This bill (Chapter 2011-15, L.O.F.) reenacts certain sections of law created by ch. 2009-96, Laws of Florida, (SB 360 from 2009) that are most closely related to the subject of affordable housing in order to eliminate any possible question that it could be subjected to a single subject challenge or struck down as an unconstitutional unfunded mandate. The bill does not change the law, but reaffirms the changes to the law made in 2009 by SB 360 relating to affordable housing.

These provisions became law upon approval by the Governor on April 27, 2011.
Vote: Senate 36-2; House 116-0

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Committee on Criminal Justice

HB 1029 — Interstate Compact for Juveniles

by Rep. Brodeur (SB 1494 by Senator Evers)

The bill reenacts the statutes relating to the Interstate Compact for Juveniles (compact) and the State Council for Interstate Juvenile Offender Supervision (council) that expired by operation of law on August 26, 2010. The compact governs interstate movement of juveniles on probation and parole as well as extradition across state lines of runaways, escapees, absconders, and juveniles charged as delinquent. The bill reenacts the compact to do the following:

- Creates the Interstate Commission, which is an independent compact administrative agency with the authority to administer ongoing compact activity;
- Provides rule making authority for the Interstate Commission;
- Establishes a mechanism for all states to collect standardized information and information systems;
- Provides for sanctions against states that do not follow compact rules and regulations;
- Provides for gubernatorial appointments of representatives from member states to the Interstate Commission;
- Provides a mandatory funding mechanism sufficient to support essential compact operations;
- Provides for coordination and cooperation with other interstate compacts; and
- Requires the creation of state councils.

The bill also reenacts the Interstate Juvenile Offender Supervision Council (council) to do the following:

- Requires that the council consist of seven members comprised of the Secretary of the Department of Juvenile Justice (DJJ), the compact administrator or his or her designee, the Executive Director of the Florida Department of Law Enforcement (FDLE) or his or her designee, and four remaining members to be appointed by the Governor, who may delegate this appointment power to the Secretary of DJJ in writing on an individual basis;
- Provides that appointees may include one victim's advocate, employees of the Department of Children and Family Services, employees of the FDLE who work with missing or exploited children, and a parent;
- Applies provisions of public records/open meetings requirements to the council's proceedings and records;
- Supplies terms of office, record storage, property transfer, and reimbursement for travel and per diem expenses; and
- Creates additional duties and responsibilities for the compact administrator.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 118-0

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Committee on Criminal Justice

CS/HB 1039 — Controlled Substances

by Justice Appropriations Subcommittee and Rep. Patronis and others (CS/SB 1886 by Budget Committee and Senators Wise and Oelrich)

The bill amends s. 893.13(1)(c), F.S., to schedule in Schedule I of Florida's controlled substance schedules several psychoactive substances or "designer drugs" that have been sold in Florida as "bath salts" but are actually drugs of abuse. These substances are:

- 3,4-Methylenedioxymethcathinone.
- 3,4-Methylenedioxypyrovalerone (MDPV).
- Methylmethcathinone.
- Methoxymethcathinone.
- Fluoromethcathinone.
- Methylethcathinone.

The effect of the scheduling of these substances is that offenses relating to possession, sale, etc., of Schedule I controlled substances will apply to these substances.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 39-0; House 116-0

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Committee on Criminal Justice

HB 4159 — State Attorneys

by Rep. Ray (CS/SB 1092 by Judiciary Committee and Senator Wise)

The bill eliminates the current reporting required of state attorneys in "10-20-Life" cases, prison releasee reoffender cases, habitual felony offender and habitual violent felony offender cases, and juvenile direct-file cases.

The bill further eliminates the requirement that the state attorney submit quarterly reports to the Legislature and the Governor regarding the prosecution and sentencing of offenders under the 10-20-Life law, with a copy being retained for 10 years by the Florida Prosecuting Attorneys Association, Inc. (FPAA), and made available to the public upon request. The prosecutor will maintain an explanation of the sentencing deviation in the prosecutor's file.

For those cases in which the defendant meets the criteria for being sentenced as a "prison releasee reoffender" but does not receive the mandatory minimum sentence, the bill eliminates the requirement for the state attorney to transmit these memoranda to the FPAA. The prosecutor will maintain an explanation of the sentencing deviation in the prosecutor's file.

The bill repeals the statute requiring the state attorney in each judicial circuit to adopt uniform criteria for determining when to pursue habitual felony offender and habitual violent felony offender sanctions. The requirement that any deviation from the criteria must be explained in writing and placed in the court file is also eliminated in the repeal.

The bill repeals the requirement that the state attorneys in each judicial circuit develop policies and guidelines for filing juvenile cases in adult court, as well as the requirement that these policies and guidelines be submitted to the Legislature and the Governor no later than January 1 of each year.

The bill deletes a cross-reference to s. 775.08401, F.S., relating to the establishment of criteria for prosecution of habitual offenders and habitual violent felony offenders, which is repealed under the bill.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 36-3; House 93-21

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Committee on Criminal Justice

HB 7075 — OGSR/DJJ Employees and Family Members

by Government Operations Subcommittee and Rep. Ahern (CS/SB 600 by Governmental Oversight and Accountability Committee and Criminal Justice Committee)

The bill reenacts the public record exemption in s. 119.071(4)(d)1.i., F.S., which provides that certain personal information of current or former specified direct care employees of the Department of Juvenile Justice, their spouses, and children are exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. The personal information covers home addresses, telephone numbers, photographs, spouse's places of employment, and children's schools and daycare locations.

The covered direct care employees include the following: juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, social service counselors, and rehabilitation therapists.

If approved by the Governor, these provisions take effect October 1, 2011.
Vote: Senate 36-3; House 113-1

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Committee on Criminal Justice

HB 7077 — OGSR/Biometric Identification Information

by Government Operations Subcommittee and Rep. Logan (SB 602 by Criminal Justice Committee)

The bill reenacts s. 119.071(5)(g), F.S., which exempts from public inspection or copying biometric identification information held by an agency before, on, or after the effective date of the exemption. Biometric identification information consists of any record of friction ridge detail, fingerprints, palm prints, and footprints.

If approved by the Governor, these provisions take effect October 1, 2011.
Vote: Senate 39-0; House 114-0

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Committee on Criminal Justice

HB 7161 — OGSR/Concealed Weapons or Firearms

by Government Operations Subcommittee and Rep. Patronis (SB 604 by Criminal Justice Committee)

Current law provides that personal identifying information of an individual who has applied for or received a license to carry a concealed weapon or firearm pursuant to s. 790.06, F.S., held by the Division of Licensing of the Department of Agriculture and Consumer Services, is confidential and exempt from s. 119.071(1), F.S., and s. 24(a), Art. I of the State Constitution.

There is no other governmental agency that collects this particular information from applicants, and it cannot be obtained by the public from another source. The information is not protected by another exemption, nor do multiple exemptions for the same type of information exist.

An applicant for such license must submit to the department a completed application, a nonrefundable license fee, a full set of fingerprints, a photocopy of a certificate or an affidavit attesting to the applicant's completion of a firearms course, and a full frontal view color photographof the applicant. The application must include:

- The name, address, place and date of birth, race, and occupation of the applicant;
- A statement that the applicant is in compliance with licensure requirements;
- A statement that the applicant has been furnished with a copy of ch. 790, F.S., relating to weapons and firearms and is knowledgeable of its provisions;
- A warning that the application is executed under oath with penalties for falsifying or substituting false documents; and,
- A statement that the applicant desires a concealed weapon or firearms license as a means of lawful self-defense.

The exemption applies to such information held by the division before, on, or after the effective date of the exemption. Such information may be released only:

- With the express written consent of the applicant or licensee or his or her legally authorized representative;
- By court order upon a showing of good cause; or
- Upon request by a law enforcement agency in connection with the performance of lawful duties, which includes access to any automated database containing such information maintained by the Department of Agriculture and Consumer Services.

Pursuant to the Open Government Sunset Review Act, the exemption will repeal on October 2, 2011, unless reenacted by the Legislature. This bill reenacts the public records exemption in s. 790.0601, F.S.

If approved by the Governor, these provisions take effect October 1, 2011.
Vote: Senate 36-2; House 98-12

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Committee on Education Pre-K - 12

CS/CS/HB 1255 — Public School Accountability

by Education Committee; K-20 Competitiveness Subcommittee, and Representative Adkins (CS/CS/SB 1696 by Budget Subcommittee on Education Pre-K -12 Appropriations, Education Pre-K - 12, and Senator Wise)

The bill is a comprehensive public school accountability package which will implement reforms in the following areas:

- Virtual Education—The bill requires school districts to provide students access to Florida Virtual School (FLVS) courses during and after the normal school day to provide uniformity among school districts and increase student access to the FLVS.
- Gift Ban—The bill prohibits school board members and their relatives from soliciting or accepting any gift in excess of $50 from any person, vendor, potential vendor, or other entity doing business with the school district.
- Voluntary Prekindergarten Program (VPK) and kindergarten screening—The bill requires a VPK provider that is on probation and who seeks a good cause exemption to administer the statewide VPK enrollment screening, which the Department of Education (DOE) must adopt, to newly admitted VPK students. The provider must pay for the screening. The bill also repeals a numeric limitation on providers who fail to meet the kindergarten readiness rate.
- Digital Curriculum—The bill authorizes school districts to implement a digital curriculum for students in grades 6-12. DOE would develop a model curriculum to serve as a guide.
- Career and Professional Academies—The bill specifies criteria for middle school career and professional academies relating to alignment to high school career and professional academies, an opportunity to earn an industry certification and partnerships with the business community.
- Student Assessment and School Accountability—The bill:
  - Repeals the requirement for certain middle school students to take the Algebra I end-of-course assessment (EOC) in 2010-2011;
  - Revises the middle school grading formula to add the performance of students in high school courses with statewide standardized assessments and students who earn designated industry certifications;
  - Requires passage of civics for middle school promotion;
  - Provides that a determination of school grades for the Opportunity Scholarship Program (OSP) will be based on statewide assessments alone;
  - Provides that for purposes of calculating the performance category under differentiated accountability, the statewide assessments' portion of a school grade would be used in determining the appropriate performance category;
  - Provides for the assignment of scores from hospital/homebound students to be assigned to their home school;
  - Authorizes the Commissioner of Education to revise statewide testing dates; and

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  - Provides for postsecondary preparatory courses for high school students with designated academic deficiencies.
- Supplemental Education Services (SES)—The bill authorizes school districts to select pre and post methods for measuring student learning gains.
- Students with Disabilities—The bill:
  - Authorizes the waiver of certain EOC assessment requirements for students with disabilities;
  - Establishes training, accountability and reporting requirements for students who are restrained and secluded;
  - Provides that a McKay scholarship student who enters a Department of Juvenile Justice detention center for less than 21 days would not lose the scholarship;
  - Allows a parent of a child who is deaf or hard of hearing to enroll an eligible child in an auditory-oral education program and adds listening and spoken language specialists to eligible instructional services for exceptional students; and
  - Requires the Department of Education to revise the matrix of services for students with disabilities, which is used to determine exceptional education cost factors, beginning with the 2012-2013 school year.
- Budget Transparency—The bill requires school districts to post each proposed, tentative, and official budget on their websites and encourages school districts to provide additional information on their websites.
- Accelerated High School Graduation Options—The bill authorizes students to choose the 18 credit accelerated graduation option at any time during grades 9 through 12, rather than requiring a student to choose this option no later than grade 9.

If approved by the Governor, these provisions take effect July 1, 2011, except as otherwise provided in the bill.
Vote: Senate 33-5; House 94-23

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Committee on Education Pre-K - 12

CS/HB 1329 — McKay Scholarships/Students With Disabilities

by K-20 Innovation Subcommittee, Rep. Bileca, and others (CS/SB 1656 by Education Pre-K - 12 Committee and Senator Wise)

The bill allows a student with a disability to be eligible for a John M. McKay Scholarship for Students with Disabilities if he or she has an accommodation plan under section 504 of the federal Rehabilitation Act of 1973 (504 accommodation plan). However, the student would be ineligible if his or her plan was for six months or less.

The bill requires school districts to notify the parent of a student with a 504 accommodation plan about available school choice options by April 1 of each year and within ten days after a 504 accommodation plan is issued.

The bill allows parents of a student with a 504 accommodation plan to enroll their children in a public school in an adjacent school district which has available space, if the school has a program with the services agreed to in the 504 accommodation plan. Parents would be responsible for transportation.

The scholarship amount for the student would be based on the current student program cost factor generated by the student under the Florida Education Finance Program (FEFP).

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 28-9; House 98-17

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Committee on Education Pre-K - 12

CS/HB 1331 — School Choice

by PreK-12 Appropriations Subcommittee, Rep. Bileca and others (SB 1822 by Senator Benacquisto)

The bill revises the eligibility criteria for participation in the Opportunity Scholarship Program (OSP) public school choice option to allow parents of students in failing schools the opportunity to send their children to another public school that is performing satisfactorily. Under the bill, a failing public school is a school that has received a "D" or an "F" grade and is designated as a low performing school.

A parent would be able to enroll his or her child in a higher performing school in another district with available space. If a parent chooses another district, the receiving district must accept the student and report him or her for funding. The parent is still responsible for transportation.

A student would have the opportunity to continue to attend a higher performing public school feeder pattern within the district until he or she graduates from high school. Under the bill, a student could remain in the feeder pattern of the school chosen under the OSP.

Finally, the bill repeals the provisions related to the OSP private school option to comport with existing case law.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 32-4; House 84-30

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Committee on Education Pre-K - 12

CS/CS/CS/SB 1546 — School Choice

by Committee on Education Pre-K - 12 and Senator Thrasher

This legislation creates and facilitates the development and expansion of high-performing charter schools and high-performing charter school systems. To qualify as high-performing, a school must have received:

- At least two "A" school grades and no grades below a "B" for the last three years; and
- Unqualified opinions and no financial audits indicating a state of financial emergency for the last three fiscal years.

Once a school or a system has met the requirements for a high-performing designation, it is authorized to replicate at the rate of one school per year. High-performing schools will also have greater flexibility to expand grade levels, enrollment capacity, and charter terms, and to consolidate with other high-performing charter schools.

To qualify as a high-performing system, the entity must:

- Operate at least three high-performing charter schools in the state;
- Operate a system of charter schools of which at least 50 percent are high-performing; and
- Not operate a charter school that has received a financial audit indicating a state of financial emergency.

High-performing systems are authorized to replicate at the rate of one charter school per year.

Charter virtual schools are ineligible for high-performing status.

This law encourages systems to work with disadvantaged students by authorizing charter schools in these situations more time to turn around a low-performing school.

This legislation limits the ability of a sponsor to deny a charter school application submitted by a high-performing charter school, by increasing the standard of proof to that of a clear and convincing standard. Sponsors who immediately terminate a charter must assume operation of the school pending completion of the appeal process or be liable for attorney's fees and costs if the charter school prevails.

The charter school governing board is required to appoint a parental contact representative residing in the district, which replaces the residency requirement for the charter school governing board.

The Charter School Review Panel is abolished.

The Department of Education is required to conduct a study which examines various issues relating to charter schools, including the capital improvement millage fee distributed in

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comparison to other public schools and the 5-percent administrative fee, and provide findings to the Governor and Legislature.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 33-6; House 87-27

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Committee on Education Pre-K - 12

CS/HB 7087 — Education Law Repeals

by Education Committee; K-20 Innovation Committee; K-20 Competitive Subcommittee; and Representative Fresen (CS/SB 1996 by Budget Committee and Pre-K - 12 Education Committee)

The bill repeals the requirement for students who took Algebra I in the middle grades from 2007-2008 through 2009-2010 to take the Algebra I end-of-course assessment in the 2010-2011 school year. Approximately, 39,600 students will not be required to take the Algebra I assessment, in some instances, several years after completion of the Algebra I course.

The bill also repeals programs that are not funded or are obsolete. The programs are:

- Digital Divide Council and the associated Pilot Project for Discounted Computers and Internet Access for Low-Income Students;
- Institute on Urban Policy and Commerce;
- Community and Faith-based Organizations Initiative;
- Community and Library Technology Access Partnership;
- Community computer access grant program;
- Adult Literacy Centers;
- Florida Literacy Corps;
- Preteacher and Teacher Education Pilot programs;
- Teacher Education Pilot Programs for High-Achieving Students;
- Merit Award Program; and
- Critical Teacher Shortage Program, which includes—Florida Teacher Scholarship and Forgivable Loan Program, Critical Teacher Shortage Tuition Reimbursement Program, and the Critical Teacher Shortage Student Loan Forgiveness Program.

The bill repeals obsolete provisions of law governing the criteria for awarding continuing contracts and professional service contracts.

The bill also repeals a section of law found unconstitutional that prohibits any person in the state of Florida from falsely claiming to possess an academic degree, or the title associated with that degree, unless the person has been awarded the degree from an accredited institution.

These provisions became law upon approval by the Governor on May 5, 2011.
Vote: Senate 39-0; House 78-39

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Committee on Education Pre-K - 12

CS/CS/HB 7197 — Digital Learning

by Education Committee; Appropriations Committee; K-20 Innovation Subcommittee; and Rep. Stargel and others (CS/SB 1620 by Rules Committee and Senator Flores)

Virtual Education Framework

The bill revises the current framework and funding for virtual instruction in Florida. Beginning with the 2011-2012 school year, the bill expands the virtual instruction program by requiring school districts to provide at least three part-time and full-time virtual instruction program options, with the exception of certain smaller school districts that are required to provide one option to participate in part-time and full-time virtual instruction. Under the bill, a school district may fulfill the requirements through agreements with more than one school district, multidistrict contractual arrangements, and a school district operated program, as well as through a contract with the Florida Virtual School (FLVS) or an approved provider.

Charter Schools

Under the bill, a charter school would be permitted to operate a virtual charter school to provide full-time online instruction to eligible students in kindergarten through grade 12, subject to approval under s. 1002.33, F.S. The virtual charter school would contract with the FLVS or an approved provider or enter into an agreement with a school district.

Full-time virtual charter schools would be established by amending the existing charter or submitting a new application. They are subject to the same application process as are other charter schools. Virtual charter schools would be subject to all charter school requirements, with the exception of the provisions related to facilities, capital outlay, class size, administrative fees, and transportation.

The bill requires a charter school governing board to appoint a representative who resides in the same district where the charter school is located to resolve disputes and work with parents and the public. However, a single representative would be permitted to serve multiple charter schools if the board oversees multiple schools in the same district. The bill prohibits a sponsor from requiring board members to reside in the same district in which the charter school is located, if the school complies with the requirements for representation.

The bill also permits “blended-learning charter schools,” which combine traditional classroom instruction with online instruction; however, the schools may only offer this instruction to their full-time students in a classroom at the charter school.

Providers

The bill revises the criteria for approving providers. To be approved, all providers must have courses that meet the standards of the International Association for K-12 Online Learning or the

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Southern Regional Education Board, have the requisite plan for the curriculum and student performance accountability, have a method for determining if a student has satisfied grade level promotion and high school graduation requirements, and have instructional content and services that measure student proficiency in the Next Generation Sunshine State Standards. Providers would also be required to disclose to the public information that includes certification and physical location of instructional personnel, the curriculum, student-teacher ratios, student completion and promotion rates, and performance accountability outcomes for students, instructors, and schools.

Assessments

The bill requires the online administration of all statewide end-of-course assessments, beginning in the 2014-2015 school year. Part-time FLVS public school students who take courses requiring statewide end-of-course assessments must take these assessments. Districts must provide access to the district's testing facilities for FLVS full-time public school students in kindergarten through grade 12.

Funding

The bill revises the manner in which virtual instruction is funded. All virtual instruction options (the FLVS, school district operated virtual instruction programs, and virtual charter schools) would be funded through the Florida Education Finance Program (FEFP), as provided in the General Appropriations Act, but would not include funding for class size requirements. The FLVS would serve and receive funding for students in grades kindergarten through five.

Additionally, students in full-time programs could not be reported for more than 1.0 Full Time Equivalent (FTE). Beginning in the 2014-2015 fiscal year, the reported FTE and associated funding of students enrolled in courses requiring passage of an end-of-course assessment would be adjusted after the student completes the assessment.

School districts would be required to expend the difference between the amount funded for students participating in the program and the price paid for contractual services on the district's local instructional improvement system or other technological tools that are required to access electronic and digital instructional materials. Districts would also be required to report to the DOE the amount paid for contractual services and an itemized list of the purchases.

Accountability

Under the bill, the FLVS would receive a school grade for students receiving full-time instruction. Additionally, the bill requires the DOE to develop an evaluation system for part-time providers of virtual instruction, which must include the percentage of students making learning gains, successfully passing end-of-course assessments, and taking and scoring a three or higher on Advanced Placement course exams.

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Instructional Personnel

The bill specifically permits a school district to issue adjunct certificates to qualified individuals. A district may renew an adjunct certificate and award another annual contract only if the individual is rated as effective or highly effective. The bill also specifies the certification requirements for instructional personnel providing direct instruction to students through a virtual environment or through a blended virtual and physical environment.

High School Graduation

Students entering the ninth grade in 2011-2012 and thereafter would be required to take at least one online course in order to meet high school graduation requirements. The requirement is also deemed met if the student has taken an online course in grades six through eight or participates as a dually enrolled student in an online course offered by a postsecondary institution.

Student Eligibility and Access

The bill authorizes the FLVS to directly offer virtual education in kindergarten through grade five and part-time education to students in grades four through 12. However, part-time instruction for fourth and fifth grade students is limited to public school students taking grade 6-8 courses for acceleration purposes. The FTE generated by the FLVS for fourth and fifth grade students must be part of the total FTE of 1.0 reported for the student for the fiscal year. To receive full-time instruction, a student in grades two through five must meet at least one of the statutory eligibility requirements.

The bill revises the eligibility requirements for students. Under the bill, students who were enrolled full-time in an FLVS program during the prior school year would be eligible for virtual instruction. Students entering kindergarten or first grade would be eligible without having to meet the requirement for prior year enrollment in a public school.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 27-12; House 98-19

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Committee on Governmental Oversight and Accountability

CS/CS/SB 1128 — Local Government Retirement Plans

by Budget Committee, Governmental Oversight and Accountability Committee, and Senators Ring, Lynn, and Flores

This bill increases the transparency of local pension plan data, and specifies other actions to address the sustainability of local pension plans. The bill does the following:

- Local plans' actuarial reports are required to include the present value of all benefits using a standard rate of return, to promote comparisons between plans;
- DMS is required to post on their website a five-year history of each plan's funded ratio, and local plans are required to link to this DMS website;
- Actuarial or cash surpluses in a local plan may not be used outside the plan;
- Local plans may not reduce contributions required to fund normal cost;
- For all local plans, accrued sick or annual leave may not be included in calculations of retirement benefits; overtime may be included, but is capped at 300 hours;
- With approval of the members, firefighter and police plans are allowed to increase member contributions without increasing member benefits;
- The bill changes the date in 1939 by which local law plans are deemed to be in compliance with Chapters 175 and 185;
- The bill creates a Task Force on Public Employee Disability Presumptions to study and make recommendations on statutory disability presumptions;
- The Department of Management Services is required to create a plan for providing standardized ratings for the financial strength of all local government defined benefit plans in Florida, and provide recommendations to the Legislature in January 2012.

If approved by the Governor, these provisions take effect July 1, 2011
Vote: Senate 33-4; House 80-35

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Committee on Governmental Oversight and Accountability

CS/SB 1970 — Public Records/OPPAGA

by Governmental Oversight and Accountability Committee and Senator Thrasher

The Auditor General, of which the Office of Program Policy Analysis and Government Accountability (OPPAGA) was a unit, has a public-records exemption for audit workpapers and notes.

Because chapter 2011-34, Laws of Florida, established OPPAGA as an entity separate from the Auditor General, this bill creates a public-records exemption for work papers held by OPPAGA which relate to an authorized project or a research product. The exemption applies to work papers held by OPPAGA before, on, or after the effective date of the exemption.

These provisions were approved by the Governor and took effect May 5, 2011.
Vote: Senate 39-0; House 110-6

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Committee on Governmental Oversight and Accountability

HB 7155 — State Financial Matters

by Governmental Operations Subcommittee and Rep. Patronis (CS/SB 1182 by Senator Ring)

This bill authorizes the State Board of Administration to invest the assets of government entities in the Local Government Surplus Funds Trust Fund upon the completion of enrollment materials supplied by the Board; a separate trust agreement is no longer needed to grant the Board the ability to invest the funds. The bill further provides that when there is a trust agreement the investments are only subject to the limitations or restrictions of the trust agreement. The bill also makes clarifying changes and corrects cross-references.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-0; House 117-1

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Committee on Governmental Oversight and Accountability

CS/HB 7223 — OGSR/Competitive Solicitations

by State Affairs Committee, Governmental Operations Subcommittee, and Representative Patronis (CS/SB 2090 by Governmental Oversight and Accountability Committee)

This bill is the result of Open Government Sunset Reviews by the Governmental Oversight and Accountability Committee of public-records and -meetings exemptions pertaining to competitive procurement solicitations.

Agency procurements of commodities or contractual services exceeding $30,000 are governed by statute and rule and require one of the following three types of competitive solicitations to be used, unless otherwise authorized by law: invitation to bid (ITB), request for proposals (RFP), or invitation to negotiate (ITN).

Current law provides general public-records and –meetings exemptions associated with competitive solicitations. Sealed bids, proposals, or replies in response to an ITB, RFP, or ITN are exempt from public-records requirements until a time certain. In addition, a meeting at which a negotiation with a vendor is conducted pursuant to an ITN is exempt from public-meetings requirements. A complete recording must be made of the exempt meeting. The recording is exempt from public-records requirements until a time certain.

This bill reenacts the exemptions, and:

- Expands the public-records exemption by extending the exemption for sealed bids and proposals from 10 days to 30 days.
- Expands the public-meetings exemption to include any portion of a meeting at which a vendor makes an oral presentation or a vendor answers questions as part of a competitive solicitation, and any portion of a team meeting at which negotiation strategies are discussed.
- Expands the public-records exemption for recordings of exempt meetings to comport with the public-records exemption for sealed bids, proposals, or replies. It extends the public-records exemption from 20 days to 30 days, and expands the public-records exemption by including those records presented by a vendor at a closed meeting.

The bill also extends the repeal date for the exemptions to October 2, 2016, and provides a public necessity statement as required by the State Constitution.

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

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Committee on Governmental Oversight and Accountability

HB 7225 — OGSR/SBA Alternative Investments

by Governmental Operations Subcommittee and Representative Patronis (SB 2174 by Governmental Oversight and Accountability Committee)

This bill is the result of an Open Government Sunset Review of the public-records exemption for proprietary confidential business information held by the State Board of Administration regarding alternative investments. The exemption expires 10 years after the termination of the alternative investment.

This bill:

- Reenacts the exemption.
- Revises the definition of what does not constitute proprietary confidential business information.
- Requires the State Board of Administration to maintain a list and a description of the records covered by any verified, written declaration made by a proprietor.

If approved by the Governor, these provisions take effect October 1, 2011.
Vote: Senate 34-2; House 114-1

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Committee on Health Regulation

CS/HB 1085 — Women's Health

by Health and Human Services Quality Subcommittee and Rep. Plakon (SB 1282 by Senator Storms)

The bill creates the Kelly Smith Gynecologic and Ovarian Cancer Education and Awareness Act within the Department of Health (DOH). The bill adds one member from the Florida Ovarian Cancer Alliance Speaks organization to the Florida Cancer Control and Research Advisory Council, increasing the membership from 34 to 35.

The bill directs the DOH to encourage women to discuss the risks of gynecological cancers with their health care providers. Furthermore, the DOH is directed to encourage health care providers and certain entities to disseminate and display information about gynecological cancers, including signs and symptoms, risk factors, benefits of early detection, and treatment options. The DOH is encouraged to seek any available federal or private grants to promote gynecological cancer awareness and to collaborate with other entities to create a systematic approach to increasing public awareness. The State Surgeon General is required to post on the DOH website a link to the Centers for Disease Control and Prevention website for gynecological cancer information.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 37-0; House 114-0

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Committee on Health Regulation

CS/HB 1127 — Abortions

by Health and Human Services Committee and Reps. Porter and others (CS/SB 1744 by Health Regulation Committee and Senators Storms and Oelrich)

Except in a medical emergency, this bill provides that consent to a termination of pregnancy is voluntary and informed if, among other things, a woman seeking an abortion has the gestational age of the fetus verified by an ultrasound, regardless of the woman's stage of pregnancy. The bill prescribes who is authorized to perform the ultrasound.

The person performing the ultrasound must offer the woman the opportunity to view the live ultrasound images and hear an explanation of them before she gives informed consent to having the abortion procedure, unless the woman presents certain documentation evidencing that the woman is obtaining the abortion because she is a victim of rape, incest, domestic violence, or human trafficking or the delay in the abortion procedure would cause substantial and irreversible impairment of a major bodily function of the woman.

The bill provides that a woman has a right to decline to view the ultrasound images and hear an explanation of the images after she has been offered an opportunity to view and hear an explanation of the images. However, if the woman declines to view and hear an explanation of the ultrasound images, she is required to complete a form acknowledging that she was offered an opportunity to view the images and hear the explanation of the images, that she has declined that opportunity, and that her refusal to view and hear an explanation of the images was of her own free will.

The bill provides that consent to a termination of pregnancy is voluntary and informed if, among other things, a description of the fetus, including a description of the various stages of development, has been provided to the woman.

The bill provides that the failure of a health care practitioner to comply with the requirements under s. 390.0111, F.S., is grounds for disciplinary action and authorizes the DOH, or the appropriate board, to adopt rules necessary to implement the provisions under s. 390.0111, F.S.

The bill requires the Agency for Health Care Administration (AHCA) to adopt rules requiring an abortion clinic that performs abortions after the first trimester of pregnancy to take a urine or blood test, regardless of whether the woman seeking an abortion will have an ultrasound performed. The AHCA must also adopt rules requiring clinics to be in compliance with the provisions of s. 390.0111, F.S.

The bill also includes a severability clause, which severs any provision of the bill that is held invalid.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 24-15; House 81-37

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Committee on Health Regulation

CS/HJR 1179 — Abortion/Public Funding/Construction of Rights

by Health and Human Services Committee; Rep. Baxley and others (CS/CS/SJR 1538 by Rules Committee; Judiciary Committee; and Senators Flores, Haridopolos, and Oelrich)

This is a joint resolution proposing the creation of s. 28, Art. I of the Florida Constitution to prohibit public funds from being expended for any abortion or for health-benefits coverage that includes coverage of abortion. However, public funds may be expended when required by federal law; a woman suffers from a physical disorder, physical injury, or physical illness which would, as certified by a physician, place the woman in danger of death; or a pregnancy results from rape or incest.

The joint resolution also prohibits the Florida Constitution from being interpreted to create broader rights to an abortion than those contained in the U.S. Constitution.

The joint resolution includes a summary statement that is to be placed on the ballot for the next general election.

If adopted by the voters at the 2012 General Election, this resolution will take effect January 3, 2013.
Vote: Senate 27-12; House 79-34

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Committee on Health Regulation

HB 1247 — Parental Notice of Abortion

by Rep. Stargel and others (SB 1770 by Senators Hays and Oelrich)

This bill amends s. 390.01114, F.S., relating to parental notification of an abortion to be performed on a minor. This bill amends the law as it relates to parental notification of an abortion by:

- Redefining "constructive notice" to include notice by writing that must be mailed to a minor's parent or legal guardian prior to the abortion by first-class mail and by certified mail, return receipt requested, with restricted delivery to the parent or legal guardian.
- Requiring notice that is given by telephone to a parent or legal guardian to be confirmed in writing, signed by the physician, and mailed to the parent or legal guardian of the minor by first-class mail and by certified mail, return receipt requested, with restricted delivery to the parent or legal guardian.
- Requiring a physician to make reasonable attempts to contact the parent or legal guardian, whenever possible, during a medical emergency that renders the abortion medically necessary, without endangering the minor.
- Requiring the physician to provide notice directly to a parent or legal guardian of the medical emergency requiring an abortion and any additional risks to the minor and if no notice is directly provided, then notice is required in writing to the parent or legal guardian, which must be mailed by first-class and certified mail.
- Providing that a parent or guardian's legal right to be noticed can only be waived if the written waiver is notarized, dated not more than 30 days before the abortion, and contains a specific waiver of the parent or legal guardian's right to notice of the minor's abortion.
- Reducing the number of courts in which a minor is able to file a petition for waiver of parental notice.
- Extending the time within which a court must rule on a minor's petition for a waiver of parental notice from 48 hours to 3 business days.
- Removing the automatic grant of a petition when a court fails to rule within a certain time.
- Providing that a minor may have her petition heard by a chief judge of the circuit within 48 hours of filing the petition when a circuit court has not ruled within 3 business days.
- Providing the minor with the right to appeal a court decision that does not grant judicial waiver of parental notice, providing the timeline within which the appellate court must rule, and providing the standard of review the appellate court must use.
- Requiring the court to consider specific factors when determining whether the minor is sufficiently mature to decide whether to terminate her pregnancy.
- Changing the standard upon which a court must find that the notification of a parent or guardian of the abortion is not in the best interest of the minor, from preponderance of the evidence to clear and convincing evidence.
- Providing that when the court considers what is in the best-interest of the minor, the court is not to consider financial implications for the minor or the minor's family.

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- Requiring the final written order by the court to include its factual findings determining the maturity of the minor.
- Requiring the Office of State Courts Administrator to include in its annual report to the Governor and Legislature the number of petitions filed for a waiver of parental notice and the reason for each waiver of notice granted.

The bill also includes a severability clause, which severs any provision of the bill that is held invalid and saves the remaining provisions.

If approved by the Governor, these provisions take effect October 1, 2011, or upon the adoption of rules and forms by the Supreme Court, whichever occurs earlier.
Vote: Senate 26-12; House 82-35

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Committee on Health Regulation

CS/CS/CS/HB 1319 — Certificates/Licenses/Health Care Practitioners

by Health and Human Services Committee; Health Care Appropriations Subcommittee; Health and Human Services Quality Subcommittee; and Rep. Harrell and others (CS/CS/SB 1228 by Military Affairs, Space, and Domestic Security Committee; Health Regulation Committee; and Senators Altman and Evers)

The bill authorizes the Department of Health (DOH) to issue a temporary license to a healthcare practitioner whose spouse is stationed in Florida on active duty with the Armed Forces if the applicant meets the eligibility requirements for a full license and is qualified to take the licensure examination. The healthcare practitioner is required to meet certain criteria to obtain the 12-month non-renewable, temporary license. The bill requires the applicable board, or the DOH if there is no board, to deny applications under certain circumstances. The bill requires the applicant for a temporary license to pay the cost for fingerprint processing for a criminal history check, and an application fee.

The bill names the temporary certificates for practice in areas of critical need under ss. 458.315 and 459.0076, F.S., the "Rear Admiral LeRoy Collins, Jr., Temporary Certificate for Practice in Areas of Critical Need."

The bill generally expands the scope and area of practice of dental hygienists by authorizing dental hygienists to perform certain duties unsupervised in health access settings, which includes school-based prevention programs and accredited dental hygiene programs. The bill allows dental hygienists to apply fluorides, instruct on the oral hygiene of a patient, and supervise the oral hygiene of a patient, without the supervision of a dentist. The bill requires dental hygienists, who perform remediable tasks without supervision, to provide a dental referral in compliance with federal and state patient referral, anti-kickback, and patient brokering laws; encourages the establishment of a dental home; and requires the dental hygienists to maintain a certain amount of professional malpractice insurance coverage.

The bill clarifies that the authorization for dental hygienists to perform some duties does not prevent a program operated by one of the health access settings or a nonprofit organization from billing and obtaining reimbursement for the services provided by a dental hygienist.

The bill replaces the current dental exam, administered through the DOH, with a national exam, the American Dental Licensing Examination (ADLEX). The bill provides that if an individual who is relocating to Florida took the ADLEX exam more than a year ago, he or she must meet additional criteria for licensure, including engaging in the full-time practice of dentistry in the 5 years preceding the date of application to practice dentistry in Florida or since initial licensure, if he or she has practiced less than 5 years. However, this provision only applies to individuals who took the ADLEX exam after October 1, 2011. Additionally, the bill provides that an individual who is relocating to Florida to practice dentistry must engage in the full-time practice of dentistry within one year of receiving a dental license. The bill requires the Board of Dentistry to develop rules for the full-time dentistry requirements, and recoup costs for verification of full-

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time practice. The bill provides for the expiration of licenses if the full-time practice requirements are not fulfilled and requires the Board of Dentistry to provide notice of the impending expiration of the license. The bill makes it a third degree felony to use or attempt to use a license that is expired or has been revoked.

The bill amends statutory requirements related to athletic trainers. It defines "Board of Certification" and requires members of the Board of Athletic Training to be certified by the Board of Certification. The bill includes colleges, universities, and education programs recognized by the Board of Certification in the qualifying colleges, universities, and programs for licensure as an athletic trainer. The bill also requires athletic trainers to be certified in the use of automated external defibrillators (AED's), and meet additional continuing education requirements in the use of AED's. The bill deletes the requirement that each licensee must complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure.

The bill also includes a severability clause.

If approved by the Governor, these provisions take effect upon becoming law or as otherwise specifically provided for in the act.
Vote: Senate 39-0; House 116-0

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Committee on Health Regulation

CS/HB 1463 — Crisis Stabilization Units

by Health and Human Services Committee and Reps. Hudson and Workman (SB 1052, 1st Engrossed by Senator Altman)

The bill amends s. 394.875, F.S., by directing the Department of Children and Families (DCF) to implement a demonstration project in Circuit 18, which includes Brevard and Seminole Counties. The DCF is directed to authorize the existing public and private crisis stabilization units in Circuit 18 to expand to up to 50 beds. The pilot project is to determine the impact this expansion would have on the availability of crisis stabilization services to clients.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 39-0; House 112-0

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Committee on Health Regulation

CS/HB 1473 — Public Records/Florida Health Choices Program

by Government Operations Subcommittee and Rep. Corcoran (CS/CS/SB 1456 by Governmental Oversight and Accountability Committee; Children, Families, and Elder Affairs Committee; and Senator Garcia)

The bill creates exemptions from the state's public records requirements for specified types of information relating to enrollment or participation in the Florida Health Choices program.

The Florida Health Choices program is a single, centralized marketplace for the sale and purchase of health care coverage, including, but not limited to, health insurance plans, health maintenance organization (HMO) plans, prepaid health services, and flexible spending accounts. Policies sold under the program are exempt from regulation under the Florida Insurance Code and laws governing HMOs. Current law specifies entities eligible to purchase products through, and participate in, the program; vendors eligible to participate in the program; and individuals eligible to enroll in the program.

The bill creates a public record exemption for the following information held by the program:

- Personal identifying information of an enrollee or participant who has applied for or participates in the program;
- Client lists and customer lists of a buyer's representative; and
- Proprietary confidential business information.

The bill provides for retroactive application of the public record exemptions to cover information held by the program before, on, or after the effective date of the exemptions. It provides exceptions to the exemptions and provides criminal penalties for violation of the public record exemptions.

The bill provides for repeal of the exemptions on October 2, 2016, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

If approved by the Governor, these provisions take effect October 1, 2011.
Vote: Senate 38-1; House 114-0

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Committee on Health Regulation

CS/SB 1676 — Sovereign Immunity

by Judiciary Committee and Senators Thrasher and Oelrich

The bill establishes legislative findings that nonprofit independent private colleges and universities located and chartered in Florida, which own or operate medical schools, and which permit their employees or agents to provide patient services in teaching hospitals pursuant to an affiliation agreement or other contract, should be afforded sovereign immunity protections under s. 768.28, F.S. Additionally, the Legislature declares that there is an overwhelming public necessity for extending the state's sovereign immunity to such entities and that there is no alternative method of meeting such public necessity.

Under the bill, any nonprofit independent college or university located and chartered in Florida, which owns or operates an accredited medical school, or any of its employees or agents, and which has agreed by affiliation agreement or other contract to provide, or to permit its employees or agents to provide, patient services as agents of a teaching hospital, is considered an agent of the teaching hospital while acting within the scope of and pursuant to guidelines established in the contract.

The contract must provide for the indemnification of the teaching hospital, up to certain limits, by the agent for any liability incurred which was caused by the negligence of the college or university or its employees or agents. The contract must also provide that those limited portions of the college, university, or medical school which are directly providing services pursuant to the contract and which are considered an agent of the teaching hospital, are deemed to be acting on behalf of a public agency for purposes of public records laws.

Notice must be provided to each patient, or the patient's legal representative, that the exclusive remedy for injury or damage suffered as the result of any act or omission of the teaching hospital, the college or university, or the employees or agents of the college or university, while acting within the scope of duties pursuant to the contract with the teaching hospital, is by commencement of an action under the state's limited waiver of sovereign immunity pursuant to s. 768.28, F.S. This notice requirement may be met by posting the notice in a place conspicuous to all persons.

The bill does not designate any employee providing contracted patient services in a teaching hospital as an employee or agent of the state for purposes of workers' compensation insurance.

If approved by the Governor, these provisions take effect upon becoming law and apply to all claims accruing on or after that date.
Vote: Senate 38-0; House 109-8

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Committee on Health Regulation

HB 4027 — Obsolete Health Care Provisions

by Rep. Horner (SB 548 by Senator Hays)

The bill repeals Florida Statutes relating to the designation of separate restrooms and separate dressing rooms for males and females, the Florida Healthy People 2010 program, and the MedAccess program.

Separate Restrooms and Separate Dressing Rooms for Males and Females

In 1977 the Legislature provided that any business may designate separate restrooms and separate dressing rooms for males and females and may prohibit the use of such designated restrooms or dressing rooms by persons of the opposite gender. In buildings or facilities owned or operated by the state or any political subdivision of the state that contain more than one restroom, the restrooms for males must be separate from those for females and each restroom that has capacity for more than one occupant must be designated by appropriate signage as a restroom for males or for females. All these statutory provisions are eliminated under the bill.

Florida Healthy People 2010

In 2004 the Legislature created the Florida Healthy People 2010 program. Under the program, the Department of Health (DOH) is directed to monitor and report Florida's status regarding the federal Healthy People 2010 program's goals and objectives that were being tracked and were available to the DOH on July 1, 2004. The goals and objectives of the federal program are described in Florida Statutes as being designed to measure and help improve the health of all Americans by increasing the quality and years of healthy life and eliminating health disparities among different segments of the population. In December 2010, the federal government replaced the Healthy People 2010 program with the Healthy People 2020 program, the new purpose of which is for health promotion and disease prevention. This bill repeals statutory provisions for the creation and administration of the Florida Healthy People 2010 program.

MedAccess

In 1993 the Legislature created the MedAccess program, designed for the state to provide certain health care benefits to uninsured Floridians with a gross family income equal to or less than 250 percent of the federal poverty level who also meet other eligibility requirements. The state is authorized to pay health care providers under the program at the same reimbursement rates and fees as those under the Medicaid program. Despite being statutorily authorized, the MedAccess program has never been funded and therefore has never been implemented. This bill repeals statutory provisions for the creation and administration of the MedAccess program.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 39-0; House 117-0

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Committee on Health Regulation

HB 4121 — Clove Cigarettes

by Rep. Artiles (SB 1778 by Senator Bogdanoff)

The bill repeals the statutory prohibition against the sale, use, possession, transfer, or otherwise disposing of clove cigarettes or similar products, which was enacted in 1985.

Despite a 1985 judicial injunction prohibiting the enforcement of the clove cigarette ban, the statute was never amended or repealed. This bill repeals the ban and aligns Florida Statutes with the injunction prohibiting enforcement of the ban.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 34-4; House 114-3

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Committee on Health Regulation

HB 7079 — OGSR/Florida Center for Brain Tumor Research

by Government Operations Subcommittee and Rep. Bileca (SB 420 by Health Regulation Committee)

This bill modifies and reenacts the public records exemption for the Florida Center for Brain Tumor Research under s. 381.8531, F.S. The public records exemption is modified by making confidential and exempt from s. 119.07(1), F.S., and s. 24, Art. I of the Florida Constitution all personal identifying information of a donor to the central repository for brain tumor biopsies or the brain tumor registry. The bill authorizes the disclosure of such personal identifying information for bona fide research purposes, if the researcher submits a research plan that has been approved by an institutional review board, signs a confidentiality agreement, maintains the confidentiality of the information received, and destroys the confidential information after the research has concluded.

This bill extends the repeal date from October 2, 2011, to October 2, 2016, and provides a public necessity statement.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 39-0; House 113-1

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Committee on Health Regulation

CS/CS/HB 7095 — Prescription Drugs

by Appropriations Committee; Judiciary Committee; Health and Human Services Committee; and Rep. Schenck (CS/CS/SB 818 by Criminal Justice Committee; Health Regulation Committee; and Senators Fasano, Lynn, and Margolis)

This bill provides a more comprehensive approach to address the epidemic of prescription drug abuse and the untimely deaths that result from such abuse in this state. The approach includes the regulation of activities by physicians, pain management clinics, pharmacies, and wholesale drug distributors. The bill also provides minor revisions to the prescription drug monitoring program.

Physicians Generally

On July 1, 2011, practitioners will no longer be authorized to dispense controlled substances. However, there are exceptions. These include dispensing:

- Complimentary or sample controlled substances.
- In the health care system of the Department of Corrections.
- In connection with certain surgical procedures within certain timeframes.
- Pursuant to participation in an approved clinical trial.
- Methadone in a licensed treatment program.
- For hospice patients.

On July 1, 2011, when this law goes into effect, the State Health Officer will declare a public health emergency concerning the possession of controlled substances for dispensing by practitioners who are no longer authorized to dispense controlled substances. Any controlled substance inventory that was acquired for dispensing that is still in the possession of a practitioner who will no longer be authorized to dispense controlled substances once this act goes into effect, must be disposed of by July 11, 2011. The drugs can be disposed of by returning them to the wholesale distributor or turning the inventory in to a local law enforcement agency and abandoning them. If this does not happen by August 2, the controlled substances are deemed contraband and are subject to seizure by law enforcement agencies.

Wholesale distributors are required to buy back the inventory of controlled substances listed in Schedule II or Schedule III which are in the manufacturer's original packaging, unopened, and in date, in accordance with the established policies of the wholesale distributor or the contractual terms between the wholesale distributor and the physician concerning returns.

In addition, using actual purchasing records from wholesalers and other information, the Department of Health (department) will identify those practitioners who pose the greatest threat to the public health and risk that the controlled substances may not be disposed of in accordance with this act. Beginning on the 3rd day after this act goes into effect, law enforcement agencies will enter the business premises of the identified dispensing practitioners and quarantine the inventory on site. A $3 million appropriation is available for law enforcement for this effort, to

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maintain the security of the quarantined inventory until final disposition, and to investigate and prosecute crimes related to prescribed controlled substances.

Effective January 1, 2012, each medical physician, osteopathic physician, podiatrist, or dentist who prescribes controlled substances for the treatment of chronic nonmalignant pain must designate on his or her practitioner profile that he or she is a controlled substance prescribing practitioner.

The standards of practice for a controlled substance prescribing practitioner are spelled out in the law. These standards of practice do not supersede the level of care, skill, and treatment recognized in general law. The standards of practice in this bill include, among other things:

- A complete medical history and physical examination, the exact components of the exam are left to the judgment of the clinician;
- Development of a written individualized treatment plan for each patient, with objectives for treatment success and other treatment modalities;
- Discussion with the patient concerning the risks and benefits of the use of controlled substances;
- A written controlled substance agreement between the physician and the patient that includes reasons for which drug therapy may be discontinued and that controlled substances shall be prescribed by a single treating physician, unless otherwise authorized and documented in the medical record;
- Regular follow-up appointments at least every 3 months to assess the efficacy and appropriateness of treatment;
- Referrals to specialists when indicated; and
- Maintenance of accurate and complete records on each patient.

Certain specialists and surgeons are exempted from these standards of practice.

Additional disciplinary or criminal sanctions are established for physicians who violate the controlled substances laws, including:

- Failing to comply with the controlled substance prescribing and dispensing requirements.
- If a physician violates the standard of practice for prescribing or dispensing a controlled substance as set forth in the bill, then the physician will be suspended for at least 6 months and pay a fine of at least $10,000. Repeat offenses result in increased penalties.

The department will approve vendors of counterfeit-proof prescription pads. The approved vendors will report monthly to the department on the number of pads sold and the purchasers of the pads. The counterfeit-resistant prescription blanks must be used by practitioners for the purpose of prescribing any controlled substance.

Pain Management Clinics

The bill revises the criteria for required registration as a pain management clinic. Registration is required if the clinic advertises in any medium for any type of pain management services or

where, in any month, a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain (pain unrelated to cancer or rheumatoid arthritis which persists beyond the usual period or more than 90 days after surgery). The bill includes additional exemptions from registration.

Physicians practicing in pain management clinics must:

- Notify the applicable board within 10 days after beginning or ending practice at a pain management clinic.
- Ensure compliance with facility and physical operations of the clinic, infection control requirements, and health and safety requirements.

The designated physician is also responsible for certain additional functions, including quality assurance requirements to evaluate the quality and appropriateness of patient care and reporting aggregated patient statistics.

Provisions and requirements under the regulation of pain management clinics do not supersede the level of care, skill, and treatment recognized in general law related to healthcare licensure.

The amendment authorizes a physician assistant or advanced registered nurse practitioner under both the medical practice act and the osteopathic practice act to perform the physician examination of a patient in a pain management clinic.

The amendment strikes the requirement that passed last year requiring physicians practicing in pain management clinics after July 1, 2012 to meet certain training and education requirements.

The laws pertaining to the regulation of pain management clinics are set to expire on January 1, 2016.

A pain management clinic which has been used on more than two occasions within a 6-month period as a site in which certain criminal violations occur may be declared a public nuisance.

Pharmacies / Pharmacists

Community pharmacies must be re-licensed under the provisions of this act and rules adopted thereunder by July 1, 2012. Additional licensure requirements are intended to prevent felons and other nefarious persons from owning or operating pharmacies. In addition, pharmacies will be required to develop policies and procedures to minimize dispensing based on fraudulent representations or invalid practitioner-patient relationships.

A pharmacist must report to a local law enforcement officer any person who obtains or attempts to obtain a controlled substance through fraudulent methods or representations. The failure to report is a misdemeanor of the first degree.

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Principals associated with a pharmacy must undergo annual criminal background screening. The department must forward the results to wholesale distributors permitted under ch. 499, F.S., for purposes of complying with the requirements related to due diligence of purchasers.

The amendment includes additional requirements and disciplinary action related to activities in pharmacies and by pharmacists.

Drug Wholesalers

Licensed drug wholesalers are required to:

- Credential and understand the normal business transactions of their customers who purchase certain controlled substances.
- Report to the department on wholesale distributions of unusual quantifies of controlled substances. Unusual purchasing levels for the purchasing entity's clinical needs will be investigated by law enforcement.
- Abstain from distributing controlled substances to an entity if any person associated with that entity meets certain disqualifying conditions in the criminal history record check.

The department is required to identify the national average of distributions per pharmacy of certain controlled substances and report to the Governor and Legislature by November 1, 2012.

The amendment provides for stiffer criminal penalties and administrative sanctions for unlawfully distributing controlled substances or submitting false reports pertaining to controlled substance distributions.

Prescription Drug Monitoring Program

The bill reduces the timeframe for dispensers to report to the prescription drug monitoring program database from 15 days to 7 days. The bill also requires persons who have access to the database to submit fingerprints for background screening. Department staff are prohibited from having direct access to information in the database.

Funds provided by prescription drug manufacturers may not be used to implement the prescription drug monitoring program. References to the department and State Surgeon General are substituted for the Office of Drug Control and the director of the Office of Drug Control.

Other Provisions

The bill specifies that law enforcement officers may obtain access to or copy records that are required to the maintained under ch. 893, F.S., without a subpoena, court order, or search warrant.

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Upon the discovery of the theft or significant loss of controlled substances, a manufacturer, importer, distributor, or dispenser must report the theft or significant loss to a law enforcement officer. The failure to report is a misdemeanor.

Fraudulently obtaining, attempting to obtain, or providing a prescription for a controlled substance by concealment of a material fact (the existence of another prescription for a controlled substance for the same time period) when the controlled substance is not medically necessary for the patient is a third degree felony.

The bill enhances criminal offenses relating to theft and burglary involving controlled substances.

If approved by the Governor, these provisions take effect on July 1, 2011.
Vote: Senate 39-0; House 118-0

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Committee on Health Regulation

CS/HB 7107 — Medicaid Managed Care

by Appropriations Committee; Health and Human Services Committee; and Rep. Schenck (CS/CS/CS/SB 1972 by Budget Committee; Budget Subcommittee on Health and Human Services Appropriations; Health Regulation Committee; and Senators Negron, Gaetz, Garcia, and Hays)

The bill establishes the Medicaid program as a statewide, integrated managed care program for all covered services, including long-term care services. The Agency for Health Care Administration (AHCA) is directed to apply for and implement amendments to the Medicaid state plan or waivers of applicable federal laws and regulations by August 1, 2011, necessary to implement the program. The AHCA is directed to provide public notice and seek public comment before applying for such waivers and is required to include public feedback in waiver applications.

The new Medicaid program consists of two components:

- **Managed Medical Assistance**
  Provides medically-necessary primary and acute health care services such as doctor's visits, hospitalization, pregnancy care, prescription drugs, etc.
- **Managed Long-Term Care**
  Provides individuals who are aged and/or disabled, and who meet additional acuity levels, with additional services beyond routine health care needs such as adult day care, home delivered meals, personal care, case management, etc.

All Medicaid recipients will be enrolled in managed care plans unless specifically exempt. Recipients who are exempted include persons with limited eligibility or benefits and persons with developmental disabilities.

A variety of managed care plans may participate in the program. A recipient has a choice of plans and plan types that are contracted by the AHCA in the recipient's region of residence. Recipients may choose between insurers, exclusive provider organizations, health maintenance organizations (HMOs), and other managed care plans run by health care providers or groups of providers, such as provider service networks (PSNs) or accountable care organizations (ACOs). Recipients may also choose specialty plans with expertise in specific medical conditions.

Plans will compete for Medicaid contracts via an invitation-to-negotiate process based on specified qualifications, such as price, provider network adequacy, accreditation, community partnerships, additional benefit offerings, and performance history.

- Specific factors are identified for the AHCA to use in selecting bidders to participate in negotiations. Critical factors include:
  - Accreditation and experience
  - Sufficient primary and specialty physicians in the network
  - Community partnerships
  - Commitment to quality improvement

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  - Coverage of additional benefits including dental care and disease management
  - Evidence of established relationships with providers
  - Input from providers
  - Documentation of policies to prevent fraud and abuse
- Plans must reveal their business relationships so that one company cannot dominate a region and prevent Medicaid recipients from having a real choice among plans.
- Preference will be given to plans that demonstrate:
  - Signed contracts with primary and specialty physicians and with essential providers;
  - Well-defined programs for recognizing patient-centered medical homes and accountable care organizations;
  - Ability to produce a greater economic benefit by being headquartered in Florida and employing Floridians to meet contract terms;
  - Provider networks in which over 10 percent of providers use electronic health records;
  - A contract with AHCA to provide managed long-term care services in the same region;
  - Contracts or other arrangements for cancer disease management programs;
  - Contracts or other arrangements for diabetes disease management programs;
  - A process for prompt payment of claims.

There will be a limited number of plans in each of eleven regions to promote plan stability but also provide choices to recipients.

Insurers and HMOs will be prepaid on a full-risk basis via a monthly capitated rate designed to represent the costs needed to provide all medically necessary services in the aggregate during any month-long period. Capitation rates will be risk-adjusted based on patient encounter data. Risk-adjusted rates will ensure plans are paid more for sicker patients in order to allocate resources appropriately.

Provider service networks will have the option of assuming risk immediately or being paid on a fee-for-service basis for the first 2 years of operation, after which a PSN that initially opted to be paid via fee-for-service must convert to a full-risk capitation payment.

During the first year of the first contract term, managed care plans, including prepaid plans and PSNs paid via fee-for-service, must guarantee a savings of at least 5 percent from the amount they would have been paid in the previous year based on service area and population.

Managed care plans will be held accountable:

- Payment to physicians must be equal to or exceed Medicare rates after 2 years of continuous plan operation.
- Prescription drug formularies or preferred drug lists must be accessible on the plan's website.
- Prior authorization requests must be accepted electronically.
- Provider networks must meet specific adequacy standards, and plans must maintain an online database of network providers that can be used by consumers and the AHCA.

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- Valid encounter data must be submitted on time.
- Plans must provide quality data measures on their websites to allow recipients to compare plans.
- Plans must be accredited by a nationally recognized accrediting body or seek accreditation by such a body within one year of plan operation.
- Performance must continuously improve based on specific standards that are raised over the term of the contract.
- Active systems must be used to reduce the incidence of fraud and abuse.
- All recipients must have access to a grievance process.
- Financial penalties will be imposed and contracts will be terminated for reducing enrollment or withdrawing prior to the end of a contract term.
- Financial penalties will be imposed on plans that fail to comply with encounter data reporting requirements. If the plan does not comply within 90 days, its contract will be terminated.

Limits will be placed on how much profit can be earned by managed care plans to ensure that plans are not overspending on administration or earning profit at the expense of patient care. This system of "achieved savings rebates" will require plans that exceed an appropriate profit threshold to pay dollars back to the state, thereby eliminating an incentive to withhold appropriate spending on health care services:

- Administrative fees are restricted to actuarially appropriate levels.
- Effective management of care will achieve savings that will be shared with the state.
- Plans may retain a reasonable profit of up to a 5 percent margin. Plans must pay back a portion of profits above that threshold and must pay back all profits above a 10 percent margin.
- Plans can earn an additional one percent profit if they demonstrate exceptional performance.
- Plans will be required to perform and submit detailed audits to verify the achieved savings rebates.

Intergovernmental Transfer Process:

- Local funding sources may contribute funds to the state Medicaid program.
- Specific conditions apply to the local contributions.
- The Low Income Pool is restructured to function within a managed care environment.
- The Access to Care Partnership is created as a single organization representing all providers designated by local funding sources as eligible to receive support through the Low Income Pool.
- Any additional resources generated by the local contributions may be used to enhance hospital payment rates through a specific formula for hospitals classified in three tiers. All hospitals will receive some benefit from tiered rate increases.

Medicaid recipients will have an opportunity to choose among plans in their region. Those who do not choose a plan will be automatically enrolled, with a preference for enrollment in specialty

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plans if there is one available to serve their particular condition. This will ensure recipients are served by plans with expertise in their specific disease states.

The AHCA is directed to develop a process to enable a recipient with access to employer-sponsored coverage to opt-out of all Medicaid managed care plans and use Medicaid financial assistance to pay the recipient's share of the cost for the employer-sponsored coverage, and the AHCA is directed to seek federal approval to require such recipients to opt-out of Medicaid managed care in favor of their employer-sponsored coverage. The AHCA is also directed to seek federal approval to enable recipients with access to other insurance or related products that provide access to health care services, including products available under the Florida Health Choices program or any health exchange, to opt-out. The amount of financial assistance provided for any such recipient may not exceed the amount the Medicaid program would have paid to a Medicaid managed care plan for that recipient.

Participation in the Medicaid managed care medical assistance component by the Children's Medical Services Network will be under a single, statewide contract with the AHCA that is not subject to the program's procurement process or the regional limitation on the number of plans. However, the Children's Medical Services Network must meet all other plan requirements for the managed medical assistance component.

Managed Medical Assistance

The bill creates the managed medical assistance component for primary and acute care services. Implementation of the medical assistance component begins January 1, 2013, and is scheduled to be fully implemented by October 1, 2014. All mandatory and optional primary and acute care services are covered in the program, and plans can offer additional benefits.

Plans contracted for the medical assistance component must:

- Maintain adequate provider networks
- Monitor quality and performance standards of their providers
- Contract with Healthy Start Coalitions to improve outcomes for pregnant women and infants.
- Ensure at least 80 percent of their enrolled children receive their well-child screening by the end of the second year in pursuit of proper preventive care and treatment.

The bill requires medical assistance plans to contract with certain "essential providers," which include:

- Federally qualified health centers;
- Statutory teaching hospitals;
- Hospitals that are trauma centers;
- Hospitals located at least 25 miles from any other hospital with similar services;
- Faculty plans of Florida medical schools;
- Regional perinatal intensive care centers;
- Specialty children's hospitals;

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- Accredited and integrated systems serving medically complex children that comprise separately licensed, but commonly owned, health care providers delivering at least the following services: medical group home, in-home and outpatient nursing care and therapies, pharmacy services, durable medical equipment, and prescribed pediatric extended care.

The bill sets reimbursement mandates for plans that are unable to contract with essential providers.

The bill brings the Medically Needy population into managed care under certain conditions that are contingent on federal approval. After being deemed eligible for the Medically Needy program, recipients will be enrolled in managed care plans and pay a portion of the managed care plan premium, based on their income and share of cost as determined by the Department of Children and Families. The state will pay the remaining portion of the premium to the managed care plan.

Managed Long-term Care

The bill creates the managed long-term care component for Medicaid recipients eligible for long-term care services. Implementation of the long-term care component will begin July 1, 2012, and is scheduled to be fully implemented in all regions by October 1, 2013.

The managed long-term care component covers:

- Medicaid recipients who are age 65 or older, or age 18 or older and eligible for Medicaid by reason of a disability; and
- Determined by the Comprehensive Assessment Review and Evaluation for Long-term Care Services (CARES) program to require nursing facility care.

Medicaid recipients who, on the date long-term care plans become available in their region, reside in a nursing home facility or are enrolled in certain long-term care Medicaid waiver programs, are eligible to participate in the long-term care component for up to 12 months without being reevaluated for their need for nursing facility care.

There will be two types of long-term care plans:

- Comprehensive long-term care plans that combine medical assistance and long-term care services
- Long-term care plans that provide only long-term care services

Selection preference will be given to comprehensive plans so seniors can receive all services from one plan. Plans will provide residential care in nursing facilities or assisting living facilities. The plans also must offer a comprehensive range of home and community based services for the care of seniors or the disabled who need assistance but not round-the-clock nursing care. Eligible plans must have specialized staffing with experience in serving elders and the disabled.

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Long-term care plans must provide a complete range of services throughout their regions and must have needed providers such as nursing homes, assisting living facilities, and hospices in their networks.

A long-term care plan's network must include all of the following:

- Adult Day Center Centers
- Adult Family Care Homes
- Assisted Living Facilities
- Health Care Services Pools
- Home Health Agencies
- Homemaker and Companion Services
- Hospices
- Lead Agencies
- Nurse Registries
- Nursing Homes

Long-term care recipients who are referred to nursing homes or assisted living facilities will be informed of facilities within the plans that are associated with specific religious or cultural affiliations, and a reasonable effort must be made to place the recipient in the facility of their choice.

The bill provides an additional choice for hospice patients. When a senior is referred for hospice services, the senior will have a 30-day period in which to change plans if a preferred hospice provider is only available through another plan.

When a recipient does not choose a long-term care plan, auto-assignment will be based on the quality measures of plans in the region. Members of certain Medicare Advantage plans who are also Medicaid-eligible and who do not choose a Medicaid plan will be assigned to their Medicare Advantage plan for applicable Medicaid services if their Medicare Advantage plan has contracted with the AHCA for the Medicaid long-term care component.

Medicare Advantage plans that serve only individuals who are dually eligible (qualify for both Medicare and Medicaid) may enter into a contract with the AHCA and will not be subject to the procurement requirements contained in the bill. All other Medicare plans will be subject to competitive procurement.

Program for All Inclusive Care for the Elderly (PACE) plans are eligible plans and are not subject to the procurement process or region limits. They may continue to serve recipients at the enrollment caps set by the Legislature.

The bill focuses on keeping seniors in their homes as long as possible. Home and community based care is both required and rewarded. Payment rates for long-term care plans will be adjusted to create incentives for keeping individuals out of nursing homes when in-home accommodations and care can be arranged instead of nursing home care.

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Long-term care plans are required to pay nursing homes and hospices at payment levels established by the AHCA.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 28-11; House 79-39

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Committee on Health Regulation

CS/HB 7109 — Medicaid

by Appropriations Committee; Health and Human Services Committee; and Rep. Schenck (CS/CS/CS/SB 1972 by Budget Committee; Budget Subcommittee on Health and Human Services Appropriations; Health Regulation Committee; and Senators Negron, Gaetz, Garcia, and Hays)

The bill is designed to conform certain provisions of existing Medicaid law to CS/HB 7107 and authorizes a number of immediate changes to the Medicaid program. The bill also repeals numerous provisions on future dates to conform general Medicaid provisions to the full implementation of the Medicaid managed care program. The bill becomes effective only if CS/HB 7107 is enacted.

Persons with Developmental Disabilities

- The bill expands eligibility for the home and community-based waiver program for persons with developmental disabilities to include individuals diagnosed with Down Syndrome.
- If the Agency for Persons with Disabilities continues a deficit during fiscal year 2012-2013, the agency must submit a plan to the Legislature for a redesigned waiver program as an alternative to current waiver models. The new program model must include specific elements (e.g., budget predictability and redesigned support coordination services) and be approved by the Legislature before implementation on July 1, 2014.

Medicaid Program

- The bill expands the disqualification for receiving Medicaid benefits from 5 to 10 years for a person found to have committed Medicaid fraud.
- The Agency for Health Care Administration (AHCA) is directed to request federal approval to develop a system to require parents with household incomes greater than 100 percent of the federal poverty level to pay premiums or other cost sharing methods for home and community-based services for their developmentally disabled children.
- The AHCA is directed to request federal approval to require Medicaid recipients to pay $100 co-payments for nonemergency services provided in a hospital emergency department.
- The bill provides that Medicaid shall not pay for psychotropic medications for a child unless specifically authorized by the parent or guardian.
- The AHCA is directed to develop a process to enable a recipient with access to employer-sponsored coverage to opt-out of all Medicaid managed care plans and use Medicaid financial assistance to pay the recipient's share of the cost for the employer-sponsored coverage. The AHCA is also directed to seek federal approval to enable recipients with access to other insurance or related products that provide access to health care services, including products available under the Florida Health Choices program or any health exchange, to opt-out. The amount of financial assistance provided for any such recipient

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may not exceed the amount the Medicaid program would have paid to a Medicaid managed care plan for that recipient.

Medicaid Managed Care

- The AHCA is required to develop uniform accounting and reporting requirements for Medicaid managed care plans. The plans must begin reporting their medical and non-medical costs to the AHCA. This information must be made public will help ensure that plans are providing adequately managed, patient-centered care.
- Plans will be given advance notice and an opportunity to comment on any potential rate adjustments. The AHCA will perform a simulated rate-setting exercise prior to making rate adjustments, the results of which must be posted on the AHCA's website for 45 days.
- The current option for Medicaid recipients in one of the five Medicaid Reform pilot counties to use their Medicaid premium to purchase employer-sponsored insurance is permitted statewide. This option is further expanded (subject to federal approval) by allowing recipients to use their Medicaid dollars to pay for other insurance or products that may be available to them.
- The AHCA is authorized to exempt recipients from managed care on a case-by-case basis for specialized or unique, time-limited, and ongoing care that patients may be receiving at the time they enroll in Medicaid.
- The AHCA is required to contract with prepaid dental plans until Medicaid managed care is fully implemented in all regions under CS/HB 7107.

Hospital Rates

- The AHCA is directed to implement a methodology for establishing Medicaid reimbursement rates for each hospital based on allowable costs. The rates will be set once annually and the reconciliation period is limited. This process is designed to provide budgetary certainty and administrative simplification.
- The AHCA is directed to develop a plan to convert inpatient hospital rates to a prospective payment system that uses diagnosis related groups (DRG) and assigns a payment weight.
- The AHCA must submit the Medicaid DGR plan to the Governor and Legislature by January 1, 2013.

Provider Service Networks

- The same payment requirements applicable to provider service networks (PSNs) in the five Medicaid Reform pilot counties are applied to all PSNs statewide in order to prepare them for expansion of managed care under CS/HB 7107.
- PSNs may still be fee-for-service for a period of time, but specific requirements are established for shared savings and guidelines are defined for a reconciliation process that determines shared savings.
- A prepaid PSN that applies for and obtains a health care provider certificate from the AHCA, meets the surplus requirements for health maintenance organizations (HMOs) under the Insurance Code, and meets all other applicable requirements relating to the

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regulation of health maintenance organizations (HMOs), may obtain a certificate of authority under the Insurance Code relating to HMOs. A certified PSN is granted the same rights and responsibilities as a certified HMO. The bill creates an exception in the Insurance Code's solvency requirements for PSNs to specify that a PSN seeking a certificate of authority must meet the bill's surplus requirements instead of those under existing law.

MediPass

AHCA is directed to contract with a single PSN to function as a third party administrator and managing entity for the MediPass program in all counties with fewer than two prepaid plans. The contract will expire when the managed care program is fully implemented under the provisions of CS/HB 7107.

Medically Needy Program

- The AHCA is directed to immediately contract with a PSN to coordinate and manage the care of the Medically Needy. Such recipients will be continuously enrolled for a period of 6 months. The enrollees will pay their share of costs as a monthly premium and enrollees will be given a 90 day grace period for late payments of their share of costs.
- The Medically Needy contract with the PSN will expire when the managed medical assistance program is effective statewide under CS/SB 7107.
- Additionally the AHCA is directed to develop a plan for transitioning Medically Needy recipients into the managed medical assistance program. The AHCA is to immediately seek any federal authorization needed for the implementation.

Tort Reform

- To encourage greater participation by medical practitioners in the Medicaid program, the bill creates limitations on noneconomic damages for negligence of a practitioner providing services and care to a Medicaid recipient.
- Noneconomic damages may not exceed $300, 000 per claimant unless the claimant pleads and proves, by clear and convincing evidence, that the practitioner acted in a wrongful manner, defined as acting in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.
- An individual practitioner is not liable for more than $200,000 in noneconomic damages, regardless of the number of claimants, unless a claimant pleads and proves, by clear and convincing evidence, that the practitioner acted in a wrongful manner.
- For the bill's limitations on noneconomic damages, the term "practitioner," in addition to practitioners included in the definition under s. 766.118(1), F.S., includes hospitals, ambulatory surgical centers, and mobile surgical facilities.

The Department of Elder Affairs

- The Department of Elder Affairs (DOEA), which currently manages waivers related to elder care, will no longer manage the waiver programs once managed care is

implemented statewide under CS/HB 7107. However, the DOEA will still play key roles in transitioning their clients to managed care plans as the plans are available in each region.
- This bill recognizes that continued support of the DOEA is important to the Medicaid program and will still play a role in assessing or assisting recipients. CARES staff at the DOEA will continue to assist with initial assessments of an enrollee's level of care and will be responsible for assisting clients to interact with plans.
- Aging Resource Centers (ARCs) will provide enrollment and coverage information about the Medicaid managed care long-term care program under CS/HB 7107.
- ARCs can assist elders with information about services and long-term care managed care; help recipients resolve complaints; and make initial assessments about elders' needs.

Nursing Home Certificate of Need

- The bill extends the moratorium on certificates of need (CONs) for additional nursing home beds until the Medicaid managed care program under CS/HB 7107, is implemented statewide or October 1, 2016, whichever is earlier.
- Effective July 1, 2012, the bill prohibits the AHCA from imposing a sanction on a nursing home for failure to meet the Medicaid patient-day utilization conditions for that nursing home.

AHCA Reorganization

- The AHCA is directed to develop a reorganization plan for realignment of administrative resources of the Medicaid program to respond to changes in functional responsibilities and priorities necessary for implementation of CS/HB 7107.
- The reorganization plan must assess the AHCA's current capabilities, identify shifts in staffing and other resources necessary to strengthen procurement and contract monitoring functions, and establish an implementation timeline.
- The plan must be submitted to the Governor, the Speaker of the House of Representatives, and the President of the Senate by August 1, 2011.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 26-12; House 80-39

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Committee on Higher Education

CS/SM 1654 — CS/SM 1654 - Memorial to the U.S. Department of Education Regarding Postsecondary Programs

by Higher Education Committee and Senator Wise

This Senate Memorial provides the United States Department of Education with a list of the private postsecondary institutions that are exempt from licensure and are authorized to operate postsecondary education programs in Florida. The memorial complies with 34 CFR s. 600.9, by providing documentation necessary for the listed institutions and their students to remain eligible for federal student financial aid programs. The effective date of the new regulations is July 1, 2011, and state affirmation of these institutions must be completed by then in order to remain eligible for federal financial aid programs.

Vote: Senate Adopted; House Adopted

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Committee on Higher Education

CS/HB 7151 — Postsecondary Education

by Education Committee; K-20 Innovation Subcommittee; and Rep. Stargel (CS/CS/SB 1732 by Budget Subcommittee on Higher Education Appropriations; Higher Education Committee; and Senator Lynn)

This bill addresses aspects of the public postsecondary education system relating to efficiency, access and quality.

Duties Assigned to the Higher Education Coordinating Council

The Higher Education Coordinating Council must produce a report by December 31, 2011, to address:

- The primary core missions of public and non-public postsecondary education institutions in terms of the student access to education and the state's economic development goals;
- Performance measures across sectors relating to student preparedness, retention, transfer, and completion;
- The state's articulation policies to maximize cost benefits without jeopardizing quality and to ensure institutional compliance with the policies; and
- Workforce development education to align school district and Florida College System programs to ensure cost efficiency and mission delineation.

Articulation

The Department of Education (DOE) must use student performance data from postsecondary courses to determine the scores for which credit is to be granted for acceleration courses including the College Level Examination Program subject examination, the College Board Advanced Placement Program examination, the Advanced International Certificate of Education examination, and the International Baccalaureate examination. The scores may vary by subject area based on the student performance data.

The bill codifies the 11-member Articulation Coordinating Committee, which must be appointed by the Commissioner of Education, in consultation with the Chancellor of the State University System. The committee must review the statewide course numbering system, articulation agreements and articulation data; monitor the alignment between institutional requirements; and make recommendations relating to statewide articulation policies to the Higher Education Coordinating Council, the State Board of Education, and the Board of Governors.

The bill provides access to postsecondary education for individuals with intellectual disabilities by allowing reasonable substitutions for entry, admission to a program of study, and graduation requirements, as is currently provided to other students with disabilities. Students with intellectual disabilities are those with mental retardation or a cognitive impairment characterized by significant limitation in intellectual and cognitive functioning who are or were provided a free

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and appropriate public education under the Individuals with Disabilities Education Act. The proposed changes will align Florida statutes with the provisions of the Higher Education Opportunities Act and facilitate activities to help these students prepare for gainful employment.

Statewide consistency is established in postsecondary remediation policies by:

- Requiring the State Board of Education to establish by rule provisions for alternative remediation opportunities and retesting polices; and
- Requiring Florida College System institutions to advise students who have accumulated 12 college credit hours but who have not yet demonstrated proficiency in the basic competency areas regarding—
- The requirements for associate degree completion and state university admission;
- Information about future financial aid eligibility; and
- The potential financial cost of accumulating excess college credit.

Florida College System and State University System Management

The bill makes the following changes regarding the management of public postsecondary institutions:

- A community college board of trustees may request an investigation of the college president's actions by the DOE Inspector General who must provide a detailed report on the investigation and must refer potential legal violations to the appropriate authority;
- A college or university president may dispose of abandoned personal property without having to sell the items at an auction;
- The State Board of Education must review Florida College System institution budgets but is not required to approve them, leaving approval to the college boards of trustees; and
- The Board of Governors is authorized to adopt regulations instead of rules for six designated areas: building names, patents, contractor's bonds, lease agreements, delinquent accounts, and purchasing.

Repealed Statutes

The bill repeals the following statutory provisions:

- Obsolete statutory references to the College Level Academic Skills Test (CLAST);
- The University Concurrency Trust Fund which last was funded in 2007 and no longer contains funds;
- The Florida Business and Education Collaborative, which was never appointed; and
- The prohibition against a public college or university requiring a student who earns 9 or more credit hours through an acceleration mechanism to enroll in a summer term, thus permitting a state university or Florida College System institution to require summer term attendance by students.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-1; House 90-27

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Committee on Judiciary

CS/CS/CS/HB 1111 — Family Law

by Judiciary Committee; Health and Human Services Committee; Civil Justice Subcommittee; and Rep. Mayfield (CS/SB 1622 by Children, Families, and Elder Affairs Committee and Senator Flores)

This bill conforms Florida's Uniform Interstate Family Support Act (UIFSA) under ch. 88, F.S., to the current version of UIFSA, which was amended in 2008 and for which implementing legislation is pending approval by Congress, to be eventually adopted in each state. The 2008 UIFSA amendments were made to fully incorporate the provisions promulgated by the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Maintenance Convention). The 2008 UIFSA amendments affect existing state laws, including guidelines for the registration, recognition, enforcement, and modification of foreign support orders from other countries that are parties to the Maintenance Convention. The bill builds on previously existing Florida law providing uniform standards for interstate enforcement of support orders to include enforcement procedures internationally. The bill designates the Department of Revenue as the support enforcement agency of the state, and it directs the department to apply for a waiver from the Federal Office of Child Support Enforcement pursuant to the state plan requirement under the Social Security Act upon passage of the bill.

In addition, the bill revises Florida law relating to alimony to:

- Provide that the court determine the proper type and amount of alimony or maintenance pursuant to statutory provisions that contain descriptions of the different types of alimony;
- Specify that durational alimony can be awarded following a long-term marriage if there is no need for permanent support;
- Require a showing of clear-and-convincing evidence to award permanent alimony in the case of a marriage of moderate duration;
- Require written findings of exceptional circumstances to award permanent alimony after a short-term marriage;
- Require the court to find that no other form of alimony is fair and reasonable before awarding permanent alimony;
- Specify that an alimony award may not leave the paying parting with significantly less income than the receiving party unless there are written findings of exceptional circumstances; and
- Specify that these provisions apply to all initial awards of alimony and modifications of awards of alimony entered after the effective date, but do not serve as a basis to modify awards entered before the effective date. The provisions are applicable to all cases pending on or filed after the effective date.

If the bill is approved by the Governor, the support provisions take effect upon the earlier of 90 days following Congress amending federal law to allow or require states to adopt the 2008 version of the Uniform Interstate Family Support Act, or 90 days following the state obtaining a

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waiver of its state plan requirement under the Social Security Act. The provisions in the bill amending guidelines for the determination of alimony awards take effect July 1, 2011.
Vote: Senate 35-0; House 117-0

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Committee on Judiciary

SB 1142 — Adverse Possession

by Senator Dockery

Under the statute governing adverse possession, a person who occupies land continuously without color of title (i.e., without any legal document to support a claim for title) may seek title to the property. The person must file a return with the county property appraiser's office within one year of entry onto the property and pay all property taxes and any assessed liens during the possession of the property for seven consecutive years. The adverse possessor may demonstrate possession of the property by showing that he or she protected the property by a substantial enclosure (typically a fence) or cultivated or improved the property.

The bill amends the current statutory process for gaining title to real property via an adverse possession claim without color of title. Specifically, the bill:

- Includes occupation and maintenance as one of the forms of proof of possession of property subject to an adverse possession claim;
- Requires the property appraiser to provide notice to the owner of record that an adverse possession claim was made;
- Specifies that the Department of Revenue must develop a uniform adverse possession return;
- Requires the adverse possessor to provide a "full and complete" legal description of the property on the return;
- Requires the adverse possessor to attest to the truthfulness of the information provided in the return under penalty of perjury;
- Requires an adverse possessor to describe, on the return, how he or she is using the property subject to the adverse possession claim;
- Includes emergency rulemaking authority for the Department of Revenue related to the adverse possession return;
- Prescribes procedures governing an adverse possession claim against a portion of an identified parcel of property, or against property that does not currently have a unique parcel identification number;
- Specifies when the property appraiser may add and remove the adverse possessor to and from the parcel information on the tax roll;
- Requires property appraisers to include a notation of an adverse possession claim in any searchable property database maintained by the property appraiser;
- Provides for priority of property tax payments made by owners of record by allowing for refunds of tax payments made by adverse possessors who submit a payment prior to the owner of record; and
- Provides that tax notices must be sent to the owner of property subject to an adverse possession claim even if the county commission has authorized the tax collector to not send out tax notices for bills under a certain amount.

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If approved by the Governor, these provisions take effect July 1, 2011. The provisions apply to adverse possession claims in which the return was submitted on or after that date, except for the procedural provisions governing the property appraiser's administration of the adverse possession claims included in proposed s. 95.18(4)(c) and (d) (requiring the property appraiser to add a notation of the adverse possession filing and maintain a copy of the return) and (7), F.S. (delineating when the property appraiser shall remove the adverse possession notation). These latter provisions will apply to adverse possession claims in which the return was submitted before, on, or after July 1, 2011.
Vote: Senate 39-0; House 117-0

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Committee on Judiciary

CS/HJR 1471 — Religious Freedom

by Judiciary Committee and Rep. Plakon and others (SJR 1218 by Senator Altman)

The joint resolution amends s. 3, Art. I, of the State Constitution relating to religious freedom. The resolution:

- Repeals a limit on the power of the state and its subdivisions to spend funds "directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution." The repealed provision is often cited as a "Blaine Amendment."
- Provides that government may not deny the benefits of any program, funding, or other support on the basis of religious identity or belief, except to the extent required by the First Amendment to the United States Constitution.

If approved by at least 60 percent of the electors voting on the measure at the November 2012 general election, the constitutional amendment will take effect January 8, 2013.
Vote: Senate 26-10; House 81-35

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Committee on Judiciary

HB 4067 — Residence of the Clerk of the Circuit Court

by Rep. McBurney (SB 1100 by Senator Detert)

The State Constitution provides for there to be an elected clerk of the circuit court in each county. The constitution also requires, in every county, that there be a county seat at which the principal offices and permanent records of the county are located.

Section 28.08, F.S., requires the clerk of the circuit court, or a deputy, to reside at the county seat or within two miles of the county seat. The Legislature enacted the law in 1871. The act creating the requirement included the same requirement applicable to the county sheriff. The original act required compliance within three months, and it allowed the court to fine the clerk between $100 and $500 for noncompliance.

This bill (Chapter 2011-10, L.O.F.) repeals the statutory requirement for the clerk of the circuit court, or a deputy, to reside at the county seat or within two miles of the county seat.

These provisions were approved by the Governor and take effect July 1, 2011.
Vote: Senate 38-0; House 118-0

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Committee on Judiciary

HB 7081 — Open Government Sunset Review/Statewide Public Guardianship Office

by Government Operations Subcommittee and Rep. Bileca (CS/SB 572 by Governmental Oversight and Accountability Committee and Judiciary Committee)

The bill saves from repeal the public-records exemption under s. 744.7082(6), F.S., for the identity of donors or potential donors to the direct-support organization affiliated with the Statewide Public Guardianship Office. The exemption currently is scheduled for repeal on October 2, 2011, unless retained by the Legislature following a review under the Open Government Sunset Review Act.

If approved by the Governor, these provisions take effect October 1, 2011.
Vote: Senate 36-0; House 114-0

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Committee on Judiciary

HB 7083 — Open Government Sunset Review/Interference with Custody

by Government Operations Subcommittee and Rep. Young (SB 570 by Judiciary Committee)

This bill is the result of the Legislature's Open Government Sunset Review of a public-records exemption for information submitted to the sheriff or state attorney for the purpose of obtaining immunity from prosecution for the offense of interference with custody.

Under the offense of interference with custody, it is a third-degree felony for any person – without legal authority – to knowingly or recklessly take a minor or any incompetent person from the custody of his or her parent, a guardian, a public agency in charge of the child or incompetent person, or any other lawful custodian. It is also a third-degree felony – in the absence of a court order determining custody or visitation rights – for a parent, stepparent, legal guardian, or relative who has custody of a minor or incompetent person to take or conceal the minor or incompetent person with a malicious intent to deprive another person of his or her right to custody.

There is an exception, however, in cases in which a person is the victim of domestic violence, has reasonable cause to believe he or she is about to become the victim of domestic violence, or believes that the action was necessary to preserve the minor or the incompetent person from danger. For the exception to apply, a person who takes a minor or incompetent person must, within 10 days of the taking, make a report to the sheriff or state attorney for the county in which the minor or incompetent person resided. The report must include the name of the person taking the minor or incompetent person, the current address and telephone number of the person and the minor or incompetent person, and the reasons the minor or incompetent person was taken.

Currently, the public-records exemption protects from disclosure the current address and telephone number of the person who takes a minor or incompetent person, as well as the address and telephone number of the minor or incompetent person, contained in the report to the sheriff or state attorney. The bill retains the public-records exemption by deleting language providing for the scheduled repeal of the exemption. The exemption will expire on October 2, 2011, unless the reenactment by the Legislature becomes law.

If approved by the Governor, these provisions take effect October 1, 2011.
Vote: Senate 38-0; House 114-0

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Committee on Judiciary

HB 7085 — Open Government Sunset Review/Court Monitors in Guardianship Cases

by Government Operations Subcommittee and Rep. Young (SB 568 by Judiciary Committee)

Court monitoring is a mechanism courts use to review a guardian's activities, assess the well-being of the ward, and ensure that the ward's assets are being protected. Court monitors may be appointed by a court, on a nonemergency or an emergency basis, upon inquiry by an interested person or upon its own motion. A court monitor has the authority to investigate, seek information, examine documents, and interview the ward. The court monitor's findings must be reported to the court, and if it appears from the monitor's report that further action by the court is necessary to protect the ward's interests, the court must hold a hearing and enter any order necessary to protect the ward.

In conjunction with the creation of the court monitor system in guardianship proceedings, the Legislature created exemptions from public access to judicial records related to court monitors. This bill is the result of the Legislature's Open Government Sunset Review of the public-records exemptions for orders appointing nonemergency and emergency court monitors, monitors' reports, and orders finding no probable cause in guardianship proceedings.

The bill retains the public-records exemptions and makes organizational changes for clarity. The bill also removes the confidential status of court orders appointing nonemergency court monitors and makes these orders exempt rather than confidential and exempt. In addition, the bill eliminates a reference to "court determinations" in the public-records exemption relating to determinations and orders finding no probable cause for further court action because, in practice, the probable cause determination is typically contained in a written order included in the guardianship file.

These public-records exemptions stand repealed on October 2, 2011, unless the reenactment by the Legislature becomes law.

If approved by the Governor, these provisions take effect October 1, 2011.
Vote Senate 38-0; House 113-0
Vote: Senate 38-0; House 113-0

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Committee on Judiciary

CS/HJR 7111 — Judiciary

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Eisnaugle and others (SJR 2084 by Judiciary Committee)

The joint resolution revises Art. V of the State Constitution, relating to the Judiciary, as follows:

- Currently, justices of the Florida Supreme Court are selected by the Governor from a list of qualified candidates nominated by a judicial nominating commission. This joint resolution adds a requirement that a Supreme Court justice appointed by the Governor must be confirmed by the Senate to take office. Under the proposed constitutional amendment, the Senate is authorized to meet for purposes of the confirmation regardless of whether the House of Representatives is in session. If the Senate fails to vote on the appointment within 90 days, the justice is deemed confirmed. If the Senate votes to not confirm the appointment, the judicial nominating commission shall reconvene but may not renominate the same person to fill that same vacancy.
- Currently, the Constitution authorizes the Supreme Court to adopt rules for the practice and procedure in all courts. Court rules may be repealed by a two-thirds vote of the membership of each house of the Legislature. This proposed amendment authorizes repeal of a court rule by general law (a simple majority), provided that the general law expresses the policy rationale for the repeal. The Court may not readopt a rule without conforming the rule to the expressed policy reasons for the repeal. If the Legislature repeals a readopted rule, the Court may not readopt the rule again without prior legislative approval.
- Currently, the Constitution authorizes the House of Representatives to investigate charges against a judge and allows the House to request information in the possession of the Judicial Qualifications Commission (JQC) "for use in consideration of impeachment." Accordingly, the House of Representatives cannot review the JQC files in general. This joint resolution would allow the House of Representatives, at the Speaker's request, to review all files of the JQC without regard to whether the request is specifically related to impeachment considerations. The information would remain confidential during any investigation and until the information is used in the pursuit of impeachment.

The joint resolution includes three different ballot summaries. The joint resolution directs that the first summary will be placed on the ballot, and that each subsequent summary will be placed on the ballot in the event that a court declares the preceding ballot summary defective and the decision of the court is not reversed.

If approved by at least 60 percent of the electors voting on the measure at the November 2012 general election, the constitutional revision will take effect January 8, 2013.
Vote: Senate 24-11; House 80-38

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Committee on Military Affairs, Space, and Domestic Security

CS/CS/HB 1141 — Ad Valorem Tax Exemption/Deployed Servicemembers

by Finance and Tax Committee; Community and Military Affairs Subcommittee; and Rep. Steube and others (CS/CS/SB 1502 by Budget Committee; Military Affairs, Space, and Domestic Security Committee; and Senators Simmons, Dean, and Altman)

The bill implements an amendment (Amendment 2) to s. 3, Art. VII of the State Constitution, which was approved by voters in the November 2010 General Election. The constitutional amendment provides an additional homestead property tax exemption for a member or former member of the United State military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard who receives a homestead exemption and was deployed in the previous year on active duty outside the continental United States, Alaska, or Hawaii in support of a designated military operation. The exempt amount is based upon the taxable value of the homestead of the servicemember on January 1 of the year in which the exemption is sought multiplied by the number of days that the servicemember was on a qualifying deployment in the preceding calendar year and divided by the number of days in that year.

The bill designates that servicemembers who were deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn are eligible for the exemption.

The bill requires the Department of Military Affairs to annually submit to the Legislature a report of all known and unclassified military operations outside the continental United States, Alaska, or Hawaii for which servicemembers based in the continental United States have been deployed during the previous calendar year.

The bill also provides procedures to claim the exemption, in which a servicemember, or a qualified designee, must file an application for exemption with the property appraiser on or before March 1 of the year following the year of the qualifying deployment. The bill requires the Department of Revenue (DOR) to prescribe a form for the application of the exemption and also permits DOR to adopt emergency rules to administer the provisions in the bill.

In addition, the bill provides procedures for property appraisers to apply or deny the partial ad valorem tax exemption.

Finally, the bill provides special provisions relating to the implementation of the tax exemption for the 2010 calendar year, in which the exemption will be applied to the ad valorem tax rolls for 2011. The deadline for eligible servicemembers to claim the additional tax exemption for a qualifying deployment during the 2010 calendar year is June 1, 2011.

If approved by the Governor, these provisions take effect upon becoming law, and first apply to ad valorem tax rolls for 2011.

Vote: Senate 38-0; House 116-0

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Committee on Military Affairs, Space, and Domestic Security

HB 1165 — Driver's Licenses and Identification Cards

by Rep. Holder and others (SB 1190 by Senators Detert, Richter, Benacquisto, Evers, Montford, Braynon, Lynn, Storms, Latvala, Diaz de la Portilla, Norman, Garcia, Fasano, Altman, Simmons, Gaetz, Thrasher, Hill, Siplin, Bennett, Sachs, and Hays)

The bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to provide a veteran of the United States Armed Forces the option to receive a capital “V” to be displayed on his or her driver’s license or identification card to signify veteran status. In order to receive a capital “V” on either of these documents, a veteran must present his or her DD Form 214 (a “Certificate of Release or Discharge from Active Duty," promulgated by the United States Department of Defense) to the DHSMV, along with an additional $1 fee.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 39-0; House 113-0

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Committee on Regulated Industries

CS/CS/CS/HB 1195 — Condominium, Cooperative, and Homeowners' Associations

by Judiciary Committee; Economic Affairs Committee; Civil Justice Subcommittee; and Reps. Moraitis and Grant (CS/CS/CS/SB 530 by Budget Committee; Community Affairs Committee; Regulated Industries Committee; and Senators Fasano and Sachs)

The bill clarifies existing law relating to the installation of manual fire alarm systems for condominiums, cooperatives, or multifamily residential buildings that are less than four stories. It revises laws related to condominium, homeowner, and cooperative associations (community associations). The bill amends provisions that are applicable to each type of community association.

The bill makes the following changes for all community associations:

- Provides for the suspension of use rights and election rights of unit or parcel owners who are more than 90 days delinquent in the payment of a monetary obligation and for failure to comply with the association's governing documents;
- Provides for the suspension of use rights and election rights of unit or parcel owners who are more than 90 days delinquent in the payment of a monetary obligation; and
- In regards to the association's collection of unpaid monetary obligations from a unit or parcel owner's tenant, the bill specifies the statutory form for the written notice that the association must provide to the tenant if the association demands that the tenant make rental payments to the community association rather than to the unit or parcel owner.

For condominium and homeowners' associations the bill provides that an association that acquires title to a unit through the foreclosure of its lien for assessment is not liable for any unpaid assessments, late fees, interest, or reasonable attorney's fees and costs that came due before the acquisition of title in favor of any other condominium association or homeowners' association which holds superior lien interest on the unit or parcel.

Regarding condominium associations, the bill:

- Includes unit owner facsimile numbers as a record to be maintained by the association;
- Permits condominium unit owners to consent to the disclosure of protected information, e.g., name and telephone numbers for a membership directory;
- Permits unit owners to have access to written employment agreements or budgetary or financial records that indicate the compensation paid to an association employee;
- Permits condominium associations to hold closed meetings to discuss personnel matters;
- Authorizes condominium association boards to install impact glass or other code-compliant windows;
- Provides that the newly elected or appointed board members may, in lieu of the written certification, submit a certificate of having satisfactorily completed an educational curriculum on condominium law within one year before or 90 days after the date of election or appointment;

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- Requires a vote of, or written consent by, a majority of the total voting interests of an association in order to enter into agreements and to acquire leaseholds, memberships and other possessory or use interests in lands or facilities;
- Provides for the partial termination of a condominium property;
- Provides for the termination of a condominium property by a unit owner upon filing a petition seeking equitable relief in instances in which the condominium includes units and timeshare estates where improvements have been totally destroyed or demolished; and
- Revises provisions related to bulk assignees and bulk buyers.

Regarding homeowners' associations, the bill:

- Clarifies the definition of "declaration of covenants";
- Permits parcel owners to consent to the disclosure of protected information, e.g., names and telephone numbers for a membership directory;
- Permits unit owners to have access to written employment agreements or budgetary or financial records that indicate the compensation paid to an association employee;
- Provides limitations on who may serve on the board of directors of a homeowners' association; and
- Authorizes and provides procedures for homeowners' associations to contract for communications, information, or Internet services on a bulk rate basis.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-0; House 113-1

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Committee on Regulated Industries

CS/CS/SB 1196 — Construction Liens

by Commerce and Tourism, Regulated Industries, and Senator Bogdanoff

This bill revises the procedures for protecting a leased property from a construction lien when the improvement is contracted for by a tenant of the property. The bill provides that a lessor may file a memorandum of the lease, in lieu of a copy of the lease, in the official records of the county where the leased property is located. In the alternative, a lessor may file a notice advising that leases for property located on a parcel of land prohibit liens in the official records of the county where the land is located. The notice must contain the name of the lessor, legal description of the parcel of land, the specific language contained in the lease or leases, and a statement that all or a majority of the leases expressly prohibit these types of liens. The bill requires the notice to be filed prior to the filing of any Notice of Commencement for work on the leased property. The bill provides that a contractor may file a demand on the lessor for a verified copy of the terms in the lease. Failure of the lessor to comply with a demand may result in a contractor being able to file a lien against the lessor's property. In addition, the bill provides that the lessor must be listed on the Notice of Commencement as the owner of the property.

If approved by the Governor, these provisions take effect October 1, 2011.
Vote: Senate 38-0; House 118-0

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Committee on Regulated Industries

CS/CS/SB 1430 — Regulation of Smoking

by Education Pre-K-12 Committee, Regulated Industries Committee, and Senator Altman

The bill provides an exception to the state's preemption of smoking regulation to authorize district school boards to restrict smoking by persons on school district property.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-1; House 117-0

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Committee on Rules Subcommittee on Ethics and Elections

CS/CS/HB 1355 — Elections

by State Affairs Committee; Government Operations Subcommittee; and Rep. Baxley and others (CS/CS/SB 2086 by Rules Committee and the Rules Subcommittee on Ethics and Elections)

CS/CS/HB 1355 is an omnibus elections bill consisting primarily of the Secretary of State's election administration and campaign finance packages, along with numerous other significant changes to the Florida Election Code that include:

- **Joint Resolutions**: providing for alternative ballot summaries and/or the full text of a constitutional amendment proposed by joint resolution to be placed on the ballot; providing lead-time until the end of 2013 for voting systems to be modified to accommodate the full text of an amendment; creating a presumption that placing the full text on the ballot provides electors adequate notice of what they're voting on; containing procedures for curing defective ballot summaries; making the provisions of this section retroactive to joint resolutions passed during the 2011 legislative session.
- **Early Voting**: providing for a more compressed, 8-day early voting period that's closer to election day — from the 10th to the 3rd day before the election — while maintaining the current 96 totalhours of early voting should supervisors deem it necessary in their counties; requiring early voting at each site to be open for a minimum of 6 hours and a maximum of 12 hours per day.
- **Third-Party Voter Registration Organizations**: requiring such groups to submit voter registration applications within 48 hours of receipt instead of 10 days, identify registration agents collecting applications, and act as a fiduciary to voters whose applications have been collected; requiring registration forms to contain certain identifying information; mandating that the Florida Division of Elections maintain a database of forms issued to third-party voter registration groups; applying the provisions of this section retroactively to existing third-party voter registration groups.
- **Address Changes at the Polls**: allowing voters to change their addresses on election day and still vote a regular ballot, provided the elector is: 1) voting in the same county in which they originally registered to vote; or, 2) an active military member or in the same family with an active military member. Other electors making inter-county address changes at the polls would be required to vote a provisional ballot.
- **Citizen Initiative Petitions**: reducing the shelf-life of initiative petition signatures proposing constitutional amendments from 4 years to 2 years.
- **Reporting Election Results**: requiring county canvassing boards to report all early voting and tabulated absentee ballots to the Department of State within 30 minutes after the polls close, and to subsequently report all results (other than provisional ballots) every 45 minutes until complete.
- **Presidential Preference Primary (PPP) Date**: eliminating the current date for the Presidential Preference Primary (last Tuesday in January) and creating a 10-member PPP Date Selection Committee, which will establish the PPP date every four years to fall between the beginning of January and the beginning of March; the date must be selected by October 1 of the year preceding the presidential election.

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- **State Primary Date**: moving the State's primary election from 10 weeks to 12 weeks before the general election (i.e., August 14, 2012).
- **Party Switching**: prohibiting would-be candidates from seeking a party's nomination to an office if the person was a member of any other political party for a year preceding qualifying.
- **Binding Directives**: empowering the Secretary of State to provide writtendirection to supervisors of elections on matters relating to their official duties under the Florida Election Code or department rule.
- **Absentee Ballots**: standardizing the time frames during which absentee ballots are mailed to military, overseas, and other voters; allowing county canvassing boards to begin canvassing absentee ballots at 7 a.m. on the 15th day before an election instead of the 6thday.
- **Election Law Violations**: correcting an oversight in current law by providing that an administrative law judge in the Division of Administrative Hearings has the same authority as the Florida Elections Commission to impose civil penalties for election law violations.
- **Voter Information Cards**: adding the polling place address to voter information cards, and requiring supervisors of elections to comply with this requirement with respect to all voter information cards issued after August 1, 2012.
- **Poll Watchers**: bringing greater transparency and flexibility to poll watcher procedures by providing for "at-large" poll watchers.
- **Random Audits**: specifying that if a manual recount was conducted, a post-election, random audit of the voting system is not required.
- **Campaign Finance Automatic Fines**: increasing the penalty for committees of continuous existence that late-file their finalcampaign finance report due before a primary or general election for the first three days the report is late, from $50 per day to $500 per day (to conform to current law regarding political committee and candidate filings).
- **County Candidates/Reapportionment**: allowing county candidates who are seeking to qualify by petition in an apportionment year to obtain the required number of signatures from any registered voter in the respective county, regardless of district boundaries.

If approved by the Governor and except as otherwise provided, these provisions take effect upon becoming law.
Vote: Senate 25-13; House 77-38

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Committee on Rules Subcommittee on Ethics and Elections

HB 7159 — OGSR; Commission on Ethics Audits and Investigations

by Government Operations Subcommittee and Rep. Patronis (SB 2056 by Rules Subcommittee on Ethics and Elections)

House Bill 7159 is the result of an Open Government Sunset Review of an existing exemption for records and meetings relating to an audit or investigation of lobbyists, principals of lobbyists, and lobbying firms who lobby the executive branch or the Constitution Revision Commission. The exemption applies only until either the Commission determines whether probable cause exists to believe a violation of the executive branch lobbying and reporting provisions occurred or until the subject of the audit or investigation waives confidentiality in writing. The bill permanently reenacts the existing exemption but clarifies that only portions of meetings conducted pursuant to such an audit or investigation are confidential. The clarification prevents the Commission from hearing otherwise public matters in a confidential or executive session.

If approved by the Governor, these provisions take effect October 1, 2011.
Vote: Senate 38-0; House 113-0

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Committee on Transportation

HB 4009 — Outdoor Theaters

by Rep. Workman (SB 1624 by Senator Lynn)

The bill repeals ch. 555, F.S., relating to outdoor theaters. The repeal removes the statutory requirements concerning access to and from outdoor theaters from public roads and other requirements that specifically apply to outdoor theaters.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 35-0; House 117-0

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Committee on Transportation

HB 4019 — Traffic Offenses

by Rep. Workman (SB 1630 by Senator Lynn)

The bill (Chapter 2011-9, L.O.F.) repeals a prohibition on coasting in a motor vehicle, with the gears of the vehicle in neutral or the clutch disengaged, while traveling on a downgrade.

These provisions became law upon approval by the Governor on April 27, 2011.
Vote: Senate 38-0; House 119-0

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