

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Agriculture**

**SB 158 — Civil Liability of Farmers**

by Senators Evers and Latvala

This bill expands and clarifies a farmer’s protection from civil liability in negligence actions brought by a person the farmer gratuitously allows upon the farmer’s land to remove farm produce or crops.

Under existing law, if a farmer allows a person onto a farm without charge to harvest crops or produce leftover *after* the farm is harvested, the farmer is not liable for damages caused by the condition of the crops or produce or the condition of the land. Under the bill, a farmer may allow a person to harvest crops or produce *at any time* without being liable for the condition of the crops or produce or the condition of the land.

Under existing law, a farmer may be liable for damages caused by dangerous conditions not disclosed by the farmer to a person who is allowed to harvest leftover crops or produce. Under the bill, the farmer is liable for those damages that result from the failure of the farmer to warn of a dangerous condition of which the farmer has “actual knowledge” unless the dangerous condition would be obvious to a person entering upon the farmer’s land. The farmer, however, as under existing law, remains liable for injury or death directly resulting from the farmer’s gross negligence or intentional acts.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-0; House 113-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Agriculture**

**CS/CS/SB 420 — Animal Control**

by Appropriations Committee; Community Affairs Committee; and Senator Grimsley

The bill provides a procedure for adopting or humanely disposing of impounded livestock (excluding cattle) as an alternative to sale or auction. Notice of the impounded livestock must be provided in specified methods by county sheriffs or animal control centers. The bill requires the sheriff or animal control center to establish fees and be responsible for damages caused while impounding the livestock. The bill grants municipalities with certified animal control officers the same powers as counties and societies or associations for investigating animal cruelty cases. Finally, the bill provides additional, supplemental, and alternative laws for enforcing county or municipal codes or ordinances, but clarifies that it does not prohibit a county or municipality from enforcing its own codes or ordinances by any other means.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Appropriations**

**CS/SB 426 — Trust Funds of the Department of Education and the Board of Governors of the State University System**

by Appropriations Committee and Senator Gaetz

The bill (Chapter 2015-7, L.O.F.):

- Terminates five obsolete trust funds within the Department of Education or Board of Governors of the State University System: the Building Fee Trust Fund, the Replacement Trust Fund, the University Concurrency Trust Fund, the Law Enforcement Trust Fund, and the Uniform Payroll Trust Fund.
- Clarifies the administration of the Capital Improvement Fee Trust Fund by statutorily placing it under the Board of Governors, where it currently resides in practice, and directs state universities to deposit proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act into the appropriate local account.

These provisions were approved by the Governor and take effect July 1, 2015.

*Vote: Senate 38-0; House 114-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Appropriations**

**CS/SB 428 — Trust Funds Administered by the Department of Environmental Protection**

by Appropriations Committee and Senator Hays

The bill (Chapter 2015-8, L.O.F.):

- Codifies in Florida Statutes five existing trust funds in the Department of Environmental Protection (DEP). These include the Administrative Trust Fund, the Environmental Lab Trust Fund, the Working Capital Trust Fund, the Air Pollution Control Trust Fund, and the Minerals Trust Fund. There are no changes to current law related to these trust funds.
- Directs federal grant revenue be deposited into the Federal Grants Trust Fund instead of the Grants and Donations Trust Fund. All federal grant balances are transferred to the Federal Grants Trust Fund. This modification conforms the DEP's trust funds to chapter 215, F.S., provisions for statewide consistency.
- Modifies the percentage distribution of revenue within the Solid Waste Management Trust Fund for solid waste management and mosquito control programs to reflect historical funding in the General Appropriations Act and the Implementing Bill.

These provisions were approved by the Governor and take effect July 1, 2015.

*Vote: Senate 38-0; House 114-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Appropriations**

**SB 430 — Central Florida Beltway Trust Fund/Department of Transportation**  
by Senator Latvala

The bill (Chapter 2015-9, L.O.F.) terminates the Central Florida Beltway Trust Fund within the Department of Transportation and repeals s. 338.250, F.S., and s. 2(2)(a) of ch. 2004?235, L.O.F.

The trust fund was created to support the environmental mitigation efforts for projects the department was authorized to construct as part of the Central Florida Beltway and was funded with bond proceeds.

Construction of the projects is complete and payment of all outstanding debt has been made.

The trust fund has no cash balance and no future receipts are anticipated.

?AUTOTEXTLIST?? \s "SS Effective Date" \t "Right-click to drop down list, left-click to select" These provisions were approved by the Governor and take effect July 1, 2015.

*Vote: Senate 38-0; House 112-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/CS/HB 165 — Property and Casualty Insurance**

by Regulatory Affairs Committee; Government Operations Appropriations Subcommittee; Insurance and Banking Subcommittee; and Rep. Santiago (CS/CS/SB 258 by Appropriations Committee; Banking and Insurance Committee; and Senator Brandes)

The bill makes the following changes to statutes relating to property and casualty insurance:

- Limits the requirement that the chief executive officer or chief financial officer and the chief actuary of a property insurer must certify a rate filing to full property insurance rate filings. Most commercial nonresidential property insurers are not statutorily required to make full rate filings, and thus will no longer have to complete certifications.
- Current law requires the Office of Insurance Regulation (OIR) to consider projected hurricane losses using a model or method found reliable by the Florida Commission on Hurricane Loss Methodology when reviewing a rate filing. This bill increases from 60 days to 120 days the time an insurer is not required to use the newest version of an approved hurricane model.
- Clarifies that commercial property insurance and commercial casualty insurance, other than commercial residential multiperil insurance, is exempt from the requirement to make an annual base rate filing with the OIR.
- Establishes a uniform 120-day advance written notice of nonrenewal, cancellation, or termination for personal and commercial lines residential property insurance policies.
- Clarifies that an insurer has to notify a policyholder of the availability of neutral evaluation of a sinkhole claim only if there is coverage available under the policy and the claim was submitted within the statutory timeframe.
- Amends a provision in the personal injury protection statute to resolve an ambiguity relating to the applicability of medical fee schedules.
- Creates exemptions to the preinsurance inspection requirements for private passenger automobiles.
- Repeals a prohibition against using the existence of the Florida Insurance Guaranty Association (FIGA) for the purpose of sales, solicitation, or inducement to purchase insurance. Such solicitations are required to explain the coverage limits of FIGA which apply to the type of insurance described in the advertisement or solicitation.

The bill has no fiscal impact.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-1; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/HB 189 — Insurance Guaranty Associations**

by Finance and Tax Committee and Rep. Cummings (CS/CS/SB 600 by Commerce and Tourism Committee; Banking and Insurance Committee; and Senator Richter)

The bill clarifies the statutory accounting treatment of assessments levied by the Florida Insurance Guaranty Association (FIGA) and codifies the Office of Insurance Regulation's interpretation for such treatment. The FIGA provides a mechanism for payment of covered claims of an insolvent property and casualty insurer, and may levy regular assessments and emergency assessments to raise funds to pay the claims. An insurer may recoup such assessments from policyholders. The bill provides that such assessments are generally admissible assets for purposes of determining the financial condition of an insurer.

The bill also clarifies that the Florida Life and Health Insurance Guaranty Association must review policies, contracts, and claims of both foreign and domestic insurer-members.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-0; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/CS/SB 252 — Insurance**

by Rules Committee; Judiciary Committee; Banking and Insurance Committee; and Senator Smith

The bill provides that the absence of a countersignature does not affect the validity of a property, casualty, or surety insurance policy or contract. This could reduce the risk that an insured loses coverage due to events the insured cannot control. Current law provides that no property, casualty, or surety insurer shall assume direct liability unless the policy or contract of insurance is countersigned by a licensed agent.

The bill amends the definition of financial guaranty insurance to provide that financial guaranty insurance does not include guarantees of higher education loans unless they are written by a financial guaranty insurance corporation.

The bill allows a foreign or alien insurer applying for a certificate of authority to submit a copy of the report of the most recent examination that is up to 5 years old as of the date of the insurer's application.

The bill changes the due date for certain annual and biennial reports to the President of the Senate and Speaker of the House of Representatives from January 1 to January 15.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 114-0*



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/HB 273 — Insurer Notifications**

by Insurance and Banking Subcommittee and Rep. Perry (CS/CS/SB 202 by Commerce and Tourism Committee; Banking and Insurance Committee; and Senator Bradley)

The bill allows a personal lines insurance policy to be electronically delivered to a policyholder who elects electronic delivery in lieu of delivery by U.S. Mail.

The bill allows a Notice of Change in Policy Terms to be sent separately from the Notice of Renewal Premium. Insurers must also provide a sample copy of the Notice of Change in Policy Terms to the insured's insurance agent before, or at the same time, the notice is provided to the insured. The bill prohibits the use of the Notice of Change in Policy Terms to add optional coverage if it increases the premium, unless the policyholder affirmatively approves of the addition of the optional coverage.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 36-0; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/CS/HB 275 — Intrastate Crowdfunding**

by Regulatory Affairs Committee; Government Operations Appropriations Subcommittee; Insurance and Banking Subcommittee; Rep. Santiago and others (CS/CS/SB 914 by Appropriations Committee; Banking and Insurance Committee; and Senator Richter)

The bill authorizes intrastate crowdfunding as a mechanism for small businesses to raise up to \$1 million annually in crowdfunding securities. Issuers and intermediaries engaging in intrastate crowdfunding would be subject to specified requirements under the Florida Securities and Investor Protection Act, which is administered by the Office of Financial Regulation (OFR).

The bill creates an intrastate exemption for securities meeting certain state and federal requirements. The issuer, intermediary, investor, and transaction must be located in Florida in accordance with the federal intrastate exemption. Like the federal Jumpstart Our Business Startups Act (JOBS Act), the bill exempts an issuer and the offering for a 12-month period for an offering of up to \$1 million of securities, requires registration for the intermediary, and mirrors the federal law's investment limitations for investors. The bill requires issuer notice filings and intermediary registration with the OFR, disclosures to investors, an escrow agreement for investor funds, a right of rescission, and financial reporting to investors and to the OFR. The bill also gives authority to the Financial Services Commission to adopt rules relating to notice-filings and registration forms, books and records, and investor protections.

The bill provides an appropriation of \$120,000 from the Regulatory Trust Fund within the OFR for information technology and workload issues associated with implementation.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 40-0; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**SB 520 — Long-Term Care Insurance**

by Senator Grimsley

The bill allows an insurer to offer a nonforfeiture protection provision in a long-term care insurance policy that provides for the return of premium if the insured dies or the policy is completely surrendered or canceled. The bill is not expected to have a fiscal impact on the state.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 37-0; House 116-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/SB 642 — Individuals with Disabilities**

by Banking and Insurance Committee and Senators Benacquisto and Sobel

The bill creates the Florida Achieving a Better Life Experience (ABLE) program, which would assist individuals with disabilities in saving money without losing their eligibility for state and federal benefits, and thereby providing a pathway for economic independence and a better quality of life. The ABLE accounts resemble in some respects the federal 529-college savings plan that are tax-advantaged savings accounts. The federal ABLE Act of 2014 (“ABLE Act”), authorizes states to establish ABLE programs as an agency or instrumentality of the state or contract with other states to administer such accounts if certain conditions are met.

The bill directs the Florida Prepaid College Board (Prepaid Board) to create Florida ABLE, Inc., as a direct support organization that must be organized as a not-for-profit corporation. The board of directors of Florida ABLE, Inc., must include the Chair of the Prepaid Board, one member appointed by the Prepaid Board (who may be a member of the Prepaid Board) and one member appointed by the Governor, both of whom have experience in accounting, risk management, or investment management, one appointee of the President of the Florida Senate, and one appointee of the Speaker of the Florida House of Representatives. The legislative appointees would include one advocate for individuals with disabilities and one advocate for individuals with developmental disabilities. The bill provides that the Florida ABLE, Inc., would operate under a contract with the Prepaid Board. Florida ABLE, Inc., is required to implement the Florida ABLE Program on or before July 1, 2016.

The bill provides that the state Medicaid agency, the Agency for Health Care Administration, would be a creditor of ABLE accounts. Upon the death of designated beneficiary of an account, and subject to any outstanding payments due for qualified disability expenses, all amounts remaining in the account, not to exceed the total medical assistance paid by or on behalf of Medicaid for such individuals after the account was opened, would be distributed to a state Medicaid program.

The bill provides a total appropriation of \$3,386,000 from the General Revenue Fund to the Department of Education for transfer to the Florida ABLE Program Trust Fund, for funding the costs for startup, staffing, market research, marketing, banking services, investment custodian and consultant services, records administration services, and general operations of Florida ABLE, Inc., for Fiscal Year 2014-2015.

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

*Vote: Senate 38-0; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/SB 644 — Florida ABLE Program Trust Fund/State Board of Administration**

by Appropriations Committee; Banking and Insurance Committee; and Senator Benacquisto

The bill creates the Florida ABLE Program Trust Fund (trust fund) within the State Board of Administration (SBA). The trust fund will hold appropriations and moneys acquired from private sources or other governmental sources for the Florida ABLE program. The trust fund will also hold ABLE account moneys.

This bill has no fiscal impact.

If approved by the Governor, these provisions take effect upon becoming law, contingent upon CS/SB 642 or similar legislation becoming law.

*Vote: Senate 38-0; House 116-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/SB 646 — Public Records/Information Held by the Florida Prepaid College Board, the Florida ABLE, Inc., and the Florida ABLE program**

by Appropriations Committee; Banking and Insurance Committee; and Senator Benacquisto

The bill creates a public records exemption for specified personal financial and health information of a consumer relating to an ABLE account or a participation agreement or any information that would identify a consumer held by the Florida Prepaid College Board, Florida ABLE Inc., the Florida ABLE program, or an agent or service provider of these entities. The bill defines a consumer as a party to a participation agreement under the Florida ABLE Program.

A related bill, CS/SB 642, requires the Florida Prepaid College Board to create Florida ABLE, Inc., as a direct support organization, to administer the Florida ABLE program. The Florida ABLE program, pursuant to federal law, allows individuals with disabilities to save money without losing their eligibility for state and federal benefits and use such funds for qualified disability expenses.

This bill has no fiscal impact.

If approved by the Governor, these provisions take effect upon becoming law on the same date that CS/SB 642 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

*Vote: Senate 38-0; House 114-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/HB 715 — Eligibility for Coverage by Citizens Property Insurance Corporation**

by Insurance and Banking Subcommittee; and Rep. Raschein (CS/SB 842 by Banking and Insurance Committee; and Senator Benacquisto)

The bill prohibits Citizens Property Insurance Corporation from issuing coverage to a major structure as defined in s. 161.54(6)(a), F.S., that is located within the Coastal Construction Control Line (CCCL) or Coastal Barrier Resources System (CBRS) if the permit to build or to increase the total square footage of the structure by more than 25 percent is applied for after July 1, 2015.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-0; House 114-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/HB 731 — Employee Health Care Plans**

by Insurance and Banking Subcommittee; Health Innovation Subcommittee; and Rep. Plakon  
(CS/SB 968 by Banking and Insurance Committee and Senator Detert)

The bill revises and streamlines provisions relating to the 1992 Employee Health Care Access Act (act) which was enacted to promote the availability of health insurance coverage for small employers (50 or fewer employees) regardless of their claims experience, on a guaranteed issue basis. Many provisions of this act are outdated or conflict with the federal Patient Protection and Affordable Care Act (PPACA). The bill also amends the stop loss insurance provisions for self-insured small employers and self-insured large employers. The bill removes the following requirements from the act:

- Mandated offer of standard, basic, and high deductible plans to small employers with specified benefits. The PPACA requires health plans to provide coverage for ten essential health benefits and other benefits, which are not included in the standard, basic, or high deductible plans;
- Annual August open enrollment period for one-person employer groups. The PPACA requires continuous open enrollment for small groups;
- Submission by insurers of an annual premium report to the Office of Insurance Regulation (OIR); and
- Submission by insurers of the semiannual rating report to the OIR.

There is no fiscal impact to state funds.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 113-0*



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/HB 749 — Continuing Care Communities**

by Insurance and Banking Subcommittee and Rep. Van Zant and others (CS/CS/SB 1126 by Fiscal Policy Committee; Banking and Insurance Committee; and Senators Altman and Margolis)

The bill revises laws governing continuing care retirement communities (CCRCs), which are facilities that provide shelter and nursing care or personal services to residents upon the payment of an entrance fee. The bill requires continuing care facilities to provide refunds of entrance fees within 90 days after the continuing care contract is terminated and the unit is vacated, instead of within 120 days of the notice to cancel under current law. The bill requires continuing care contracts to specify one of three sources of payment for refunds paid from the proceeds of subsequent entrance fees and prohibits refunds conditioned on receipt of the entrance fee for the same unit after October 1, 2016.

The bill requires continuing care retirement communities (CCRCs) to establish residents' councils, whose activities must be independent of the CCRC.

The bill specifies that continuing care and continuing care at-home contracts are preferred claims in the event of receivership or liquidation and are subordinate only to secured claims.

The bill revises disclosure requirements for third-party audits of the CCRC and notice requirements related to examination reports and any related corrective action plan.

There is no fiscal impact to the state.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 39-0; House 113-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/SB 806 — Regulation of Financial Institutions**

by Rules Committee; Banking and Insurance Committee; and Senator Richter

The bill makes the following changes to the regulation of financial institutions by the Office of Financial Regulation (OFR):

- Simplifies the process by which a financial institution can notify the OFR when re-designating its main or principal office.
- Specifies the methods for electronically transmitting semiannual assessments and the dates by which assessments must be received by the OFR.
- Deletes the requirement that the OFR select an appraiser to conduct certain real-estate appraisals.
- Provides that the production of books and records of a Florida office of an international banking corporation is not required in response to a subpoena issued in a matter governed by rules of civil procedure if such books and records are maintained outside of the United States and are not in the possession, control, or custody of the international banking corporation's office, agency, or branch established in Florida. This provision does not apply to a subpoena issued on behalf of a federal, state, or local government law enforcement agency, legislative body, or grand jury. Currently, such subpoena requests may relate to records not in the possession of the Florida office or may conflict with the privacy laws of the foreign country regulating the international banking corporation thereby subjecting the Florida office and its officers and employees to be in violation of such privacy laws.
- Specifies the date by which an international banking corporation must provide its annual certification of capital accounts to the OFR.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 40-0; House 112-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/SB 836 — Florida Insurance Guaranty Association**

by Banking and Insurance Committee and Senator Latvala

The bill revises provisions governing the Florida Insurance Guaranty Association (FIGA), which provides a mechanism for the payment of covered claims, including unearned premiums, of insolvent property and casualty insurance companies. After an insolvency occurs, FIGA determines if an assessment is needed to pay claims, administrative costs, or bonds issued by FIGA and certifies the need for an assessment levy to the Office of Insurance Regulation (OIR). Then OIR reviews the certification, and if it is sufficient, issues an order to all insurance companies to pay their assessment to FIGA. Generally, insurers must pay regular assessments within 30 days of the levy, and emergency assessments can be paid in a single payment, or over 12 months, at the option of FIGA. For both types of assessments, once an insurance company pays the assessment to FIGA, it may begin to recoup the assessment from its policyholders at policy issuance or renewal. The bill provides the following changes:

- The bill creates a uniform assessment percentage to be collected from policyholders.
- The bill authorizes FIGA to use a monthly installment method for the collection of emergency or regular assessments from insurers in addition to the current pay and recoup method or a combination of both.
- The bill streamlines the reconciliation of collections and eliminates a regulatory filing with OIR.
- The bill codifies OIR's interpretation of an admissible asset for purposes of statutory accounting treatment of FIGA assessments.
- The bill exempts regular assessments from the insurance premium tax. Currently, emergency assessments are exempt from the insurance premium tax.

The bill will have an indeterminate negative impact on state revenues due to the tax exemption of FIGA regular assessments.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 114-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**HB 887 — Unclaimed Property**

by Rep. Trumbull (SB 1138 by Senator Brandes)

The bill creates a process under Florida's Uniform Unclaimed Property Act, whereby the Department of Financial Services (DFS) may commence a civil action for a determination that a U.S. savings bonds may escheat to the State of Florida. The bill specifies that a U.S. savings bond in the possession of the DFS or registered to a person with a last known address in the state is presumed abandoned and unclaimed 5 years after the bond reaches maturity and no longer earns interest. Once such U.S. savings bonds are abandoned and unclaimed, the DFS may file a civil action in a court of competent jurisdiction in Leon County, Florida for a determination that the bond escheats to the state. Prior to any escheat hearing, the DFS must undertake specific efforts to notify registered owners, co-owners, and beneficiaries of the escheat proceedings through notice of publication, as it must do when parties cannot be found through reasonable and customary due diligence efforts. If a person files a claim for a bond, and the court determines the claimant is entitled to the bond, judgment is entered for the claimant. If no person files a claim with the court for the bond, or the court determines the claimant is not entitled to the bond or its proceeds, the court is to enter a default judgment that the bond or its proceeds has escheated to the state.

If the DFS obtains title to these bonds, it places the DFS in the same position as the record owner of the bond, which is necessary to recover proceeds from the Treasury. Once the DFS obtains title to these bonds, it may petition the Treasury for redemption of these bonds in possession, and if necessary, to render a full accounting of the necessary information of absent bonds, which would identify the class of bonds registered with the last known address in Florida. If the proceeds from such bonds are received by the DFS, the bill requires the proceeds to be deposited in the same manner as other forms of unclaimed property in accordance with s. 717.123, F.S.

Once bonds escheat to the state, the owners, co-owners, and beneficiaries may recover a bond or the proceeds from a bond by making a claim to the DFS and providing sufficient proof of the validity of the claim.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 37-0; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/HB 893 — Blanket Health Insurance Eligibility**

by Health and Human Services Committee; Health Innovation Subcommittee; and Rep. Ingoglia (CS/CS/SB 1134 by Fiscal Policy Committee; Banking and Insurance Committee; and Senator Hays)

The bill expands the types of individuals and entities that are eligible for blanket health insurance coverage. Blanket health insurance policies and contracts are issued to a policyholder, such as a school, business, or an organization, and provide coverage to a group of individuals or participants who share a common activity or operation of the policyholder. The coverage is for persons participating in specific activities and coverage begins and ends with the covered activity.

There is no fiscal impact to the state.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 116-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/HB 927 — Title Insurance**

by Insurance and Banking Subcommittee and Rep. Hager (CS/SB 1136 by Banking and Insurance Committee and Senator Hukill)

The bill revises procedures for dealing with insolvent title insurers. There is no guaranty fund for title insurers in Florida. If funds are necessary to pay the claims against insolvent of title insurers, all title insurers doing business in Florida are liable for an assessment to pay those claims. The Department of Financial Services (DFS) acting as receiver, and the Office of Insurance Regulation (OIR) determine the amount of money necessary and order an assessment. The title insurers recover the assessment by collecting a surcharge on each title policy issued in Florida. To prevent an insurer from gaining a competitive advantage, each title insurer is required to continue to collect the surcharge until all title insurers have recovered their assessments. Current law provides that surcharges collected in excess of the assessment amount are paid to the state.

The bill creates a mechanism for using excess surcharges to reduce the time that surcharges are collected. It provides that when a company has collected surcharges in excess of the amount it was assessed, the company shall pay the excess to the receiver. The receiver must maintain the money in an excess surcharge account and may use the excess surcharges only:

- To reduce or eliminate the amount of a future assessment for a title insurer currently in receivership or that later enters receivership; or
- To reduce the amount of time that consumers in the state are subject to surcharges by transferring the excess to title insurers that have not fully collected surcharges equal to the amount of the aggregate assessments they paid pursuant to s. 631.400, F.S.

If the receiver has no active title insurer receiverships for 12 consecutive months or there have been no payable claims against any title insurer receivership for 60 consecutive months, all excess surcharges held by the receiver must be paid to the Insurance Regulatory Trust Fund within DFS.

The bill also allows the OIR to order an additional surcharge in situations where a surcharge is being collected.

If a surcharge is already in effect at the time of an assessment, the bill allows OIR to order an additional surcharge based on a new assessment.

The Insurance Regulatory Trust Fund will receive an indeterminate amount of additional funds based on the requirement that excess surcharges held by DFS be deposited into the trust fund.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-0; House 107-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/HB 961 — Electronic Noticing of Trust Accounts**

by Civil Justice Subcommittee and Rep. Broxson (CS/SB 1314 by Banking and Insurance Committee and Senator Bradley)

The bill provides a mechanism for trustees to provide electronic notices relating to trust accounts. A trustee has a duty to keep beneficiaries of an irrevocable trust reasonably informed of the trust and its administration. Specifically, the trustee must provide beneficiaries with an accounting of the trust at specified periods, disclosure of documents related to the trust, and notice of specific events related to the administration of the trust.

The bill authorizes a trustee to post required documents to a secure website or account if a beneficiary opts in to receiving electronic documents through a secure website or account. The bill also specifies when notice or the delivery of a document by electronic message or posting is complete and presumed received by the intended recipient for purposes of commencing a limitations period for breach of trust claims.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 112-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/HB 1087 — Operations of the Citizens Property Insurance Corporation**

by Regulatory Affairs Committee; Insurance and Banking Subcommittee; and Rep. Bileca and others (CS/CS/SB 1006 by Appropriations Committee; Banking and Insurance Committee; and Senators Flores and Margolis)

The bill makes the following changes relating to Citizens Property Insurance Corporation:

- Allows the consumer representative to the Citizens Board of Governors to be afforded the same conflict of interest exemption as other board members.
- Requires agents who write business for Citizens to hold an appointment with an admitted carrier that is currently writing or renewing policies in the state.
- Allows Citizens to share underwriting and claims files data with entities that have obtained a permit to become an authorized insurer, reinsurer, broker, or modeling company. Such data may not be used for direct solicitations and must be kept confidential.
- Requires Citizens to make changes, by January 1, 2016, to their plan of operation as it relates to take-out agreements made with private insurers.
- Requires that private companies must include in their take-out offers to Citizens policyholders, a comparison of coverages and rate between the insurer's policy and Citizens policy.
- Allows a Citizens policyholder who declines a take-out offer the option to be excluded from future take-out agreements for up to 6 months.
- Allows a Citizens policyholder, who accepts a take-out offer, the ability to reapply to Citizens and be treated as a renewal through the clearinghouse if within 36 months of leaving Citizens their premium is increased above the rate allowed under the Citizens glide path.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 114-0*



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/CS/SB 1094 — Peril of Flood**

by Rules Committee; Community Affairs Committee; Banking and Insurance Committee; and Senator Brandes

The bill expands the flood insurance that may be offered by admitted insurance carriers, requires local governments to include a redevelopment component to reduce the risk of flood when drafting comprehensive coastal management plans, and requires surveyors and mappers to submit elevation certificates to the Division of Emergency Management.

The bill allows insurers to issue flood insurance policies, contracts, or endorsements on a flexible flood insurance basis. Flexible flood insurance coverage is defined as coverage for the peril of flood that may include water intrusion coverage and differs from standard or preferred coverage by including one or more of the following:

- An agreed upon amount of coverage between the insurer and policyholder.
- A deductible as authorized in s. 627.701, F.S.
- Adjustment in accordance with s. 627.7011(3), F.S., or adjusted only on the basis of the actual cash value of the property.
- Limitation of coverage to only the principal building, as defined in the policy.
- Provisions including or excluding coverage for additional living expenses.
- Provisions excluding coverage for personal property or contents.

The bill revises other provisions related to flood insurance. It deletes the prohibition against supplemental flood insurance including excess flood coverage over other flood insurance. The bill requires the insurer to provide an appropriate credit or discount to an insured whose rate is determined to be excessive or unfairly discriminatory by the Office of Insurance Regulation (OIR).

The bill allows an insurer to request from the OIR a certification that acknowledges that the insurer provides a policy, contract, or endorsement for the flood insurance that provides coverage equaling or exceeding the flood coverage offered by the NFIP. A certified policy must be in compliance with 42 U.S.C. s. 1042a(b), which requires federally regulated lending institutions to accept private flood insurance that insures the building and personal property securing the loan for the term of the loan in an amount not less than the outstanding principal balance of the loan or the limit of NFIP flood insurance coverage, whichever is less. An insurer or its agent may reference or include such certification in advertising and communications with an agent, a lending institution, an insured, and a potential insured. The authorized insurer may also include a statement that notifies an insured of the certification on the declarations page or other policy documentation related to flood coverage. Knowingly misrepresenting that a flood insurance policy is certified is an unfair or deceptive act.

The bill requires local governments, when drafting their comprehensive coastal management plans, to include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas. Such plans must encourage the use of best

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

practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency. Plans should also identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state. The plan must be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60. The plan must require any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053, F.S., be consistent with chapter 161. Plans must also encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

The bill requires surveyors and mappers to submit elevation certificates to the Division of Emergency Management. The bill defines an elevation certificate as the certificate used to demonstrate the elevation of property which has been developed by Federal Emergency Management Agency under federal floodplain management regulation or which is completed by a surveyor and mapper. Beginning January 1, 2017, a surveyor and mapper who completes an elevation certificate must, within 30 days of completion, submit a copy of the certificate to the Division of Emergency Management.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 89-26*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/HB 1127 — Insurance Fraud**

by Appropriations Committee; Insurance and Banking Subcommittee; and Rep. Sullivan (CS/CS/SB 1306 by Appropriations Committee; Banking and Insurance Committee; and Senator Bradley)

The bill provides that knowingly making an unlawful claim for reimbursement made on behalf of an unlicensed clinic or a clinic operating in violation of the Health Care Clinic Act is considered theft, regardless of whether payment is made. The bill also specifies that an knowingly owning, operating, managing or maintaining an unlicensed clinic; or offering or advertising services without licensure under the Health Care Clinic Act or the Health Care Licensing Procedures Act is a third degree felony, regardless of whether the Agency for Health Care Administration (agency) has provided notice to the entity that it is illegally engaging in unlicensed activity. If the agency provides a notice of unlicensed activity or a person is arrested for such actions, each day during which the above violations occurs is a separate offense. A person convicted of a second or subsequent violation commits a second degree felony. The bill also specifies that a person commits a third degree felony if the person fails to report required information to the agency.

In 2012, the Department of Financial Services established a direct-support organization to support the prosecution, investigation, and prevention of motor vehicle insurance fraud. The direct support organization has engaged in limited organizational activity during its existence. The bill repeals the statute authorizing the direct support organization.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 39-0; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/HB 1133 — Division of Insurance Agent and Agency Services**

by Regulatory Affairs Committee; Insurance and Banking Subcommittee; and Rep. Fant and others (CS/CS/SB 1222 by Fiscal Policy Committee; Banking and Insurance Committee; and Senator Richter)

The bill revises certain insurance agent responsibilities and licensing requirements as follows:

**General Lines Agents:**

- Repeals a restriction that limits general lines agents to selling health insurance only for companies which also sell property, casualty, or surety insurance;
- Revises the experience and educational requirements for general lines agent applicants and personal lines agent applicants; and
- Exempts applicants for licensure as general lines agents or all-lines adjusters from certain examination requirements if they have a degree in insurance or designations from various insurance industry organizations.

**Life and Health Agents:**

- Revises the qualifications for licensure of life and health agents by modifying the course work requirements, requiring specific designations, and repealing obsolete references to correspondence courses.

**Agents in Charge of an Insurance Agency:**

- Provides that the agent-in-charge of an insurance agency must be licensed to transact at least two of the lines of insurance being handled at an agency location instead of being licensed to handle all lines of insurance.

**General Agent Provisions:**

- Requires agents to maintain certain policy records for 5 years after policy expiration;
- Clarifies that licensed agents can charge and collect the “exact amount of any discount or other such fee charged by a credit card facility in connection with the use of a credit card” in addition to the premium charged by insurers; and
- Permits agents to deliver notices of insolvency by electronic mail with delivery receipt required.

**Customer Representatives:**

- Modifies the licensure requirements for customer representative and repeals the written examination requirement;
- Revises the educational requirements and repeals the examination requirement for applicants for licensure as a customer representative;
- Allows customer representatives to receive commissions as long as the commissions are not the primary source of compensation; and
- Allows agents to divide commissions with a customer representative.

**Licensure Examinations:**

- Provides that applicants for licensure as a personal lines agent, a life agent, or a health agent is subject to an examination only on pertinent provisions of the Florida Insurance Code if the applicant meets specified educational requirements; and
- Specifies that a prelicensure course provider may not grant completion credit unless the student completes at least 75 percent of the required course hours.

The bill also defines the term “surrender” for purposes of premiums related to the surrender of an annuity or life insurance policy and revises the notice requirements for recommending the surrender of an annuity contract or life insurance policy by including e-mail delivery with delivery receipt.

There is no fiscal impact to state funds.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/HB 4011 — Motor Vehicle Insurance**

by Insurance and Banking Subcommittee and Rep. Goodson (CS/CS/SB 234 by Judiciary Committee; Banking and Insurance Committee; and Senator Montford)

The bill removes the limitation that no more than four automobiles may be insured on the same private passenger motor vehicle insurance policy. This would allow any number of automobiles to be insured under one private passenger motor vehicle insurance policy.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 36-0; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**SB 7008 — OGSR/Licensure Examination Questions/Board of Funeral, Cemetery, and Consumer Services**

by Banking and Insurance Committee

The bill is the result of an Open Government Sunset Review (OGSR) by the Banking and Insurance Committee professional staff of the public-meeting exemption for portions of meetings of the Board of Funeral, Cemetery, and Consumer Services (“board”) at which licensure examination questions or answers are discussed. The exemption also includes the recording of the portion of the meeting that is closed for discussion of licensure examination questions or answers.

The board enforces provisions of ch. 497, F.S., relating to funeral and cemetery services. It also has broad authority over licensure and examination of applicants for various licenses. That authority includes specifying the content of examinations for licensure, striking any examination question determined before or after an examination to be inappropriate, and specifying which national examinations shall or shall not be required or accepted in Florida.

Current law provides that those portions of meetings of the board at which licensure examination questions or answers are discussed are exempt from public meetings requirements. The closed meeting must be recorded, and no portion of the closed meeting may be off the record. The recording shall be maintained by the board. The recording of a closed portion of a meeting is exempt from public record requirements. This bill repeals the scheduled expiration of the public meetings exemption and takes effect on October 1, 2015.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 39-0; House 116-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**SB 7010 — OGSR/Examination Techniques or Procedures/Office of  
Financial Regulation**

by Banking and Insurance Committee

The bill makes permanent the public records exemption for examination techniques and procedures used by the Office of Financial Regulation pursuant to the Florida Securities and Investor Protection Act by removing the scheduled repeal date of October 2, 2015. This bill is the result of an Open Government Sunset Review (OGSR) by the Banking and Insurance Committee staff of a public records exemption in s. 517.2016, F.S.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 39-0; House 116-0*



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**SB 7012 — OGSR/Credit History Information and Credit Scores/Office of Financial Regulation**

by Banking and Insurance Committee

The bill reenacts the public records exemption that makes credit history information and credit scores held by the Office of Financial Regulation (OFR) confidential and exempt from public-records requirements. The OFR regulates loan originators (non-depository mortgage brokers and mortgage lenders). Applicants for initial licensure or renewal of a license must meet minimum requirements in order to demonstrate character, financial responsibility, and general fitness, as required by the federal SAFE Mortgage Licensing Act of 2008. As part of this licensure process, an applicant must authorize the release of an independent credit report and credit score to the OFR.

Pursuant to the Open Government Sunset Review Act, the exemption will repeal on October 2, 2015, unless reenacted by the Legislature. The reenactment of the exemption would continue to protect sensitive personal financial information of applicants from being disclosed. The release of such sensitive personal information would be defamatory and make those persons vulnerable to identity theft and other crimes.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 39-0; House 114-1*

## Committee on Children, Families, and Elder Affairs

### **CS/HB 7 — Public Records/Claim Settlement on Behalf of Minor or Ward**

by Government Operations Subcommittee and Reps. Passidomo and J. Rodriguez (CS/CS/SB 360 by Governmental Oversight and Accountability Committee; Children, Families, and Elder Affairs Committee; and Senator Stargel)

The bill creates an exemption from public records requirements relating to the legal settlement of a claim on behalf of a ward or minor. The purpose of this exemption is to protect the minor from financial exploitation by keeping the terms of a financial settlement confidential. Any document associated with the settlement is confidential and exempt from the public records provisions of s. 119.07(1), F.S., and Article I, section 24(a) of the Florida Constitution. The court may order partial or full disclosure of the confidential and exempt record to specified individuals upon a showing of good cause.

The bill provides a statement of public necessity as required by the State Constitution. Because the bill creates a new public records exemption, it required a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-0; House 113-0*

## Committee on Children, Families, and Elder Affairs

### **CS/CS/HB 21 — Substance Abuse Services**

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Reps. Hager, Harrell, and others (CS/CS/SB 326 by Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senators Clemens and Sachs)

The bill establishes a process for the voluntary certification of recovery residences and recovery residence administrators. Recovery residences, also called sober homes, provide a living environment free from substance abuse to assist in recovery from addiction.

The Department of Children and Families (DCF) is required to approve at least one credentialing entity by December 1, 2015, for the development and administration of the certification programs.

The credentialing entity or entities must establish procedures for the certification of recovery residences and recovery residence administrators. The bill also provides for application, examination and certification fees for the recovery residence administrator.

The DCF is required to publish a list of all certified recovery residences and recovery residence administrators on its website but the bill allows for a recovery residence or recovery residence administrator to be excluded from the list under certain circumstances.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 113-2*

## Committee on Children, Families, and Elder Affairs

### **CS/HB 79 — Crisis Stabilization Services**

by Health Care Appropriations Subcommittee and Rep. Cummings and others (CS/SB 340 by Appropriations Committee and Senators Grimsley and Sobel)

The bill directs the Department of Children and Families (DCF) to develop, implement, and maintain a data system whereby behavioral health managing entities collect utilization data from psychiatric public receiving facilities. These facilities operate under DCF designation as crisis stabilization units where emergency mental health care is provided. State mental health funding pays for space in receiving facilities to care for the indigent. Managing entities must comply with the bill's requirements for data collection by August 1, 2015.

The bill requires managing entities to collect utilization data in real time or at least daily. This includes the number of indigent patients admitted, the census for the facility, and the number of beds purchased for indigent care. The managing entities must reconcile the data from receiving facilities after submission to ensure accuracy. Managing entities then must submit the utilization data to the DCF monthly. The DCF must create a statewide database to maintain and analyze the payments and the use of state-funded crisis stabilization services at public receiving facilities. The data must also be analyzed statewide to better understand the use and costs at public receiving facilities.

The DCF must adopt rules and submit an annual report beginning January 31, 2016, to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of the database and the analysis of the data.

For the 2015-2016 fiscal year, the bill appropriates \$175,000 in nonrecurring funds from the Alcohol, Drug Abuse, and Mental Health Trust Fund to the DCF to implement the bill.

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

*Vote: Senate 39-0; House 114-0*

## Committee on Children, Families, and Elder Affairs

### **CS/CS/HB 437 — Guardians for Dependent Children who are Developmentally Disabled or Incapacitated**

by Civil Justice Subcommittee; Children, Families and Seniors Subcommittee; and Rep. Adkins and others (CS/CS/CS/SB 496 by Appropriations Committee; Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senator Detert)

The bill creates “The Regis Little Act to Protect Children with Special Needs.” This Act establishes a process to identify guardians and guardian advocates for foster children with developmental disabilities or incapacity and are in need of guardianship beyond their 18th birthday. The bill requires the Department of Children and Families (DCF) to create updated case plans developed in face-to-face conferences with a child and other specified persons, when appropriate. When the dependency court determines the child may have a developmental disability or incapacity, DCF is required to complete a multidisciplinary report, identify one or more individuals who are willing to serve as guardian advocate or as a plenary or limited guardian and initiate such proceedings within 180 days of the child’s 17th birthday.

The bill authorizes the guardianship court to initiate proceedings for the minor and provide all due process rights conferred upon an adult. It also allows the child’s parents to be considered as natural guardians unless the guardianship court determines it is not in the child’s best interest or the parents’ rights have been terminated.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 115-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Children, Families, and Elder Affairs**

**CS/SB 682 — Transitional Living Facilities**

by Appropriations Committee and Senator Grimsley

The bill revises regulations for transitional living facilities (TLFs). The purpose of these facilities is to provide rehabilitative care in a small residential setting for persons with traumatic brain or spinal cord injuries. Such individuals need significant care and services to regain their independence.

TLFs are regulated by the Agency for Health Care Administration. The bill provides admission criteria, requires client evaluations and treatment plans. The bill establishes rights for residents of TLFs, screening requirements for facility employees, and penalties for violations. The regulation of TLFs is funded through existing fees and fines.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 117-0*

## Committee on Children, Families, and Elder Affairs

### **CS/CS/HB 1055 — Child Protection**

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Rep. Harrell and others (CS/CS/SB 760 by Fiscal Policy Committee; Health Policy Committee; and Senators Bradley and Sobel)

The bill requires the Statewide Medical Director for Child Protection to be a physician licensed under chs. 458 or 459, F.S., who is board certified in pediatrics with a subspecialty certification in child abuse from the American Board of Pediatrics.

The bill requires each district medical director to be a physician licensed under chs. 458 or 459, F.S. The bill also requires a district medical director to be either board certified in pediatrics with a subspecialty certification in child abuse from the American Board of Pediatrics or hold a credential from a third-party entity within 4 years from the date of employment or, if currently employed, within 4 years of July 1, 2015.

The bill requires all medical personnel participating on a child protection team to successfully complete the required child protection team training curriculum.

The bill also provides that a critical incident rapid response team (CIRRT) must include a child protection team medical director. A CIRRT is a multiagency team required to conduct an immediate investigation of child deaths or other serious incidents involving children in the child welfare system. The purpose of the investigation is to identify root causes of the death or other incident and rapidly determine the need to change policies and practices related to child protection and child welfare.

The bill allows physicians with expert witness certificates under ss. 458.3175(2) and 459.0066, F.S., to provide expert testimony in criminal child abuse and neglect cases

Subject to a specific appropriation, the Department of Health must approve one or more third-party credentialing entities for the purpose of developing and administering a professional credentialing program for medical directors.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 113-1*

## Committee on Children, Families, and Elder Affairs

### **CS/HB 7013 — Adoption and Foster Care**

by Health Care Appropriations Subcommittee; Health and Human Services Committee; and Rep. Brodeur (CS/SB 320 by Fiscal Policy Committee; and Senators Gaetz, Clemens, and Sobel)

The bill makes changes to current law to increase the number of adoptions of children from foster care. The bill creates a program to award incentive payments to community-based care lead agencies (CBCs) and their subcontractors for achieving specified adoption performance standards.

The bill also re-creates a program to provide an additional adoption benefit of either \$5,000 or \$10,000, depending on whether the adopted child has special needs as defined in statute, to employees of state agencies, state universities, community colleges, and school districts who adopt a child from the child welfare system. The benefit is available for adoptions finalized on or after July 1, 2015.

The bill requires the Department of Children and Families to prioritize the educational stability of foster children and include homeschooling as one of several educational options.

The bill requires that, 1 year after a child's adoption is finalized, the community-based care lead agency make a reasonable effort to contact the family as a post-adoption service. The agency is required to document factors related to the follow up.

The bill requires the Governor to select and recognize one or more individuals, families, or entities that have made significant contributions to the adoption of children from foster care each year. Recognition awards will be paid by the direct support organization of the Office of Adoption and Child Protection.

The bill also requires child-placing agencies conducting intercountry adoption to maintain certain records and comply with federal requirements regarding the Hague Convention, an international agreement to establish safeguards to ensure that intercountry adoptions take place in the best interests of the child.

The fiscal impact of the bill is contingent upon funding being available for the incentive payments to CBCs and the adoption benefit program for qualifying employees of state agencies who adopt a child from the child welfare system.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 27-11; House 68-50*



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Children, Families, and Elder Affairs**

**CS/SB 7018 — State Ombudsman Program**

by Appropriations Committee and Children, Families, and Elder Affairs Committee

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

The application, background screening, and training requirements necessary to become a certified ombudsman are clarified. The bill adds electronic communication as a way for a resident to file a complaint with the ombudsman program and clarifies notification requirements between facilities, residents and residents' families.

The bill revises the appointment process for three at-large positions to the State Long-Term Care Council whereby the appointments are no longer made by the Governor but by the Secretary of the DOEA. This change conforms Florida law to the requirements under the Older Americans Act.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Children, Families, and Elder Affairs**

**CS/SB 7078 — Child Welfare**

by Fiscal Policy Committee and Children, Families, and Elder Affairs Committee

The bill makes changes to a number of provisions related to the child welfare system.

The bill clarifies the roles of the state and local review committees within the Child Abuse Death Review (CADR) process and imposes specific reporting requirements to address the increased volume of cases reviewed. Pursuant to state and federal law, child abuse and neglect deaths are reviewed to seek ways to reduce or eliminate such deaths. The bill also provides that directors of county health departments appoint members to the local child abuse death review committees and specifies membership of those committees.

The bill authorizes the Secretary of Department of Children and Families (DCF) to deploy a critical incident rapid response team (CIRRT) in response to child deaths in addition to those with verified abuse and neglect during the last 12 months. A CIRRT is a multiagency team that conducts an immediate investigation of child deaths or other serious incidents involving children in the child welfare system to identify root causes of the death or other incident and rapidly determine the need to change policies and practices related to child protection and child welfare. The bill also requires more frequent reviews and reports by the CIRRT advisory committee.

The bill provides that multi-agency staffings currently required to be convened in cases of alleged medical neglect, shall only be convened if medical neglect is substantiated by the child protection team.

The bill requires personnel of specified membership organizations to meet state and national background screening requirements through the DCF and adds personnel of those membership organizations to the definition of the term “child care personnel” for screening purposes.

The bill removes a category of counties that have independent special taxing districts created to provide funding for children’s services from the requirement to submit the question of retention or dissolution of the district to the electorate in a general election.

The bill allows specialty Medicaid plans to continue to serve children in custody of the DCF as long as those children remain in care or are in a subsidized adoption and continue to be Medicaid eligible. Young adults remaining in extended foster care are included.

The bill requires public, private and charter schools that accept scholarship students in the

John M. McKay Scholarships for Students with Disabilities Program or the Florida Tax Credit Scholarship Program to post information related to child abuse reporting. The bill also specifies the information to be included on the poster and designates where the poster is to be placed.

If approved by the Governor, these provisions take effect July 1, 2015.

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

*Vote: Senate 38-0; House 116-1*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Commerce and Tourism**

**CS/HB 71 — Service Animals**

by Judiciary Committee and Rep. Smith and others (CS/SB 414 by Commerce and Tourism Committee and Senator Altman)

The bill amends Florida’s law related to service animals and aligns it with similar provisions in the American with Disabilities Act and the Fair Housing Act. The bill redefines “service animal,” and for the purposes of public accommodation, limits the term to a dog or miniature horse. The bill amends the definition of public accommodation to include a timeshare that is a transient public lodging establishment, and exempts air carriers covered by the Air Carrier Access Act of 1986.

The bill requires a business to modify its policies to accommodate the use of a service animal by an individual with a disability. Although a business may not ask about the nature of an individual’s disability, it may ask if the service animal is required because of a disability and what tasks the service animal is trained to perform. A service animal must be on a leash or harness unless it would interfere with the service animal’s ability to perform the tasks it is trained to do, and it must be under the handler’s control. If an animal is not under the handler’s control, is not housebroken, or poses a threat, the business may request its removal. In addition to the criminal penalties in current law, the bill requires a business unlawfully denying or interfering with an individual’s right to use or train a service animal to perform 30 hours of community service with an organization that serves individuals with disabilities.

The bill creates a second-degree misdemeanor for a person who knowingly and willfully misrepresents that he or she is qualified to use a service animal or is a trainer of service animals. In addition to the criminal penalty, an individual in violation of this provision must also perform 30 hours of community service with an organization that serves individuals with disabilities.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-0; House 112-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Commerce and Tourism**

**CS/CS/CS/SB 222 — Electronic Commerce**

by Judiciary Committee; Communications, Energy, and Public Utilities Committee; Commerce and Tourism Committee; and Senator Hukill

The bill creates the “Computer Abuse and Data Recovery Act,” which provides a civil cause of action for those injured by an individual who knowingly and with intent to cause harm or loss:

- Obtains information from a protected computer used in the operation of a business without authorization, and as a result, causes a harm or loss;
- Causes transmission of a program, code, or command from a protected computer used in the operation of a business without authorization, and as a result, causes a harm or loss; or
- Traffics in any technological access barrier (e.g., password) through which access to a protected computer used in the operation of a business may be obtained without authorization.

The bill allows an injured party to recover actual damages and the violator’s profits; obtain an injunction or other equitable relief to prevent a future violation; recover all copies of the misappropriated information, program, or code; and be awarded attorney’s fees. A victim must commence an action under this section within 3 years after the violation or 3 years after the violation was discovered, or should have been discovered with due diligence.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 38-0; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Commerce and Tourism**

**SB 456 — Labor Pools**

by Senators Braynon and Smith

The bill authorizes labor pools to pay the wages of day laborers by a payroll debit card that does not charge a fee for withdrawal of its contents, or through an electronic funds transfer to the financial institution designated by the day laborer, in addition to cash or negotiable instrument. The labor pool must notify the day laborer of the payment method it intends to use and provide the day laborer the option to be paid by another authorized method. If a labor pool opts to pay wages by a payroll debit card, it must provide the day laborer a list of businesses in close proximity to the labor pool that will allow the day laborer to withdraw the contents of the payroll debit card without a fee. The labor pool must also offer to pay the day laborer by electronic funds transfer. The bill also authorizes a labor pool to provide an itemized statement of wages, including any deductions made from the wages, in an electronic format, upon the request of a day laborer.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 36-0; House 107-4*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Commerce and Tourism**

**CS/SB 526 — Notaries Public**

by Commerce and Tourism Committee and Senator Grimsley

The bill allows a law enforcement officer, correctional officer, correctional probation officer, traffic accident investigation officer, or traffic infraction enforcement officer engaged in the performance of official duties to remotely administer an oath either through reliable electronic means, or in the physical presence of a person who swears to an affidavit. Currently, these law enforcement officers may only administer an oath in the physical presence of an affiant. Additionally, the bill allows these law enforcement officers to verify documents pursuant to ss. 92.50 and 92.525, F.S.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 118-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Commerce and Tourism**

**CS/CS/CS/HB 531 — Limited Liability Companies**

by Judiciary Committee; Economic Development and Tourism Subcommittee; Civil Justice Subcommittee; and Reps. McGhee, Spano, and others (CS/CS/CS/SB 554 by Rules Committee; Judiciary Committee; Commerce and Tourism Committee; and Senator Simmons)

The bill revises the Florida Revised Limited Liability Company Act (the revised act) to delete or replace obsolete references to the predecessor act, and makes technical, grammatical, and stylistic changes required by the repeal of the predecessor act.

The bill also makes the following changes to the Revised Limited Liability Company Act:

- Provides that a third-party does not have notice of a person's lack of authority to transfer real property on behalf of the limited liability company (LLC), unless the limitation of authority is recorded in the official records of the county where the property is located;
- Repeals a provision that prohibits an LLC's operating agreement from varying the power of a person to dissociate from the LLC;
- Clarifies that an operating agreement may not provide indemnification for a member or manager for a breach of the member or manager's duties and obligations as required under the law, taking into account any restriction, expansion, or elimination of duties provided for in the operating agreement;
- Provides that the duties of a member of an LLC may be restricted, expanded, or eliminated by the operating agreement and in accordance with law;
- Provides that common law principles relating to the fiduciary duties of loyalty and care apply unless abrogated by ch. 605, F.S.;
- Conditions the authority of the members of an LLC to vote outside of a meeting on having a certain minimum number of votes and recording those votes;
- Authorizes an LLC to alter or eliminate a fiduciary duty in its operating agreement if it is not manifestly unreasonable and is not prohibited by law;
- Requires a member-managed LLC to identify, within 10 days after a member's request for information about the LLC, the information that the LLC will provide or reasons why the LLC will not provide the information;
- Specifies the information that must be submitted when applying for reinstatement by either an administratively-dissolved LLC or a foreign LLC whose certificate of authority has been revoked;
- Permits domestic and foreign LLCs to submit an annual report, in lieu of a reinstatement application, when seeking reinstatement with the department;
- Limits the circumstances under which an appraisal event that is an interested transaction may be contested or set aside; and
- Clarifies that, in the event of a conflict between an operating agreement and the LLC's articles of organization, the provisions of the operating agreement prevail over inconsistent provisions of the LLC's articles of organization.



If approved by the Governor, these provisions take effect July 1, 2015, except as otherwise expressly provided in the act, which shall take effect upon becoming law.

*Vote: Senate 38-0; House 114-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Commerce and Tourism**

**CS/SB 604 — Consumer Protection**

by Commerce and Tourism Committee and Senators Flores, Braynon, Bradley, Simpson, and Negrón

The bill creates the “True Origin of Digital Goods Act,” which requires owners or operators of websites that, as a substantial part of their website’s service, disseminate third-party commercial recordings or audiovisual works to Florida consumers to clearly post on the website and make readily accessible to a consumer using or visiting the website the following information:

- The true and correct name of the operator or owner;
- The operator or owner’s physical address; and
- The operator or owner’s telephone number or e-mail address.

The bill establishes a right to injunctive relief for owners, assignees, authorized agents, or licensees of a commercial recording or audio visual work whose work appears on a website that has not posted identifying information in violation of the bill. Before initiating the civil action provided for in the bill, the aggrieved party must “make reasonable efforts” to place an individual alleged to be in violation of the section on notice that the owner or operator may be in violation of the act, and that failure to cure the violation within 14 days may result in civil action. The prevailing party may also obtain necessary expenses and reasonable attorney fees. These remedies are available as a supplement to other state and federal criminal and civil law provisions. A court may make appropriate orders to compel compliance with the section upon motion of the party instituting the action.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 36-3; House 78-38*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Commerce and Tourism**

**HB 755 — Convenience Business Security**

by Rep. Stone (SB 684 by Senator Grimsley)

The bill amends the definition of “convenience business,” as used in the Convenience Business Security Act, so that it includes a business in which the owner or members of the owner’s family work between the hours of 11 p.m. and 5 a.m. This has the effect of requiring owner-operated convenience businesses to meet all the minimum security standards required under the Convenience Business Security Act, unless otherwise exempted. The bill continues to exempt owner-operated businesses from meeting enhanced security measures that are required when certain violent crimes have occurred at the business.

The bill also removes a requirement that a convenience business submit safety training curricula and associated administrative fees to the Department of Legal Affairs.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 113-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Commerce and Tourism**

**SB 982 — Florida Civil Rights Act**

by Senators Thompson, Smith, and Gibson

This bill amends the Florida Civil Rights Act (FCRA) to expressly prohibit discrimination on the basis of pregnancy in education, employment, housing, and public accommodation. The bill codifies a Florida Supreme Court decision that found that discrimination based on pregnancy in employment practices was subsumed in the FCRA's current prohibition on discrimination based on sex.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 115-2*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Commerce and Tourism**

**CS/CS/HB 997 — Public Records/Department of Agriculture and Consumer Services**

by Regulatory Affairs Committee; Government Operations Subcommittee; and Rep. Trumbull (CS/CS/SB 1446 by Rules Committee; Governmental Oversight and Accountability Committee; and Senator Richter)

The bill makes confidential and exempt criminal or civil intelligence or investigative information provided to the Department of Agriculture and Consumer Services (DACS) by another state or federal agency as part of a joint or multiagency examination or investigation if the information is confidential or exempt under the regulations or laws of the state or federal agency that provides the information. DACS will be able to obtain, use, and release the information that is confidential or exempt under the laws or regulations of the state or federal source of information in accordance with conditions imposed by agreements DACS enters into with the other state or governmental entity. DACS may also release confidential and exempt information in furtherance of its official duties, and may release the information to another governmental agency in furtherance of that agency's official duties.

If approved by the Governor, these provisions take effect upon adoption of CS/CS/CS/HB 995 or similar legislation during the 2015 legislative session, or an extension thereof. As of April 29, 2015, neither CS/CS/CS/HB 995, nor any similar legislation was approved by both chambers of the Legislature.

*Vote: Senate 38-0; House 115-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Commerce and Tourism**

**CS/HB 7019 — Workforce Services**

by Economic Affairs Committee; Economic Development and Tourism Subcommittee; and Rep. Drake and others (CS/SB 7002 by Fiscal Policy Committee and Commerce and Tourism Committee)

The bill changes the name of Workforce Florida, Inc., to CareerSource Florida, Inc., in the Florida Statutes. The bill also creates a 20-member task force to develop the state's plan for implementing the federal Workforce Innovation and Opportunity Act of 2014 (WIOA). The task force must organize by June 1, 2015, and administrative support for the task force will be provided by CareerSource Florida, Inc. Task force members are to serve without compensation but are entitled to be paid per diem and reimbursed for travel expenses, which must be paid from the funds budgeted to the state agency or entity that the member represents. The task force's recommendations must include:

- A review of the current workforce service delivery system and recommendations for inclusiveness of programs;
- A regional planning design;
- A one-stop service delivery design;
- A plan for integrating economic development, workforce development, and the state's education system; and
- A plan for developing sector strategies and career pathways.

The board of directors of CareerSource Florida, Inc., must approve the task force's recommendations for the implementation of WIOA, and the task force must submit its approved recommendations in a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2015. CareerSource Florida, Inc., must incorporate the task force's recommendations in the approved state plan required under WIOA, which must be submitted to the United States Department of Labor, with copies to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The task force is abolished June 30, 2016, or at an earlier date as provided by the task force.

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

*Vote: Senate 38-0; House 111-0*

## **Committee on Communications, Energy, and Public Utilities**

### **CS/HB 7109 — Florida Public Service Commission**

by Regulatory Affairs Committee; Energy and Utilities Subcommittee; and Reps. La Rosa, Peters, and others (CS/CS/CS/SB 288 by Appropriations Committee; Communications, Energy, and Public Utilities Committee; Communications, Energy, and Public Utilities Committee; and Senator Latvala)

This bill creates requirements for regulated electric utilities, for the entity that regulates them, the Florida Public Service Commission (PSC or commission), and for the entity that nominates members to the PSC, the Florida Public Service Commission Nominating Council (council).

#### **Regulated Electric Utilities**

The bill creates a new financing mechanism, referred to as securitization, by which a regulated electric utility can petition the PSC for issuance of a financing order authorizing the utility to issue bonds through a separate legal entity to obtain funding to pay the costs of early retirement of a nuclear power plant. The mechanism is based on an existing statute authorizing use of such bonds to pay storm recovery costs and replenish depleted storm reserve funds. At the heart of the mechanism is a monthly charge to the utility's customers that is dedicated to repayment of the bonds, which is projected to achieve reduced interest rates and result in \$600 million in savings to Duke Energy Florida ratepayers in connection with the early retirement of its Crystal River 3 nuclear power plant.

The bill prohibits a public utility that is authorized both to charge tiered rates based upon levels of usage and to vary its regular billing period from charging a customer a higher rate solely because of an increase in usage attributable to an extension of the billing period. However, the bill establishes an exclusion allowing the regular meter reading date to be advanced or postponed for 5 days for routine operating reasons without prorating the billing for the period.

Effective January 1, 2016, the bill prohibits a utility from charging or receiving a deposit in excess of amounts that are determined by formulas set forth in the bill.

The bill requires a utility that has more than one rate for any customer class to notify each customer in that class of the available rates and explain how the rate is charged to the customer. If a customer contacts the utility seeking assistance in selecting the most advantageous rate, the utility must provide good faith assistance to the customer. The customer is responsible for charges for service provided under the selected rate.

The bill requires that new tariffs and changes to an existing tariff, other than an administrative change that does not substantially change the meaning or operation of the tariff, be approved by majority vote of the commission, except as otherwise specifically provided by law.

The bill requires that moneys received by a regulated electric utility pursuant to the Florida Energy Efficiency and Conservation Act for the purpose of implementing measures to encourage

the development of demand-side renewable energy systems be used solely for that purpose and related administrative costs.

### **Public Service Commission**

The bill establishes a term limit for PSC commissioners appointed after July 1, 2015, of not more than three consecutive (four-year) terms.

The bill requires that specified commission meetings be streamed live on the Internet and a recorded copy of the meeting be made available on the commission's website. The requirement applies to:

- each internal affairs meeting, workshop, hearing, or other proceeding attended by two or more commissioners; and
- each meeting, workshop, hearing, or other proceeding where a decision that concerns the rights or obligations of any person is made.

The bill requires that, beginning January 1, 2016, each PSC commissioner annually complete at least 4 hours of ethics training that addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation, if the required subjects are covered.

The bill applies the current prohibition on ex parte communications to any ex parte communications concerning the merits, threat, or offer of reward in any proceeding under ss. 120.569 or 120.57, F.S., (proceedings in which a party has a substantial affected interest involved) that is currently pending before the commission or that he or she knows or reasonably expects will be filed with the commission within 180 days (as opposed to the current 90 days) after the date of any such communication (as opposed to the current 90 days). This prohibition remains in effect at all times at meetings that are scheduled by organizations that sponsor such educational or informational sessions, programs, conferences, and similar events and that are duly noticed and open to the public, wherever such meetings are located. While participating in such meetings, a commissioner must refrain from commenting on or discussing any proceeding in a manner covered by the prohibition, and must use reasonable care to ensure that the content of the educational session or other session in which the commissioner participates is not designed to address or create a forum to influence the commissioner on any proceeding under s. 120.569 or s. 120.57, F.S., which is currently pending before the commission or that he or she knows or reasonably expects will be filed with the commission within 180 days after the meeting. The bill authorizes the Governor to remove from office a commissioner who is found by the Commission on Ethics to have willfully and knowingly violated this prohibition, and requires the Governor to remove from office a commissioner who is found by the Commission on Ethics to have willfully and knowingly violated the prohibition after a previous finding by the Commission on Ethics that the commissioner willfully and knowingly violated it in a separate matter.



**Public Service Commission Nominating Council**

The bill requires that any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of influencing or attempting to influence action of the council through oral or written communication or through an attempt to obtain the goodwill of a legislator or nonlegislator member of the council, or a person who is principally employed for governmental affairs by another person or governmental entity to act on behalf of that other person or entity for this purpose, must register as a lobbyist pursuant to s. 11.045, F.S., and otherwise comply with the requirements of that section. The Legislature is to implement this requirement by joint rule.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 116-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**CS/HB 105 — Publicly Funded Retirement Programs**

by Government Operations Subcommittee and Rep. Eagle and others (CS/CS/SB 216 by Appropriations Committee; Community Affairs Committee; and Senator Bradley)

In 1939, the Legislature enacted ch. 175, F.S., which encouraged cities to establish firefighter retirement plans by providing cities with the incentive of access to premium tax revenues. An excise tax of 1.85 percent imposed on the gross premiums of property insurance covering property within boundaries of the municipality or district funds the Firefighters' Pension Trust Fund of each municipality or special fire control district. The insurers pay the tax to the Department of Revenue, and the net proceeds are transferred to the appropriate fund. For Fiscal Year 2014-2015, premium tax collections are estimated to be \$804 million, and distributions to the Firefighters' Pension Trust Fund are predicted to be \$179.5 million.

Participation in the trust fund is limited to incorporated municipalities and to special fire control districts. While a municipality that has entered into a 1 year or longer interlocal agreement to provide fire services to another incorporated municipality may receive its premium taxes, a municipality may not receive insurance premium taxes from a Municipal Services Taxing Unit (MSTU). The bill allows a municipality providing fire protection services to a MSTU through an interlocal agreement to receive insurance premium taxes collected within the MSTU boundary for the purpose of providing pension benefits to the municipality's firefighters.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-0; House 110-1*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**CS/SB 200 — Public Records**

by Governmental Oversight and Accountability Committee and Senator Latvala

The bill exempts email addresses of taxpayers held by tax collectors for certain purposes from the public records law. The bill provides for repeal of the exemption on October 2, 2020, unless reviewed and reenacted by the Legislature.

If approved by the Governor, these provisions take effect 07/01/2015.

*Vote: Senate 38-0; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**CS/CS/HB 209 — Emergency Fire Rescue Services and Facilities Surtax**

by Finance and Tax Committee; Local Government Affairs Subcommittee; and Rep. Artiles and others (CS/CS/SB 668 by Finance and Tax Committee; Community Affairs Committee; and Senator Latvala)

The bill amends provisions related to a county's adoption and distribution of an Emergency Fire Rescue Services and Facilities Surtax. Section 212.055, F.S., allows a county to pass an ordinance to levy a sales surtax of up to 1 percent for Emergency Fire Rescue Services and Facilities. The surtax may be used to fund fire prevention, extinguishing, enforcing fire protection codes, and providing emergency medical treatment. Although authorization for the Emergency Fire Rescue Services and Facilities Surtax was added in 2009, no county has levied the surtax.

To levy the surtax, the county must pass an ordinance, which becomes effective upon approval by a majority of the qualified electors in a referendum. The existence of an interlocal agreement that provides for distribution of proceeds is a prerequisite for holding a referendum to approve the ordinance. The bill removes the requirement that an interlocal agreement exists prior to the referendum, and allows all local government entities providing fire control and emergency rescue services within the county to share in the proceeds of the surtax. Under the bill, the distribution of revenues to local government entities would be proportionate to their average annual expenditures from ad valorem taxes and non-ad valorem assessments on fire control and emergency fire rescue services over the preceding 5 fiscal years.

Participating counties and local governments must reduce ad valorem taxes by the estimated amount of revenue provided by the surtax. The bill provides that, in the event that ad valorem taxes cannot be further reduced because the millage rate is already zero, the funds must be applied to reduce any non-ad valorem assessments. If a non-ad valorem reduction is also not possible, then the surplus tax collections are returned to the county, which must reduce county millage rates.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 115-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**HB 213 — Property Appraisers**

by Rep. Moraitis (SB 266 by Senator Ring)

Property appraisers are required to submit a proposed budget for the operation of the property appraiser's office to the Department of Revenue (DOR) by June 1 of each year. The property appraiser is required to submit the proposed budget to the board of county commissioners (board) at the same time. The DOR reviews the budget request and may amend the budgeted amount "as it deems necessary, in order that the budget be neither inadequate nor excessive."

By July 15, the DOR must notify both the property appraiser and the board of its tentative budget determination. The property appraiser and board have until August 15 to submit additional information to the DOR if they choose to do so. The DOR issues its final budget determination by August 15.

The property appraiser or the board may appeal the DOR's approved final budget to the Governor and Cabinet sitting as the Administration Commission. The appeal must be filed no later than 15 days after the conclusion of the public hearing held pursuant to s. 200.065(2)(d), F.S., (final adoption of the county millage rate and budget). The Administration Commission has discretion as to whether to accept the appeal or not. Upon completion of this process, the resulting budget request as approved by the DOR and as amended by the commission becomes the operating budget of the property appraiser for the ensuing fiscal year beginning October 1.

The bill provides that a board of county commissioners must fund the property appraiser's budget according to the amount determined by the DOR in its final budget determination, and must fund the DOR-approved budget during the pendency of an appeal to the Administration Commission.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 110-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**HB 225 — All-American Flag Act**

by Reps. B. Cortes, Campbell, and others (SB 590 by Senators Altman, Bradley, and Hays)

The bill requires all United States and state flags purchased on or after January 1, 2016, by the state, a county, or a municipality for public use to be made in the United States entirely from domestically grown, produced and manufactured materials.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-1; House 110-2*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**HB 257 — Freight Logistics Zones**

by Rep. Ray and others (SB 956 by Senator Simpson)

In 2012, the Legislature emphasized the importance of freight mobility to the state's economic growth by directing the Florida Department of Transportation to develop a Freight Mobility and Trade Plan, establish the Intermodal Logistics Center Infrastructure Program, and allow a planned facility to be designated as part of the Strategic Intermodal System upon the request of the facility. The Florida Department of Transportation continues to implement a freight planning process that maximizes the use of the existing government and privately-owned transportation resources.

The bill authorizes a county or counties to designate a geographic area or areas within its jurisdictions as a freight logistic zone. The bill defines a "freight logistics zone" as a grouping of activities and infrastructure associated with freight transportation and related services within a defined area around an intermodal logistics center and requires that the designation be accompanied by a strategic plan.

Projects within a freight logistics zone may be eligible for priority in state funding and incentive programs. Eligibility for priority status will be based on an evaluation of the project.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 118-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**CS/CS/SB 278 — Downtown Development Districts**

by Appropriations Committee; Finance and Tax Committee; and Senator Diaz de la Portilla

Downtown Development Authorities (DDAs) are special districts whose main function is to coordinate and assist in the implementation and revitalization of a specific downtown area of a city. Fourteen DDAs are currently active in Florida, most of which were created by special act. In 1967, using the authority in ch 65-1090, L.O.F., the City of Miami created its DDA and authorized up to .5 mill ad valorem tax on all real and personal property in the downtown district.

The bill authorizes a municipality with a population of more than 400,000 within a county defined in s. 125.011(1), F.S., to levy an ad valorem tax on all real and personal property in a downtown development district of up to .475 mill. The .475 mill is included within the municipality's regular ad valorem taxes and special assessments. In total, the municipality's millage may not exceed the 10 mills allowed under the State Constitution for municipal purposes.

If approved by the Governor, these provisions take effect 07/01/2015.

*Vote: Senate 38-2; House 114-4*



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**CS/HB 489 — Value Adjustment Board Proceedings**

by Local and Federal Affairs Committee and Rep. Sullivan (CS/SB 260 by Finance and Tax Committee and Senator Bradley)

Each county in Florida has a value adjustment board (VAB) that reviews tax assessments made by a property appraiser. A property owner initiates the VAB's review by paying a filing fee, up to \$15, and filing a petition with the clerk of the VAB on an approved petition form. Although many VAB clerks make the petition form available to the public, only the property appraiser is required to do so. The petitioner can elect on the petition form to receive a property record card, which is the property appraiser's record of assessment information for the property.

The bill alters the process for petitioning the VAB by specifically:

- Requiring the clerk of the VAB to have available and distribute petition forms;
- Allowing an owner of multiple, similar items of tangible personal property to file a single, joint petition protesting the assessment of such property; and
- Requiring the property appraiser to include the property record card during the evidence exchange process even though the clerk of the VAB may have already provided it.

The bill may reduce filing burdens and fees for taxpayers that petition a VAB.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**CS/CS/SB 766 — Surveillance by a Drone**

by Appropriations Committee; Judiciary Committee; and Senator Hukill

The bill prohibits a person, state agency, or political subdivision from using a drone to record an image of privately owned real property or people on private property with the intent to conduct surveillance on the individual or property and without written consent to do so. A current exception for certain law enforcement agency activity is expanded to include activities by property appraisers, utilities, aerial mappers, cargo delivery systems, and any other person or entity engaged in a business licensed by the state, subject to certain conditions. The bill authorizes an aggrieved party to initiate a civil action and obtain compensatory and punitive damages and injunctive relief for a violation of the law.

If approved by the Governor, these provisions take effect 07/01/2015.

*Vote: Senate 37-2; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**CS/CS/SB 778 — Local Government Construction Preferences**

by Governmental Oversight and Accountability Committee; Community Affairs Committee; and Senator Hays

The bill prohibits any local laws that give preference to a local contractor in circumstances involving a competitive solicitation for construction services in which 50 percent or more of the cost will be paid from state-appropriated funds. The bill requires a state college, county, municipality, school district, or other political subdivision to disclose in the solicitation document that a local preference is not in effect for that project if the prohibitions contained within the bill apply.

If approved by the Governor, these provisions take effect 07/01/2015.

*Vote: Senate 28-9; House 95-22*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**CS/HB 1151 — Residential Master Building Permit Programs**

by Business and Professions Subcommittee and Rep. Ingolia (CS/SB 1486 by Community Affairs Committee and Senator Brandes)

The Legislature has specified that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public's health, safety, and welfare. It is unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building without first obtaining a permit from the appropriate enforcing agency or authority delegated to issue permits upon the payment of fees. Typically, the appropriate enforcing agency is the local building department in the county or municipality in which the property is located. The builder is required to obtain a site-specific building permit for each individual site-specific building intended to be constructed, even if the builder expects to build multiple identical structures on a repetitive basis. A builder is required to provide building plans and specifications at the time of application for a site-specific building permit, along with a structural inspection plan and additional supporting documents sufficient for the building code administrator or inspector to determine whether the building will be built according to the code.

The bill provides for the creation of local residential master building permit programs to assist builders who construct certain dwellings and townhomes on a repetitive basis. The bill directs each local government to create a residential master building permit program within 6 months of a written request made by a licensed contractor to a local building code administrator. Under the program, a builder obtains a master building permit by submitting certain documents, such as a general construction plan, to the local building department. Within 120 days after receiving a complete application, the local building department must review the general construction plan to determine compliance with the building code and approve or deny the master building permit application. If the local building department approves the general building plan, and all documents provided with the master building permit application are verified, the builder receives a master building permit and permit number. After approving a master building permit application, the bill provides that the local building department may only require the builder to submit the limited documents for a site-specific building permit for a single-family or two-family dwelling. The governing bodies of local governments set fees according to s. 553.80(7), F.S.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-0; House 116-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**CS/CS/SB 1216 — Community Development**

by Fiscal Policy Committee; Community Affairs Committee; and Senator Simpson

The bill is an omnibus growth management bill primarily related to five subjects: mitigation of sinkhole damages; elimination of one regional planning council (RPC) and statutory duties of RPCs that are already completed, duplicative or unnecessary; requirement that certain new projects go through the State Coordinated Review Process rather than the development of regional impact (DRI) process; clarification of the sector plan law; and creation of a pilot project for Pasco County.

The bill expands the definition of the term “blighted area” to enable community redevelopment agencies to enter into voluntary contracts to mitigate property damage caused by sinkholes.

The bill designates 10 RPCs and their borders and deletes several of the RPCs’ statutory duties and requirements because they are already completed, unnecessary or duplicative. The Withlacoochee Regional Planning Council is dissolved and the five counties currently within the boundaries of that council are incorporated into three existing councils.

The bill removes the requirement that certain new projects go through the DRI process. The bill shifts review of these projects to the State Coordinated Review Process for comprehensive plan amendments. Currently, comprehensive plan amendments subject to the State Coordinated Review Process involve large scale development plans or plan amendments in areas of critical state concern.

The State Coordinated Review Process requires a proposed comprehensive plan amendment to receive three local public hearings, followed by review by state and regional entities. The first local public hearing is held by the local city or county planning commission. Then the full city or county commission must hold a public hearing regarding the proposed amendment. If approved by the local government, the amendment is sent to several statutorily identified reviewing state and regional agencies, including the Department of Economic Opportunity (DEO), the Department of Transportation, the Department of Environmental Protection, the appropriate RPC, and the appropriate water management district, among others.

The required state and regional entities provide comments within their respective areas of expertise on important state resources or facilities that will be adversely impacted if the amendment is adopted. RPCs are required by law to comment on extrajurisdictional impacts caused by the plan amendment that would be inconsistent with the comprehensive plan of any affected local government within the region, as well as adverse effects on regional resources and facilities. The DEO comments on those important state resources and facilities that fall outside the jurisdiction of the other commenting state agencies; however, it is also empowered to provide comments on “countervailing planning policies and objectives that should be balanced against adverse impacts on important state resources and functions.” These comments assist the local government in deciding whether or not to adopt the amendment.

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

Whenever an adverse impact on important state resources or facilities is identified, the state agencies must also identify measures that will eliminate, reduce, or mitigate the identified adverse impacts. Within 60 days after receipt of a complete amendment, the DEO issues an Objections, Recommendations and Comments Report (often referred to as an “ORC Report”) to the local government, and the department may also comment on whether a plan or plan amendment is “in compliance.”

The permitting local government must then hold a second public hearing within 180 days after receipt of the DEO’s ORC Report. Within 30 days after the local government adoption of the amendment, an affected person may file a petition with the Department of Administrative Hearings challenging the amendment on the ground that it is not “in compliance” with the requirements of state law.

The bill clarifies that the planning standards of the sector planning statute supersede generally applicable planning standards found elsewhere in ch. 163, F.S. The bill provides more flexibility in the designation of conservation easements related to sector plans but still requires they be designated prior to the beginning of construction. The bill requires certain state agencies to review whether a detailed specific area plan would be consistent with the comprehensive plan and the long-term master plan. It authorizes a water management district to issue a longer than normal consumptive use permit for certain projects. The associated water allocation may be phased in over the duration of the permit to correspond to actual needs. The bill clarifies that a local government may require more data and analysis in support of an application to develop a sector plan than the minimum requirements provided for in this law.

The bill names Pasco County as a pilot community for connected-city corridor plan amendments, which is a locally-controlled comprehensive plan amendment process designed to facilitate the development of technologically advanced areas. The bill requires community development districts of 7,000 acres or less and within a connected-city corridor to be adopted by a county ordinance. The bill directs the Office of Program Policy Analysis and Government Accountability to submit a report on the pilot project to the Governor and Legislature in 10 years.

The bill also exempts local governments that use less than 1 percent of a large public water utility’s total permitted allocation from a requirement to update their comprehensive plans in response to an updated regional water supply plan. Finally, the bill allows the Monroe County Land Authority to contribute tourist impact tax revenues to the City of Key West or the Key West Housing Authority at the request of the City Commission for the construction, redevelopment or preservation of affordable housing.

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

*Vote: Senate 39-0; House 83-31*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**HB 7011 — OGSR/Public Transit Providers**

by Government Operations Subcommittee and Rep. Fant (CS/SB 7000 by Governmental Oversight and Accountability Committee and Community Affairs Committee)

Current law provides a public records exemption for certain information held by a public transit provider. Specifically, personal identifying information held by a public transit provider for the purpose of facilitating the prepayment of transit fares or the acquisition of a prepaid transit fare card is exempt from public record requirements.

The bill reenacts the public record exemption and transfers the public record exemption to the Florida Public Transit Act.

If approved by the Governor, these provisions take effect 10/01/2015.

*Vote: Senate 35-0; House 118-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**HB 115 — Sentencing**

by Rep. Gaetz (SB 732 by Senator Abruzzo)

The bill amends the definition of “victim” in s. 775.089(1)(c), F.S., relating to restitution, to clarify that it includes governmental entities and political subdivisions when such entities are a direct victim of the defendant’s offense or criminal episode and are not merely providing public services in response to the offense or criminal episode.

The bill also requires a judge to order a person convicted of any offense relating to bribery and misuse of public office in ch. 838, F.S., or of any offense by public officers and employees in ch. 839, F.S., to make restitution to the victim and perform 250 hours of community service work. Restitution will be ordered if the judge finds that the victim suffered an actual financial loss caused directly or indirectly by the person’s offense or an actual financial loss related to the person’s criminal episode.

These conditions of restitution and community service work are in addition to any fine or sentence that may be imposed and they may not be substituted for such fine or sentence under the bill.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 39-0; House 114-0*



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/HB 133 — Sexual Offenses**

by Civil Justice Subcommittee and Rep. Plasencia and others (CS/SB 1270 by Fiscal Policy Committee and Senators Soto and Abruzzo)

***Statute of Limitation***

The bill provides that the act may be cited as the “43 Days Initiative Act.”

It amends the statute of limitation law, s. 775.15, F.S., by extending the current statute of limitation time period for a first or second degree felony sexual battery when the victim is 16 years of age or older and does not report the crime within 72 hours. The bill provides a statute of limitation of 8 years for these offenses instead of the previous 3 or 4 year time period.

Under the bill, if a 16 year old or older victim of *second* degree felony sexual battery or an 18 year old or older victim of *first* degree felony sexual battery reports the crime within 72 hours, current law is applicable and there is no time limitation for bringing a prosecution.

The bill applies to any such offense except one already time-barred on or before July 1, 2015, meaning it applies retroactively to previously committed offenses as long as the statute of limitation has not run on these offenses prior to July 1, 2015.

***Sexting***

The bill also amends the punishment schedule in the sexting statute, s. 847.0141, F.S., by including the issuance of a citation for first violations, which are classified as noncriminal violations. The bill specifies that for a first violation of sexting the minor must sign and accept a citation indicating a promise to appear before the juvenile court. In lieu of appearing in court, the minor may complete 8 hours of community service work, pay a \$60 civil penalty, or participate in a cyber-safety program, if such a program is locally available. The minor must satisfy any penalty within 30 days after receipt of the citation.

If the citation is contested and the court determines that the minor committed a noncriminal violation under this section, the court may order the minor to perform 8 hours of community service, pay a \$60 civil penalty, or participate in a cyber-safety program, or any combination thereof.

A minor who fails to comply with the citation waives the right to contest it and the court may impose any of the stated penalties or issue an order to show cause. Upon a finding of contempt, the court may impose additional age-appropriate penalties, which may include issuance of an order to the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend the driver license or driving privilege of, the minor for 30 consecutive days. The court may not impose incarceration.

The bill also requires 80 percent of all civil penalties received by a juvenile court pursuant to the citation process outlined above to be remitted by the clerk of the court to the county commission to provide training on cyber safety for minors. The remaining 20 percent must remain with the clerk of the court to defray administrative costs.

The bill specifically addresses the holding in *State v. C.M.*, 154 So.3d 1177 (Fla. 4th DCA 2015) by amending s. 985.0301, F.S., to provide that the circuit court has exclusive original jurisdiction of proceeding in which a child is alleged to have committed a noncriminal violation that has been assigned to juvenile court by law.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 37-0; House 117-1*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**HB 193 — Crime Stoppers Trust Fund**

by Rep. Broxson and others (SB 164 by Senators Evers and Grimsley)

This bill amends s. 16.555, F.S., to authorize a county that is awarded a grant from the Crime Stopper Trust Fund to purchase and distribute promotional items to increase public awareness and educate the public about Crime Stoppers.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 114-1*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/CS/HB 197 — Tracking Devices or Tracking Applications**

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Metz and others (CS/CS/SB 282 by Rules Committee; Criminal Justice Committee; and Senator Hukill)

The bill creates a new section of the Florida Statutes making it a second degree misdemeanor for a person to knowingly install a tracking device or tracking application on another's property without the other person's consent.

The bill creates the following definitions:

- “Business entity” means any form of corporation, partnership, association, cooperative, joint venture, business trust, or sole proprietorship that conducts business in this state;
- “Tracking application” means any software program whose primary purpose is to track or identify the location or movement of an individual;
- “Tracking device” means any device whose primary purpose is to reveal its location or movement by the transmission of electronic signals; and
- “Person” means an individual and does not mean a business entity.

The bill amends s. 493.6118, F.S., to add commission of the new offense as grounds for disciplinary action against persons regulated under ch. 493, F.S. (Private Investigative, Private Security, and Repossession Services), or who are engaged in activities regulated under that chapter.

The bill specifies that a person's consent to be tracked is presumed to be revoked in the following circumstances:

- When the consenting person and the person to whom consent was given are lawfully married and one person files a petition for dissolution of marriage from the other; or
- When the consenting person or the person to whom consent was given files an injunction for protection against the other person pursuant to s. 741.30, s. 741.315, s. 784.046, or s. 784.0485, F.S.

The prohibition against knowingly installing a tracking device or tracking application does not apply to:

- A law enforcement officer as defined in s. 943.10, F.S., or any local, state, federal, or military law enforcement agency, that lawfully installs a tracking device or application on another person's property as part of a criminal investigation;
- A parent or legal guardian of a minor child who installs a tracking device or application on the minor's property (Note: when the parents or guardians are divorced, separated, or otherwise living apart from one another, this exception applies only if both parents or guardians consent to the installation of the device or application; however, if one parent or guardian has been granted sole custody, consent of the noncustodial parent is not required; the exemption also applies to the sole surviving parent or guardian.);

- A caregiver of an elderly person or disabled adult, if the elderly person or disabled adult's treating physician certifies that such installation is necessary to ensure the safety of the elderly person or disabled adult;
- A person acting in good faith on behalf of a business entity for a legitimate business purpose (Note: this exemption does not apply to a person engaged in private investigation for another person unless the person for whom the investigation is being conducted would otherwise be exempt from the bill's provisions.);
- An owner or lessor of a motor vehicle during the period of ownership or lease, provided that the device is removed before the vehicle title is transferred or the lease expires, or the new owner gives written consent for non-removal; or
- The original manufacturer of a vehicle.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 39-0; House 113-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/HB 201 — Diabetes Awareness Training for Law Enforcement Officers**

by Criminal Justice Subcommittee and Rep. Narain and others (CS/SB 746 by Criminal Justice Committee and Senators Lee, Thompson, Soto, Latvala, and Dean)

This bill requires the Florida Department of Law Enforcement to establish an online continued employment training component relating to diabetic emergencies. Instruction must include, at a minimum, recognition of symptoms of such an emergency, distinguishing such an emergency from alcohol intoxication or drug overdose, and appropriate first aid for such an emergency. Completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 40-0; House 117-1*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/CS/CS/SB 248 — Public Records/Body Camera Recording Made by a Law Enforcement Officer**

by Rules Committee; Governmental Oversight and Accountability Committee; Criminal Justice Committee; and Senators Smith, Thompson, Soto, and Stargel

This bill creates a public records exemption for a body camera recording made by a law enforcement officer. By definition, the body camera records audio and video data in the course of the officer performing his or her official duties and responsibilities.

The bill makes a body camera recording, or a portion thereof, confidential and exempt from public disclosure if the recording is taken:

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

A law enforcement agency may disclose a body camera recording in furtherance of its official duties and responsibilities and may also disclose the recording to another governmental agency in the furtherance of its official duties and responsibilities.

A law enforcement agency must disclose a body camera recording, or a portion thereof, to:

- A person recorded by a body camera (the agency must disclose those portions of the recording relevant to the person's presence in the recording);
- The personal representative of a person recorded by a body camera (the agency must disclose those portions of the recording relevant to the recorded person's presence in the recording);
- A person not depicted in a body camera recording if the recording depicts a place in which the person lawfully resided, dwelled, or lodged at the time of the recording (the agency must disclose those portions of the recording that disclose the interior of such place); and
- Pursuant to a court order.

The bill specifies grounds the court must consider in determining whether to order disclosure of the body camera recording. These grounds are in addition to any other grounds the court may choose to consider. In any proceeding regarding the disclosure of a body camera recording, the law enforcement agency that made the recording must be given reasonable notice of hearings and an opportunity to participate.

A law enforcement agency must retain a body camera recording for at least 90 days.

The exemption applies retroactively. It does not supersede any other exemption existing prior to or created after the effective date of this exemption. Those portions of a body camera recording

that are protected from disclosure by another exemption continue to be exempt or confidential and exempt.

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

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 36-2; House 112-2*



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/CS/SB 290 — Carrying a Concealed Weapon or a Concealed Firearm**

by Rules Committee; Criminal Justice Committee; and Senators Brandes, Bradley, Evers, Negrón, and Stargel

The bill creates an exception to s. 790.01, F.S., the statute that prohibits carrying concealed weapons or firearms, unless a person is licensed. If the weapon is a self-defense chemical spray or nonlethal stun gun or similar device designed for defensive purposes, a person may carry it concealed without a license.

The exception provided in the bill allows a person to carry a concealed weapon or firearm on or about his or her person, regardless of licensure status, while in the act of complying with a mandatory evacuation order. The order must be issued during a state of emergency declared by the Governor pursuant to ch. 252, F.S., or declared by a local authority pursuant to ch. 870, F.S. In order to carry a firearm the person must be lawfully able to possess the firearm.

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

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

*Vote: Senate 29-10; House 86-26*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/SB 378 — Juvenile Justice**

by Criminal Justice Committee and Senators Garcia, Gibson, Bullard, Smith, and Detert

The bill expands juvenile civil citation by allowing law enforcement to issue a civil citation or participation in a similar diversion program to youth who have committed up to three misdemeanors. Use of civil citation or similar diversion programs will no longer only be available to first-time misdemeanor offenders under the bill.

In addition, law enforcement will be authorized to issue a simple warning to the youth or inform the youth's parents of the misdemeanor, as well as issue a civil citation or require participation in a similar diversion program under the bill.

The bill also states that if an arrest is made, law enforcement must provide written documentation as to why the arrest is warranted.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 37-1; House 115-2*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/CS/HB 465 — Human Trafficking**

by Judiciary Committee; Criminal Justice Subcommittee; and Reps. Spano, Kerner, and others  
(CS/SB 1106 by Appropriations Committee and Senator Flores)

This bill amends s. 796.07, F.S., relating to prostitution, by enhancing the criminal penalties for a person who solicits, induces, entices, or procures another to commit prostitution, lewdness, or assignation as follows:

- A first violation becomes a first degree misdemeanor (currently a second degree misdemeanor);
- A second violation becomes a third degree felony (currently a first degree misdemeanor); and
- A third or subsequent violation becomes a second degree felony (currently a third degree felony).

The bill requires such person to perform 100 hours of community service and to pay for and attend an educational program about the negative effects of prostitution and human trafficking, if one exists. The bill allows a judge to order the offender's vehicle, if one is used in the offense, to be impounded or immobilized for up to 60 days (unless certain exceptions apply).

A person convicted of a second or subsequent solicitation violation under the bill is required to serve a minimum of 10 days in county jail.

The bill also amends s. 943.0583, F.S., relating to human trafficking victim expunction, to require the court to allow an advocate from the state attorney's office, law enforcement agency, safe house or safe foster home, or residential facility offering services to adult human trafficking victims to be present with the victim/petitioner during any expunction court proceeding.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 38-0; House 113-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**HB 467 — Public Records/Human Trafficking Victims**

by Rep. Spano and others (CS/SB 1108 by Governmental Oversight and Accountability Committee and Senator Flores)

This bill expands the current public records exemption for certain criminal intelligence and criminal investigative information to include identifying information of a child victim of human trafficking for labor or services, as well as any victim of human trafficking for commercial sexual activity. The bill also creates a public record exemption for this newly described criminal intelligence or investigative information relating to human trafficking victims that is expunged or ordered expunged under s. 943.0583, F.S.

Such information is confidential and exempt from public record requirements, except that the information may be disclosed by a law enforcement agency as follows:

- In the furtherance of its official duties and responsibilities;
- For print, publication, or broadcast if the law enforcement agency determines that such release would assist in locating or identifying a person that such agency believes to be missing or endangered; or
- To another governmental agency in the furtherance of its official duties and responsibilities.

The exemption applies to information held by a law enforcement agency before, on, or after the effective date of the exemption.

The bill provides for repeal of the exemptions on October 2, 2020, pursuant to the Open Government Sunset Review Act, unless reviewed and reenacted 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, 2015.

*Vote: Senate 39-0; House 114-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**HB 469 — Public Records/Residential Facilities Serving Victims of Sexual Exploitation**

by Rep. Spano and others (CS/SB 1110 by Governmental Oversight and Accountability Committee and Senator Flores)

This bill creates a public records exemption for the location information of a safe house, safe foster home, or other residential facility serving child victims of sexual exploitation. It also creates an exemption for the location information of a residential facility offering services for adult victims of human trafficking involving commercial sexual activity.

The exempted location information can be disclosed to an agency as necessary to maintain health and safety standards or to address emergency situations in the safe house or residential facility. The exemptions do not apply to facilities licensed by the Agency for Health Care Administration.

The exemptions apply to information held by an agency before, on, or after the effective date of the exemption.

The bill provides for repeal of the exemptions on October 2, 2020, pursuant to the Open Government Sunset Review Act, unless reviewed and reenacted 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, 2015.

*Vote: Senate 37-0; House 114-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/CS/SB 538 — Disclosure of Sexually Explicit Images**

by Rules Committee; Criminal Justice Committee; and Senators Simmons and Soto

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

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

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

The bill authorizes an aggrieved person to initiate a civil action against a person who commits sexual cyberharassment to obtain all appropriate relief in order to prevent or remedy a violation. This relief includes:

- Injunctive relief; monetary damages to include five thousand dollars or actual damages incurred, whichever is greater; and reasonable attorney fees and costs.

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

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 38-2; House 114-2*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/HB 897 — Controlled Substances**

by Criminal Justice Subcommittee and Rep. Ingram (CS/SB 1098 by Criminal Justice Committee and Senator Bradley)

This bill adds several synthetic cannabinoids to the controlled substances list in Schedule I of s. 893.03, F.S. This scheduling also applies to any material, compound, mixture, or preparation that contains any of the substances' salts, isomers, and salts of isomers, if the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

As a result of this scheduling, a person who possesses, purchases, delivers, sells, manufactures, or brings into this state any of these substances may be subject to criminal prosecution and punishment.

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

*Vote: Senate 40-0; House 116-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**SB 1010 — False Personation**

by Senator Braynon

This bill revises the list of officials who are prohibited from being falsely personated to include firefighters and fire or arson investigators of the Department of Financial Services.

For purposes of the prohibition of falsely personating a “watchman,” the bill clarifies that a “watchman” is a security officer licensed under ch. 493, F.S. The bill also removes reference to falsely personating an “officer of the Department of Transportation.” False personation of these officers is covered under the current prohibition against falsely personating an “officer of the Florida Highway Patrol.”

The bill also prohibits the use of badges or indicia of authority bearing in any manner or combination the words “fire department” and the ownership or operation of vehicles marked by the words “fire department.” Further, relevant to these offenses, the bill modifies criminal intent language to require proof that the offender had the intent to mislead or cause another person to believe that:

- The offender is a member of a criminal justice agency or fire department or is authorized by such agency or department to wear or display its badge; or
- The vehicle the offender owns or operates is an official law enforcement vehicle or fire department vehicle and its use by the offender is authorized by such agency or department.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 39-0; House 114-1*



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**HB 7001 — Intercepting and Recording Oral Communications**

by Criminal Justice Subcommittee and Reps. Trujillo and Moskowitz (CS/SB 542 by Criminal Justice Committee and Senators Benacquisto and Simpson)

This bill creates an exception to the general prohibition against interceptions of oral communications. The bill allows a child who is under 18 years of age and a party to the communication to intercept and record an oral communication if:

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

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 32-0; House 116-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**HB 7061 — Public Records/Florida RICO Act**

by Civil Justice Subcommittee and Rep. Passidomo (CS/SB 1536 by Criminal Justice Committee and Senator Flores)

This bill makes confidential and exempt from public disclosure information held by an investigative agency pursuant to an investigation of a violation of the Florida Racketeer Influenced and Corrupt Organization (RICO) Act. The bill provides a public necessity statement in support of the exemption.

This confidential and exempt information may be disclosed by the investigative agency to a governmental entity in the performance of its official duties and to a court or tribunal.

The information is no longer confidential and exempt once all investigations to which the information pertains are completed, unless the information is otherwise protected by law. An investigation is considered complete once the investigative agency either files an action or closes its investigation without filing an action.

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

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 116-2*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Education Pre-K - 12**

**CS/CS/CS/HB 41 — Hazardous Walking Conditions**

by the Education Committee; Education Appropriations Subcommittee; Local Government Affairs Subcommittee; and Rep. Metz and others (CS/CS/CS/SB 154 by the Appropriations Committee; Community Affairs Committee; Education Pre-K – 12 Committee; and Senator Hays)

The bill designated as the “Gabby’s Law for Student Safety Act,” requires a district school board, in cooperation with the applicable state or local governmental entity, to inspect and identify hazardous conditions along routes that students must take while walking to or from school. The bill also requires the applicable state or local governmental entity to correct any hazardous walking conditions within a reasonable period of time.

Specifically, the bill:

- Revises the conditions for identifying walkways parallel to a road as hazardous.
- Creates criteria for identifying conditions at uncontrolled crossing sites as hazardous.
- Revises the process for inspecting, identifying, and correcting hazardous walking conditions.
- Authorizes a district school board to initiate a proceeding seeking a declaratory judgment if the governmental representatives are unable to reach a consensus on whether a hazardous walking condition exists.
- Prohibits the admissibility of the designation of a road as a hazardous walking condition as evidence in a civil action for damages against a governmental entity.
- Authorizes a district school board and other governmental entities to enter into an interlocal agreement addressing the standards and procedures for identifying and correcting hazardous walking conditions if the agreement:
  - Implements the Safe Paths to Schools Program; or
  - Establishes standards that meet or exceed the standards and procedures set forth in the Florida Statutes.
- Authorizes each district school board to implement a safe driver toll-free telephone hotline for individuals to report improper driving by a school bus driver to a district school board, which may investigate and correct or take disciplinary action based on such reports.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 113-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Education Pre-K - 12**

**CS/HB 153 — Literacy Jump Start Pilot Project**

by the Choice and Innovation Subcommittee; Rep. Lee and others (CS/SB 1116 by the Appropriations Committee and Senator Abruzzo)

The bill requires the Office of Early Learning (OEL) to establish a 5-year Literacy Jump Start Pilot Project in St. Lucie County to provide emergent literacy instruction to low-income, at-risk children.

Specifically, the bill:

- Directs OEL to allocate funds for the implementation of the pilot project;
- Requires OEL to select a local organization to implement the pilot project;
- Requires OEL to select one or more municipalities within St. Lucie County to participate in the pilot project;
- Requires the instruction to be provided in a subsidized housing unit located within the selected municipality;
- Establishes eligibility criteria for participation in the pilot project;
- Encourages the collaboration of the St. Lucie County Health Department and the organization to provide basic health screening and immunization in conjunction with emergent literacy instruction;
- Requires child care personnel to undergo level 2 background screening;
- Limits the use of funds for specific purposes and requires funds to be verified by affidavit;
- Requires instructors to complete an OEL-approved emergent literacy training course; and
- Requires organization to submit an annual accountability report to the OEL, the St. Lucie County Early Learning Coalition, the Governor, the President of the Senate, and the Speaker of the House of Representatives.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 116-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Education Pre-K - 12**

**CS/SB 954 — Involuntary Examinations of Minors**

by the Fiscal Policy Committee and Senator Garcia

The bill requires immediate notification to the parent, guardian, caregiver, or guardian advocate of a minor or student who has been taken to a receiving facility and held for an involuntary examination.

Specifically, the bill:

- Requires a public school or charter school principal, or his or her designee, to immediately notify a student's parent if the student is removed from school, school transportation, or a school-sponsored activity for an involuntary examination.
- Requires a receiving facility to immediately notify a minor's parent, guardian, caregiver, or guardian advocate after the minor's arrival at the facility and make repeated attempts at such notification until confirming that notice has been received.
- Authorizes a public school or charter school principal or receiving facility to delay notification up to 24 hours if deemed to be in the best interests of the minor or student and if a report has been submitted to the Department of Children and Families' Central Abuse Hotline.
- Requires each county health department, district school board, and local school health advisory committee to jointly develop a school health services plan that provides for immediate notification.
- Requires each district school board and charter school governing board to develop policies and procedures for immediate notification.
- Authorizes the release of a student to a law enforcement officer if emergency assistance is needed for illness or injury while at school.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Education Pre-K - 12**

**CS/HB 7069 — Education Accountability**

by Education Appropriations Subcommittee; Education Committee; Rep. O'Toole and others (CS/CS/SB 616 by the Appropriations Committee; Education Pre-K – 12 Committee; and Senator Legg)

The bill (Chapter 2015-6, L.O.F.) authorizes school districts to start school as early as August 10 each year and modifies education accountability provisions related to public school student assessment, educator performance evaluations, and school accountability:

**Student Assessment**

The bill reduces test administration requirements, minimizes the impact of testing on students, and codifies testing schedules and procedures. Specifically, the bill:

- Eliminates prescriptive remediation and progress monitoring requirements, the grade 11 Florida Standards Assessment for English Language Arts (ELA), and the required administration of the Postsecondary Education Readiness Test (PERT) in high school.
- Limits the amount of time for state-required and district-required test administrations to no more than five percent of total school hours during the school year, with some exceptions.
- Requires school districts to provide student performance results on district-required local assessments to teachers and parents within 30 days of administration, and requires future state testing contracts to provide student performance results on statewide, standardized assessments by the end of the school year.
- Allows districts to determine appropriate local assessments for measuring student performance, including requirements for student growth formulas, and authorizes school districts to use district employees to administer statewide, standardized assessments.
- Codifies the state-approved rollout schedule for statewide, standardized computer-based testing and paper testing options through the 2017-2018 school year, and requires school districts to establish and publish district assessment schedules.
- Requires districts to notify parents of students who score in the bottom quintile on the 2014-2015 grade 3 ELA assessments and provide evidence to enable such students to be promoted.
- Requires the Department of Education (DOE) to collect liquidated damages due in response to the spring 2015 administration of the computer-based assessments of the department's Florida Standards Assessment contract with American Institutes for Research, and distribute the funds to parties that incurred damages, if liquidated damages are applicable.

**Educator Performance Accountability**

The bill modifies components of educator performance evaluations for student performance, instructional practice, and professional and job responsibilities. Specifically, the bill:

- Modifies educator performance evaluation components to require:

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

- The student performance component to be at least one-third of the evaluation,
- The instructional practice component (or the instructional leadership component for school administrators) to constitute at least one-third of the evaluation, and
- The remainder of the evaluation to include other indicators of performance.
- Requires the student performance component to include growth or achievement data, the proportion of which may be determined by instructional assignment.
  - For courses associated with statewide, standardized assessments, requires school districts to measure student learning growth using the formulas approved by the Commissioner of Education and the standards for performance levels adopted by the State Board of Education (SBE).
  - For grades and subjects not assessed by statewide, standardized assessments, requires each school district to measure student performance using a methodology determined by the district.
- Authorizes other indicators of performance to include, but not be limited to, professional and job responsibilities and other valid and reliable measures of instructional practice. Instructional personnel may also include peer reviews and objectively reliable survey information from students and parents based on teaching practices that are consistently associated with higher student achievement.
- Requires the DOE to provide a comparative analysis of performance evaluation results calculated by each school district to indicators of performance calculated by the DOE using the standards for performance levels adopted by the SBE.
- Requires instructional and administrative personnel who have been evaluated as less than effective to participate in the district's professional development programs.

### **School Accountability**

The bill maintains the statutorily prescribed 2014-2015 school year transition to the Florida Standards Assessments, including the suspension of negative consequences associated with school grades and school improvement ratings. Specifically, the bill:

- Allows a school currently implementing a turnaround option to be released from the requirements if the school improves by at least one letter grade during the 2014-2015 transition year.
- Requires an independent verification of the psychometric validity of the statewide, standardized assessments to be completed before the 2014-2015 school grade results may be published and before student performance data may be used for evaluations.
- Requires student performance on the 2014-2015 statewide, standardized assessments to be linked to the 2013-2014 student performance expectations until an independent verification of the psychometric validity of the statewide, standardized assessments is provided for purposes of grade 3 ELA performance and high school graduation.

These provisions were approved by the Governor and took effect on April 14, 2015.

*Vote: Senate 32-4; House 105-6*

## Committee on Environmental Preservation and Conservation

### **CS/HB 359 — Miami-Dade Lake Belt Area**

by Agriculture and Natural Resources Subcommittee and Rep. M. Diaz and others (CS/SB 510  
by Environmental Preservation and Conservation Committee and Senator Garcia)

The bill specifies that amendments to local zoning and subdivision regulations must be compatible with limestone mining activities. It prohibits amending zoning and subdivision regulations that increase residential density in the vicinity of mining activities. The bill allows the proceeds from mitigation funds to be used for monitoring, incrementally reduces the mitigation fee, and directs proceeds from the mitigation fee to be used for additional mitigation projects instead of solely for seepage mitigation projects. The bill decreases the water treatment plant upgrade fee to six cents per ton and specifies the water treatment plant upgrade fee expires on July 1, 2018.

The bill transfers two cents per ton of the water treatment plant upgrade fee to the State Fire Marshal to be used for the ground vibration study under s. 552.30, F.S., until December 1, 2016. The transferred funds may not exceed \$300,000. Any funds that remain are directed to Miami-Dade County for mitigation and water quality monitoring.

The bill provides legislative findings regarding the water sampling around the Lake Belt and requires Miami-Dade County to submit reports to the Legislature that include an accounting of the water treatment plant upgrade fee and an analysis of the Northwest Wellfield water quality data.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 37-1; House 82-30*



## Committee on Environmental Preservation and Conservation

### CS/CS/CS/HB 383 — Private Property Rights

by Judiciary Committee; Local Government Affairs Subcommittee; Civil Justice Subcommittee; and Reps. Edwards, Perry, and others (CS/CS/SB 284 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Diaz de la Portilla)

This bill authorizes a property owner to recover damages against a governmental entity that imposes a prohibited exaction as a final condition of approval for a requested use of real property. Under the bill, an exaction is prohibited if it does not have an essential nexus to a legitimate public purpose or if the exaction is not roughly proportionate to the impacts of the proposed use that the governmental entity is seeking to avoid, minimize, or mitigate. In effect, the bill provides remedies for violations of the unconstitutional conditions doctrine, as described by the U.S. Supreme Court in *Koontz v. St. Johns River Water Management District*, 133 S.Ct. 2586 (2013).

Under the procedures provided in the bill, a property owner must provide advance notice of the intent to file a lawsuit seeking damages for a prohibited exaction along with an estimate of the owner's damages. The governmental entity must then explain why the exaction is proportionate or offer to remove or reduce the exaction.

At trial, the governmental entity has the burden of proving that the exaction has a nexus to a legitimate public purpose and is proportionate. The property owner has the burden of proving the damages that result from a prohibited exaction. A court may award attorney fees and costs to the governmental entity. However, the court must award attorney fees and costs to the property owner if the exaction has no nexus to a legitimate public purpose.

Among other related changes, the bill:

- Clarifies the terms “property owner” and “real property” for purposes of private property rights protection and provides definitions for the terms “damages,” “governmental entity,” “prohibited exaction,” “property owner,” and “real property” for new provisions related to governmental exactions;
- Applies protection from contrary statutes and local regulations under the Private Property Rights Protection Act, which authorizes compensation to persons whose property is inordinately burdened by government conduct, to settlement agreements reached between property owners and governmental entities regardless of when the settlement agreement is entered into if the agreement fully resolves all claims;
- Provides that the Private Property Rights Protection Act does not apply to actions taken by a county regarding the adoption of a Flood Insurance Rate Map issued by the Federal Emergency Management Agency for the purpose of participating in the National Flood Insurance Program, unless the map incorrectly applies an aspect of the map to the property in such a way, but not limited to, incorrectly assessing the elevation of the property;
- Waives sovereign immunity for causes of action brought under new provisions created for governmental exactions created by the bill; and

- Clarifies that provisions related to governmental exactions, may not be construed in pari materia with provisions of the Private Property Rights Protection Act or the Florida Land Use and Environmental Dispute Resolution Act.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 36-1; House 113-1*

## Committee on Environmental Preservation and Conservation

### **CS/HB 787 — Recycled and Recovered Materials**

by Agriculture and Natural Resources Subcommittee and Rep. Peters (CS/SB 912 by Environmental Preservation and Conservation Committee and Senator Bean)

The bill provides relief from liability for a person that sells, transfers, or arranges for the transfer of recycled and recovered materials to a facility owned or operated by another person for the purpose of reclamation, recycling, manufacturing, or reuse of the materials. The bill defines "recycled and recovered materials" and provides the applicable dates for a cause of action.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 113-4*

## Committee on Environmental Preservation and Conservation

### CS/HB 7021 — Fish and Wildlife Conservation Commission

by State Affairs Committee; Agriculture and Natural Resources Subcommittee; and Reps. Sullivan, Trumbull, and others (CS/CS/SB 680 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Dean)

The bill amends and repeals various statutes relating to programs under the authority of the Fish and Wildlife Conservation Commission (FWC). The bill:

- Removes specific labeling requirements for personal floatation devices and allows the use of personal floatation devices labeled in accordance with the U.S. Coast Guard approval label;
- Authorizes the FWC to reimburse and compensate a citizen support organization for providing fiscal and administrative services to the commission;
- Revises the effective dates for tarpon tags from July 1 through June 30 to the calendar year;
- Removes a requirement for tax collectors to submit forms relating to the number of unissued Convention on the International Trade of Endangered Species (CITES) tags every year;
- Removes reporting requirements for tarpon landings;
- Corrects the scientific name for tarpon from *megalops atlantica* to the correct name, *Megalops atlanticus*;
- Removes statutory qualifying requirements to receive a Restricted Species Endorsement on a Saltwater Products License;
- Removes rulemaking authority to implement an alligator management and trapping program;
- Ensures all uncured alligator hides are identified as originally intended;
- Removes reporting and shipping details for dealers and buyers of alligator hides;
- Clarifies that a person may not take or possess an alligator or alligator eggs without an alligator license, rather than a “trapping license”;
- Renames the “Alligator Management and Trapping Program” to the “Alligator Management Program”;
- Removes statutory rulemaking authority to limit the number of participants engaged in the taking of alligators or their eggs from the wild;
- Provides exemptions to fee requirements related to hunting alligators;
- Removes statutory requirements to transfer funds from the alligator management program to the General Inspection Trust Fund to be administered by the Department of Agriculture and Consumer Services and makes such transfers contingent upon an annual appropriation for alligator marketing and education activities;
- Removes rulemaking authority to establish appropriate qualifications for permitting alligator collectors;
- Removes a requirement to use certain funds for alligator husbandry research;
- Removes a requirement to attach CITES tags to the hide of any alligator taken from the wild;

- Removes a requirement to limit the number of CITES tags to the estimated safe yield of alligators in the state;
- Removes definitions of “alligator,” “process or processing,” and “alligator hatchling”;
- Removes a provision relating to alligator study requirements;
- Removes provisions relating to penalties for unlawfully selling certain alligator products;
- Removes a provision relating to penalties for using the words “alligator” and “gator” in certain situations; and
- Changes penalties for feeding wildlife and freshwater fish.

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

*Vote: Senate 39-0; House 115-1*

## Committee on Environmental Preservation and Conservation

### **HB 7081 — Ratification of Rules/Minimum Flows and Levels for the Lower Santa Fe and Ichetucknee Rivers and Associated Priority Springs**

by Rulemaking Oversight and Repeal Subcommittee and Reps. Beshears and Porter (SB 7062 by Environmental Preservation and Conservation Committee)

The bill ratifies Rule 62-42.300, F.A.C., establishing minimum flows and levels for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs. It requires the DEP to publish a notice of enactment in the Florida Administrative Register or the Florida Administrative Code, or both, as appropriate.

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

*Vote: Senate 40-0; House 114-0*

## Committee on Environmental Preservation and Conservation

### **HB 7083 — Ratification of Rules/Construction and Demolition Debris Disposal and Recycling**

by Rulemaking Oversight and Repeal Subcommittee and Rep. Beshears (SB 7060 by Environmental Preservation and Conservation Committee)

The bill ratifies Rule 62-701.730, F.A.C., relating to construction and demolition debris disposal facilities regulated by the Department of Environmental Protection, Division of Waste Management.

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

*Vote: Senate 40-0; House 112-2*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Ethics and Elections**

**SB 184 — Federal Write-In Absentee Ballot**

by Senators Evers and Gaetz

The bill eliminates the restriction that a Federal Write-In Absentee Ballot (FWAB) can only be used for state and local elections involving two or more candidates. This allows absent uniformed services and overseas voters to use an FWAB as a “back-up” ballot for *all* federal, state, and local elections — including judicial retention elections and ballot questions.

The bill also delays the canvassing of an FWAB until 10 days after the presidential preference primary or general election. This will allow the voter’s official absentee ballot to be canvassed (in lieu of an FWAB) if it is received during that 10-day window.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 37-0; House 118-0*



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Ethics and Elections**

**CS/CS/SB 228 — Online Voter Registration**

by Appropriations Committee; Ethics and Elections Committee; and Senators Clemens and Richter

The bill directs the Division of Elections in the Department of State to develop an operational, online voter registration application system by October 1, 2017. The Division of Elections must develop security measures to prevent unauthorized tampering with a voter's registration information, including the use of a unique identifier for each applicant. The online voter registration application system must comply with the Agency for State Technology's information technology security provisions. The Division of Elections is required to conduct a comprehensive risk assessment before making the system available to the public and every two years thereafter. The risk assessment must comply with the risk assessment methodology developed by the Agency for State Technology. The system must also comply with certain federal laws to ensure equal access to voters with disabilities.

The online voter registration application system must be designed to submit a voter registration application and update voter registration information and obtain information sufficient to establish an applicant's eligibility to vote. Information sufficient to establish an applicant's eligibility to vote includes the information required for the statewide voter registration application pursuant to s. 97.052, F.S. The system must be able to compare an applicant's driver license number and date of birth with Department of Highway Safety and Motor Vehicles ("DHSMV") records. If the information provided does not match DHSMV records, the system must allow the person to print an application to mail to the Supervisor of Elections. The system must also be able to generate an immediate electronic confirmation that the Supervisor of Elections has received the application and provide instructions on how to check the status of the application. The bill provides an appropriation of \$1.8 million in nonrecurring funds from the Federal Grants Trust Fund for the development and implementation of the online voter registration application system.

The Division of Elections is required to submit a report to the President of the Senate and the Speaker of the House of Representatives regarding the implementation of online voter registration applications no later than January 1, 2016.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 37-3; House 109-9*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Ethics and Elections**

**SB 984 — Exemption from Legislative Lobbying Requirements**

by Senator Braynon

The bill clarifies that the use of a public facility or public property provided from a governmental entity to a legislator for a public purpose is not an expenditure for purposes of the “legislative expenditure ban” in s. 11.045, F.S., regardless of whether the governmental entity is a principal. Unlike the current Rules of the Florida Senate and the Administrative Policy Manual of the Florida House of Representatives, this statutory exception does not include any requirement for approval by the presiding officers prior to the expenditure being made between the governmental entity and the legislator.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-0; House 119-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Ethics and Elections**

**CS/SB 7034 — OGSR/Stalking Victims Identifying Information**

by Governmental Oversight and Accountability Committee and Ethics and Elections Committee

The bill is the result of an Open Government Sunset Review conducted by the Ethics and Elections Committee. It continues the “voter stalking exemption” that the Legislature adopted in 2010, exempting from public records disclosure the names, addresses, and telephone numbers of stalking victims who participate in the Attorney General’s Address Confidentiality Program for Victims of Domestic Violence.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 37-0; House 118-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Ethics and Elections**

**HB 7035 — Presidential Preference Primary Date**

by Rules, Calendar and Ethics Committee and Rep. Workman (SB 7036 by Ethics and Elections Committee)

The bill (Chapter 2015-5, L.O.F.) sets the date for the Florida presidential preference primary (“PPP”) on the 3rd Tuesday in March of each presidential election year, which has the immediate effect of moving the PPP in 2016 from March 1 to March 15.

These provisions became law upon approval by the Governor on March 19, 2015.

*Vote: Senate 39-0; House 114-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Finance and Tax**

**HB 7009 — Corporate Income Tax**

by Finance and Tax Committee; and Rep. Sullivan and others (SB 7014 by Finance and Tax Committee)

The bill updates the Florida Income Tax Code to adopt the Federal Internal Revenue Code in effect on January 1, 2015, but expressly excludes the increases in depreciation and expensing deductions provided in federal legislation adopted in 2014. For the increased deductions, the bill allows Florida corporations to receive the benefit by spreading the deductions over a seven-year period.

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

*Vote: Senate 37-0; House 117-0*

## Committee on Governmental Oversight and Accountability

### **CS/SB 172 — Local Government Pension Reform**

by Governmental Oversight and Accountability Committee and Senators Bradley, Ring, and Gaetz

The bill substantially changes how insurance premium tax revenues must be used in the funding of local government police and firefighter pension plans in chs. 175 and 185, F.S.

#### **Definitions (Sections 2 and 9)**

The bill defines several new terms for purposes of chs. 175 and 185, F.S. The most relevant terms are “additional premium tax revenues,” “base premium tax revenues,” and “minimum benefits.” Additional premium tax revenues mean insurance premium tax revenues received by a municipality (or special fire control district) which exceed base insurance premium tax revenues. Base premium tax revenues are those insurance premium taxes received by a municipality (or special fire control district) for calendar year 2003. Minimum benefits are the benefits set forth in specified sections of ch. 175, F.S., (for firefighters and, if included in the plan, police officers) and ch. 185, F.S., (for police officers and, if included in the plan, firefighters).

#### **Change of the Minimum Benefit Accrual Rate (Sections 6 and 13)**

The bill increases the minimum benefit accrual rate from 2.0 percent to 2.75 percent for firefighter and police officers. Plans are permitted to deviate from this rate if the plan is otherwise in compliance with the minimum benefits and minimum standards but provides a benefit accrual rate of less than 2.75 percent. In that instance, the plan must maintain, at a minimum, the benefit accrual rate that was in effect on July 1, 2015. If the plan subsequently increases the rate to 2.75 percent or greater, the plan may not later reduce the rate below 2.75 percent.

#### **Use of Insurance Premium Tax Revenues (Sections 7 and 14)**

The bill amends parallel provisions in chs. 175 and 185, F.S., and specifies that in order to receive insurance premium tax revenues, those revenues must be used as follows:

- Base insurance premium tax revenues must be used to fund minimum benefits or other retirement benefits in excess of the minimum benefits.
- Of the additional insurance premium tax revenues received in excess of the amount received in calendar year 2012, 50 percent must be used to fund minimum benefits or other retirement benefits in excess of the minimum benefits, as determined by the municipality (or special fire control district) and 50 percent must be placed in a defined contribution plan to fund special benefits.[\[1\]](#)
- Additional insurance premium tax revenues not required to be distributed to fund minimum benefits, retirement benefits in excess of minimum benefits, or special benefits must be used to fund benefits **not** included in the minimum benefits. If the additional insurance premium tax revenues required to be distributed to fund minimum benefits,

additional retirement benefits, and special benefits exceed the full cost of benefits provided through a retirement plan:

- 50 percent of any excess must be used to fund minimum benefits or other retirement benefits; and
- 50 percent must be placed in a defined contribution plan.
- Of any accumulations of additional insurance premium tax revenues which have not been applied to fund benefits in excess of minimum benefits:
  - 50 percent of the accumulation must be used to fund special benefits; and
  - 50 percent must be used to fund any unfunded actuarial liabilities of the plan, provided that any amount of accumulations in excess of amount required to fund unfunded actuarial liabilities must be used to fund special benefits.
- For plans created after March 1, 2015, 50 percent of the insurance premium tax revenues must be used to fund defined benefit plan component benefits and the remainder must be used to fund defined contribution plan component benefits.
- If a plan offers benefits in excess of the minimum benefits, excluding supplemental plan benefits in effect as of September 30, 2014, those plan benefits may be reduced if the plan continues to meet the minimum benefits and minimum standards in chs. 175 and 185, F.S., respectively. The amount of insurance premium tax revenues previously used to fund benefits in excess of minimum benefits, excluding supplemental benefits in effect as of 2012 calendar year, before the reduction must be used to fund minimum benefits or other retirement benefits (50 percent) and a defined contribution plan (50 percent). However, benefits may not be reduced if the plan does not have a minimum accrual rate of 2.75 percent, or greater, of the average final compensation of a full-time firefighter or police officer.

Notwithstanding those provisions of the bill, the use of insurance premium tax revenues, including additional tax revenues which have not been applied to fund benefits in excess of the minimum benefits, may deviate from the requirements of the bill by mutual consent of the members' collective bargaining representative or, if there is none, by majority consent of the plan members' of the fund and consent of the municipality (or special fire control district), provided the plan continues to meet the minimum benefits and the minimum standards of chs. 175 or 185, F.S. However, a plan that does not meet a minimum benefit as of October 1, 2012, may continue to provide the benefit not meeting the minimum benefit at the same level, but not less than that level as was provided on October 1, 2012, and all other benefits must continue to meet the minimum benefits. A mutually agreed deviation must continue until modified or revoked by subsequent mutual consent of the members' collective bargaining representative (or a majority of the members of the fund) and the municipality (or special fire control district). A special act plan or a plan within a supplemental plan municipality are considered to have mutually agreed to such deviation as of July 1, 2015, regarding the existing agreement on the use of insurance premium tax revenues.

The bill also requires plan sponsors to create defined contribution plan components within their plans by October 1, 2015, for noncollectively bargained services, upon entering into a collective bargaining agreement on or after July 1, 2015, or upon the creation date of a new participating

plan. Depending upon the use of insurance premium tax revenues as otherwise provided in the bill, a defined contribution component may or may not receive funding.

The bill explicitly allows plans to use the insurance premium tax revenues and offer benefits below the statutorily required levels in certain instances. The plan must have relied upon the interpretation of the statute by the DMS to reduce the level of benefits or use the insurance premium tax revenues, and such reliance must be evidenced by certain documentation. The plan may continue to offer these reduced benefits and/or use the insurance premium tax revenues in this manner until the earlier of October 1, 2018, or the time when another collective bargaining agreement is negotiated addressing the benefits or use of revenues.

### **300 Hour Cap of Overtime for Benefit Purposes (Section 9)**

The bill amends the definition of “compensation” or “salary” in s. 185.02(4), F.S., relating to police officer retirement plans, to:

- Repeal the sentence that states: “A local law plan may limit the amount of overtime payments which can be used for retirement benefit calculation purposes; however, such overtime limit may not be less than 300 hours per officer per calendar year.” Repealing this sentence should clarify that the definition has a maximum cap of 300 hours, with no required minimum, consistent with a recent interpretation by the division, as it applies to the inclusion of overtime hours in the calculation of police retirement benefits.
- Provide that overtime may be limited prior to July 1, 2011, in a local law plan by the plan provisions. Local law plans are retirement plans, which include a defined benefit plan component and a defined contribution plan component, for police officers (and firefighters, if included) established by municipal ordinance or special act of the Legislature.

### **Important State Interest (Section 15)**

The bill provides that the Legislature determines that the bill fulfills an important state interest as related to public pension plans.

If approved by the Governor, these provisions take effect July 1, 2015.

[\[1\]](#) Sections 2 and 9 define “special benefits” as benefits provided in a defined contribution plan.  
*Vote: Senate 36-0; House 112-4*



## Committee on Governmental Oversight and Accountability

### **CS/CS/CS/HB 371 — Agency Inspectors General**

by State Affairs Committee; Appropriations Committee; Government Operations Subcommittee; and Rep. Raulerson and others (CS/CS/SB 1304 by Fiscal Policy Committee; Governmental Oversight and Accountability Committee; and Senator Latvala)

The bill authorizes the Chief Inspector General or designee to hire or retain legal counsel and issue and enforce subpoenas under certain circumstances. The bill requires the Office of Early Learning to appoint an inspector general and mandates additional hiring requirements, employment qualifications, and terms of employment for inspectors general appointed by agencies under the jurisdiction of the Governor.

The bill prohibits a former or current elected official from being appointed inspector general within 5 years after the end of his or her term and prohibits an inspector general and employees of inspector general from holding elective office and provides additional restrictions for an inspector general and their staff for specified political activities.

Also, the bill requires that records must be accessible to agency inspectors general during an audit or investigation. The bill requires specified personnel to cooperate with requests of agency inspectors general during investigations, audits, inspections, reviews and hearings.

Additionally, the bill requires certain language be included in state contracts, bids, and proposals regarding cooperation with the inspector general.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 97-17*

## Committee on Governmental Oversight and Accountability

### **CS/CS/SB 396 — Florida Historic Capitol**

by Appropriations Committee; Governmental Oversight and Accountability Committee; and  
Senators Detert and Gaetz

The bill creates the Florida Historic Capitol Museum Council, which will provide guidance and support for the Florida Historic Capitol Museum in preserving legislative history, operate according to best practices, and planning the Biennial Joint Legislative Reunion. The Florida Historic Capitol Museum Council is composed of current and former officers and members from each chamber as well as the general public.

The bill abolishes the Florida Legislative Research Center at the Historic Capitol. The bill also abolishes the Florida Historic Capitol Museum's citizen's support organization and redirects funds from the sale of specialty license plates from the citizen's support organization to the Capitol Museum's direct support organization. The bill increases the number of board members of the direct support organization to 21 members.

This bill changes the title of the Capitol Curator to Museum Director.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 116-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Governmental Oversight and Accountability**

**SB 522 — Division of Bond Finance**

by Senator Brandes

The bill repeals the requirement for the Division of Bond Finance to issue a regular newsletter containing information of interest relating to local and state bonds to issuers, underwriters, attorneys, investors, other parties within the bond community, and the general public.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 114-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Governmental Oversight and Accountability**

**HB 553 — Public Libraries**

by Rep. Perry (SB 434 by Senator Detert)

The bill revises the powers and duties of the Division of Library and Information Services (Division) within the Department of State. The Division is required to coordinate with the Division of Blind Services of the Department of Education in the provision of library services to the blind and physically handicapped persons. Additionally, the bill establishes the State Publications Program requiring each state official, department, court, or agency to designate a state publications liaison who is required to maintain a list of their respective entity's state publications and to furnish an updated list to the Division by December 31 of each year.

The duties of the State Library Council are expanded to include advising and assisting the Division with planning, policy, and priorities related to the development of statewide information services. The composition of the Council is modified to require:

1. Three members to represent Florida public libraries;
2. Two members to represent the Florida Academic Library Services Cooperative;
3. One member to represent a multi-type library cooperative;
4. One member to represent a school library media center;
5. One member to represent the Independent Colleges and Universities of Florida; and
6. One member to represent a Florida library professional association.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-0; House 117-0*

## Committee on Governmental Oversight and Accountability

### **CS/HB 565 — Retirement**

by Government Operations Subcommittee and Rep. Beshears (CS/SB 1054 by Governmental Oversight and Accountability Committee and Senator Evers)

The bill allows local agency employers participating in the Florida Retirement System to reassess positions previously designated as Senior Management Service Class (SMSC) positions. The number of positions a local agency employer may designate as SMSC is limited, and the SMSC designation provides a higher annual service accrual rate than Regular Class positions. The bill provides a 6-month window to allow a local agency employer time to reassess its designation of positions previously designated as SMSC, and to request removal from the class of any such positions that it deems appropriate. After the initial period in 2015, the bill provides that the window for reclassification opens once every five years.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 117-0*

## Committee on Governmental Oversight and Accountability

### **SB 694 — Florida State Employees' Charitable Campaign**

by Senator Ring

The bill allows state officers and employees to donate to the Florida State Employees' Charitable Campaign (FSECC) at agency fundraising events without designating specific organizations to receive the funds. The bill provides that the FSECC's fiscal agent must distribute these "undesignated" funds to participating charitable organizations in direct proportion to the percentage of designated funds or pledges received by the organization.

The bill removes additional eligibility requirements for independent unaffiliated agencies, international service agencies, and national agencies wanting to participate in the FSECC.

The bill removes the statutory requirement to establish a local steering committee in each fiscal agent area.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 117-0*

## Committee on Governmental Oversight and Accountability

### **CS/HB 985 — Maintenance of Agency Final Orders**

by Rulemaking Oversight and Repeal Subcommittee and Rep. Eisnaugle (CS/SB 1284 by Governmental Oversight and Accountability Committee and Senator Soto)

The bill revises the requirements governing the maintenance of all agency final orders and requires each state agency to electronically transmit specified final orders rendered on or after July 1, 2015, to the electronic database of the Division of Administrative Hearings (DOAH) within 90 days of rendering such order. The bill provides database requirements for DOAH.

The bill requires that each state agency maintain a list of all final orders that are not required to be electronically transmitted to DOAH's database. A state agency must maintain a subject-matter index for final orders rendered before July 1, 2015, and identify the location of this index on the agency's website. DOAH'S database will constitute the official compilation of administrative final orders rendered after July 1, 2015, for each agency.

The bill revises the duties of the Department of State (DOS) to coordinate the transmittal and listing of agency final orders. DOS is required to provide standards and guidelines for the certification, electronic transmittal, and maintenance of agency final orders in DOAH's database.

The bill authorizes DOS to adopt rules that are binding on state agencies and DOAH, which acts in the capacity of official compiler of final orders. DOS is also authorized to designate an alternative official compiler under certain circumstances.

Further, the technical assistance advisements issued by the Department of Revenue continue to be exempt from the final order maintenance requirements specified in s. 120.53, F.S.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 111-0*

## Committee on Governmental Oversight and Accountability

### **CS/CS/HB 1309 — Publicly Funded Retirement Plans**

by State Affairs Committee; Government Operations Subcommittee; and Rep. Drake (CS/SB 242 by Community Affairs Committee and Senator Brandes)

The bill requires each local government pension plan, in conducting the actuarial valuations of its pension plans, to use mortality table methodologies consistent with the methodologies used in either of the two most recently published actuarial valuation reports of the Florida Retirement System (FRS). In most instances, the mortality tables used will recognize longer lifetimes for annuitants and result in higher annual contributions being required to be paid into the pension funds in the near term. To the extent the use of the updated mortality tables result in increases to the normal costs or unfunded liabilities of local government pension plans, this bill will result in higher contributions being paid into the local government pension plans in the near term.

Similarly, the bill revises the mortality tables to be used in the actuarial disclosures in financial statements submitted to the Department of Management Services. This modification does not impact the actuarial funding of the various pension plans but does provide some information that may be useful when comparing local pension plans and the FRS.

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

*Vote: Senate 38-0; House 81-37*



## Committee on Governmental Oversight and Accountability

### **HB 7023 — Administrative Procedures**

by Rulemaking Oversight and Repeal Subcommittee and Rep. Ray (CS/SB 7056 by Appropriations Committee and Governmental Oversight and Accountability Committee)

The bill replaces the biennial summary reporting requirement with an expanded, annual regulatory plan prepared by each agency. It requires each state agency to determine whether each new law creating or affecting the agency's authority will require new or amended rules. If so, the agency must initiate rulemaking by November 1. If not, the agency must state concisely why the law may be implemented without additional rulemaking. The regulatory plan also must identify each existing law for which the agency will initiate rulemaking in the current fiscal year. The agency head and the agency's principal legal advisor must certify that they have reviewed the plan and that the agency conducts a review of its rulemaking authority.

The existing 180-day requirement is revised to coincide with the specific publishing requirements for state agencies that consist of October 1 for the regulatory plan, November 1 for the rule development and April 1 (of the year following the deadline for the regulatory plan) for the notice of proposed rule. The deadline for notice of proposed rule may be extended if the state agency publishes a notice of extension and includes a concise statement identifying issues causing the delay. This extension will expire on October 1; however, the regulatory plan published on October 1 may further extend the proceeding.

The bill repeals s. 120.7455, F.S., pertaining to the online survey of regulatory impacts. Additionally, the bill rescinds the suspension of rulemaking authority made under s. 120.745, F.S.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 118-0*

## Committee on Governmental Oversight and Accountability

### **SB 7024 — State Board of Administration**

by Governmental Oversight and Accountability Committee

The bill repeals the current limitation on the authority of the State Board of Administration to invest the funds of the Florida Retirement System Trust Fund in institutions doing business in or with Northern Ireland.

The bill directs the State Board of Administration to distribute any residual balance in the Fund B Surplus Funds Trust Fund, after the original principal balance has been repaid to the trust fund participants, based on each's participant's proportional share of the November 2007 interest earnings that were withheld from distribution and transferred to the Fund B Surplus Funds Trust Fund.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 37-0; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**SB 94 — Closing the Gap Grant Program**

by Senators Joyner and Abruzzo

The bill (Chapter 2015-10, L.O.F.) expands the focus of Closing the Gap projects to include sickle cell disease. The “Closing the Gap” program provides grants for activities designed to reduce racial and ethnic health disparities.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-0; House 115-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/SB 144 — Public Records/Impaired Practitioner Consultants**

by Health Policy Committee and Senator Bean

The bill (Chapter 2015-37, L.O.F.) proposes to enhance the safety of impaired practitioner consultants and specified employees, and the spouses and children of both, by creating a public records exemption for certain personal identification and location information. The impaired practitioner program assists the Department of Health and the Department of Business and Professional Regulation in determining whether licensees who have experienced a substance abuse or mental or physical health impairment are safe to practice. Currently, there are two impaired practitioner consultants who are retained by the Department of Health and the Department of Business and Professional Regulation to provide services.

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

The bill contains a public necessity statement as required by the Florida Constitution.

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

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

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/HB 243 — Vital Statistics**

by Health Quality Subcommittee and Rep. Roberson and others (CS/CS/SB 640 by Fiscal Policy Committee; Health Policy Committee; and Senator Detert)

The bill amends several sections of ch. 382, F.S., to facilitate the electronic generation and filing of burial-transit permits and death certificates with the Department of Health through the electronic death registration system (EDRS).

The bill defines “burial transit permit” and specifies that a funeral director must provide a burial-transit permit generated electronically from the EDRS, or a manually produced permit, to the person in charge of the place of final disposition. The bill allows subregistrars to produce and maintain burial transit permits, rather than only receive such permits, and makes the subregistrar responsible for producing and maintaining manually filed paper death records.

The bill allows death certificates and fetal death certificates to be filed electronically with the Department of Health (DOH) on the EDRS and eliminates language allowing the recording of aliases on the back of a death certificate. The bill also requires the DOH to make arrangements with the United States Social Security Administration for the electronic notification of deaths and clarifies that the personal information for the decedent on the death certificate may be provided by persons listed in s. 497.005, F.S.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 115-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/CS/HB 269 — Experimental Treatments for Terminal Conditions**

by Insurance and Banking Subcommittee; Health Innovation Subcommittee; and Rep. Pilon and others (CS/CS/SB 1052 by Fiscal Policy Committee; Health Policy Committee; and Senators Brandes and Sobel)

The bill creates the “Florida Right to Try Act” (Act), which provides a framework in which an eligible patient with a terminal condition may access investigational drugs, biological products, and devices from the manufacturer after phase one clinical trials. A terminal condition is specifically defined under the Act as a progressive disease or medical or surgical condition that causes significant functional impairment, is not considered by a treating physician to be reversible even with the administration of available treatment options currently approved by the United States Food and Drug Administration, and, without the administration of life-sustaining procedures, will result in death within 1 year after diagnosis if the condition runs its normal course.

The Act also defines and requires written informed consent by the patient, the parent of a minor patient, a patient’s court-appointed guardian or the patient’s health care surrogate. The written, informed consent document must include:

- An explanation of the currently approved products and treatments for the patient’s terminal condition;
- An attestation that the patient concurs with his or her physician in believing that all currently approved products and treatments are unlikely to prolong the patient’s life;
- Identification of the specific investigational drug, biological product, or device (investigational product) that the patient is seeking to use;
- A realistic description of the most likely outcome of using the investigational product;
- A statement that the patient’s health plan or third party administrator and physician are not obligated to pay for care or treatment consequent to the use of the investigational product unless required to do so by law or contract;
- A statement that the patient’s eligibility for hospice may be withdrawn if the patient begins treatment with the investigational product and that hospice care may be reinstated if the treatment ends and the patient meets hospice eligibility requirements; and
- A statement that the patient understands he or she is liable for all expenses consequent to the use of the investigational product and that liability extends to the patient’s estate, unless a contract between the patient and the manufacturer of the investigational product states otherwise.

The bill prohibits actions against a physician’s license based solely on his or her recommendation regarding access to or treatment with an investigational product under this Act.

The bill does not create a private cause of action against the manufacturer of an investigational product against a person or entity involved in the care of an eligible patient who is using the investigational product if the manufacturer or other person or entity complies in good faith with this Act and exercises reasonable care.

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

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-1; House 113-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/HB 279 — Pharmacy**

by Health Innovation Subcommittee; and Rep. Pigman and others (CS/SB 792 by Health Policy Committee and Senator Bean)

The bill authorizes a registered pharmacy intern to administer certain immunizations or vaccines to adults under the supervision of a pharmacist who is certified to administer vaccines when the intern is acting within the framework of a protocol under a supervising physician. A registered intern who administers an immunization or vaccine must be supervised by a certified pharmacist at a ratio of one pharmacist to one registered intern. Prior to administering vaccines, a pharmacy intern will need to obtain certification which is based on at least 20 hours of coursework that has been approved by the Board of Pharmacy.

The bill also expands the specified list of vaccines that a pharmacist may administer, which may also be administered by a registered intern. This includes immunizations or vaccines listed in schedules established by the United States Centers for Disease Control and Prevention for adults or international travel, any additional updates to those lists which are authorized by rules of the Board of Pharmacy, and immunizations or vaccines approved by the board in response to a state of emergency declared by the Governor.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 112-2*



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/CS/CS/SB 296 — Diabetes Advisory Council**

by Fiscal Policy Committee; Governmental Oversight and Accountability Committee; Health Policy Committee; and Senators Garcia and Joyner

The bill (Chapter 2015-45, L.O.F.) creates a process for ongoing assessment of the state's diabetes-related activities. Specifically, the bill directs the Diabetes Advisory Council, in conjunction with the Department of Health, the Agency for Health Care Administration, and the Department of Management Services, to prepare a report regarding the impact of diabetes on state-funded or operated programs, including Medicaid, the State Group Insurance Program, and public health programs. Required components of the report include: the health consequences and financial impact of diabetes; the effectiveness of diabetes programs implemented by each agency; a description of the coordination among the agencies; and the development and ongoing revision of an action plan for reducing and controlling the incidence of diabetes.

The report is due to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 10 of each odd-numbered year.

The bill also modifies the composition of the Diabetes Advisory Council, and adds a representative of the American Association of Diabetes to the list of possible members.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 36-0; House 114-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/HB 309 — Patient Admission Status Notification**

by Health Care Appropriations Subcommittee; and Rep. Harrison and others (CS/SB 768 by Health Policy Committee and Senator Gaetz)

The bill requires a hospital to document the placement of a patient on observation status, rather than inpatient status, in that patient's discharge papers. The bill requires that the patient or his or her proxy be notified of the observation status through the discharge papers and allows the facility to also notify the patient through brochures, signage, or other forms of communication.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 118-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/CS/HB 321 — HIV Testing**

by Health and Human Services Committee; Health Quality Subcommittee; and Reps. Avila, Edwards, and others (CS/CS/SB 512 by Fiscal Policy Committee; Health Policy Committee; and Senators Thompson and Soto)

The bill differentiates between the notification and informed consent procedures for performing a human immunodeficiency virus (HIV) test in “health care” and “nonhealth care” settings. The bill requires that before performing an HIV test in a health care setting, the person to be tested must be *notified* that an HIV test is planned and that the test may be declined. Before performing an HIV test in a nonhealth care setting, a provider must obtain *informed consent* from the person to be tested. A test subject in either setting must be informed that a positive HIV test result will be reported to the county health department with sufficient information to identify the test subject. A test subject must also be informed of the availability and location of sites that perform anonymous testing.

The bill repeals the requirement that hospitals licensed under ch. 395, F.S., must have written informed consent for an HIV test in order to release HIV test results contained in hospital medical records to conform to the notification procedures authorized for health care settings.

The bill revises and clarifies procedures for HIV testing when a significant exposure has occurred to medical personnel and nonmedical personnel.

The bill excludes hospitals (as well as clinical laboratories, acupuncturists, medical physicians, osteopathic physicians, chiropractors, podiatrists, dentists, and midwives) from having to register with the DOH for HIV testing, if the HIV testing is part of routine medical care or if the HIV testing is not specifically advertised to the general public.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 119-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**SB 332 — Nursing Home Facility Pneumococcal Vaccination Requirements**

by Senator Grimsley

The bill (Chapter 2015-16, L.O.F.) removes the requirement that nursing homes vaccinate eligible new admissions with the pneumococcal polysaccharide vaccination and instead allows eligible new admissions to be vaccinated with any pneumococcal vaccination that is recommended by the Centers for Disease Control and Prevention. Each resident is required to be assessed for eligibility for vaccination within five business days after admission and, if indicated and not exempted, vaccinated within 60 days after admission.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 37-0; House 115-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/CS/HB 335 — Psychiatric Nurses**

by Health and Human Services Committee; Health Quality Subcommittee; and Reps. Plasencia, Campbell, and others (CS/SB 476 by Health Policy Committee and Senator Grimsley)

The bill revises the definition of a psychiatric nurse under the Florida Mental Health Act, also known as, the Baker Act. A psychiatric nurse must be an advanced registered nurse practitioner who has an advanced degree in psychiatric nursing, holds a national advanced practice certification as a psychiatric-mental health advanced practice nurse, and has 2 years of post-master's clinical experience under the supervision of a physician.

A psychiatric nurse is authorized to examine a patient for whom involuntary examination has been initiated at a receiving facility under the Baker Act. The bill authorizes a psychiatric nurse to release a patient from involuntary examination in a receiving facility only if the receiving facility is owned or operated by a hospital or health system and the psychiatric nurse is performing within the framework of an established protocol with a psychiatrist.

A psychiatric nurse is authorized to release a patient whose involuntary examination was initiated by a psychiatrist only upon approval by that psychiatrist.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 116-2*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**HB 441 — Regulation of Health Care Facilities and Services**

by Rep. R. Rodrigues and others (CS/SB 816 by Fiscal Policy Committee and Senator Grimsley)

The bill (Chapter 2015-33, L.O.F.) amends s. 400.474, F.S., to eliminate the requirement for a home health agency (HHA) to provide a quarterly report to the Agency for Health Care Administration (AHCA) which details:

- The number of insulin-dependent diabetic patients receiving insulin injection services;
- The number of patients receiving both home health services from the HHA and a hospice services;
- The number of patients receiving HHA services; and
- The name and license number of nurses whose primary job responsibility is to provide home health services to patients and who received remuneration from the HHA in excess of \$25,000 during the quarter.

In place of the quarterly report, a HHA, when renewing its license biennially, is required to submit to the AHCA the number of patients who received home health services from the HHA on the day that the licensure renewal application is filed.

The bill also amends s. 408.036, F.S., to create a new exemption from the certificate of need (CON) process for applicants for initial licensure as health care facilities who:

- Were licensed as a health care facility within the past 21 days and which required an initial CON;
- Failed to submit a renewal application and whose license expired on or after January 1, 2015;
- Do not have a license denial or revocation action pending;
- Are applying for licensure as the same service type; in the same district, service area, and site; and for the same number of beds, if applicable, as the expired license;
- Agree to the same conditions previously imposed on the initial CON; and
- Applies for a new license within 21 days after the exemption request is approved.

An exemption granted under these provisions expires on the 22nd day after the exemption is approved. A health care facility whose license expired between January 1, 2015, and the effective date of the act may apply for the exemption, notwithstanding the 21 day time limit from the time when the health care facility's license expired, if such health care facility applies for the exemption within 30 days of the act becoming law.

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

*Vote: Senate 38-0; House 106-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**SB 450 — Pain Management Clinics**

by Senators Benacquisto and Gaetz

The bill (Chapter 2015-49, L.O.F.) saves the regulation of pain management clinics from repeal on January 1, 2016.

Sections 458.3265 and 459.0137, F.S., are scheduled to expire on January 1, 2016.

Section 458.3265, F.S., prohibits a medical doctor from practicing in a pain management clinic that is not registered with the Department of Health (DOH). Section 459.0137, F.S., outlines the same requirements for osteopathic physicians. These statutes also provide minimum requirements for the operation of pain management clinics and require that each clinic be inspected on an annual basis by the DOH. Each clinic must have a designated physician that is responsible for the operations of the clinic. The designated physician is also responsible for quarterly reporting to the DOH data which describes the number of patients discharged for drug abuse and/or drug diversion and the number of patients whose domicile is not in the state of Florida. These statutes also provide grounds for which the DOH may revoke the pain management clinic registration.

There are exceptions to the registration requirements found in ss. 458.3265 and 459.0137, F.S., for hospital facilities, medical school clinics, non-profit corporations, clinics primarily providing surgical services and clinics operated by certain board-certified physicians.

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

*Vote: Senate 37-0; House 117-1*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/HB 541 — Athletic Trainers**

by Health Quality Subcommittee; and Rep. Plasencia and others (CS/SB 1526 by Health Policy Committee and Senator Legg)

The bill updates the regulation of athletic trainers. The bill authorizes the practice of athletic training, under the direction of a physician, which is communicated through an oral or written prescription or protocols rather than only pursuant to a protocol with a supervising physician. An allopathic, osteopathic, or chiropractic physician will make the determination as to the appropriate method for communicating his or her direction for the provision of services and care by the athletic trainer. The board of athletic training is directed to adopt rules pertaining to mandatory requirements and guidelines for the communication.

The bill revises the legislative intent relating to athletic trainers, updates definitions, and revises the requirements for licensure as an athletic trainer. Applicants must pass the national examination to be certified by the Board of Certification. Background screening requirements for new applicants, applicants whose licenses have expired, and licensees undergoing disciplinary action go into effect on July 1, 2016.

If approved by the Governor, these provisions take effect January 1, 2016.

*Vote: Senate 40-0; House 115-0*



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**HB 633 — Informed Patient Consent**

by Rep. Sullivan and others (CS/SB 724 by Fiscal Policy Committee and Senators Flores and Gaetz)

The bill amends s. 390.0111, F.S., to require that the information currently required to be presented by a physician to a pregnant woman in order to obtain informed consent from the pregnant woman before performing an abortion must be presented while in the same room as the woman and at least 24 hours before the procedure. The bill allows a physician to perform an abortion less than 24 hours after presenting the required information upon request of the pregnant woman if she presents a restraining order, police report, medical record, or other court order or documentation evidencing she is obtaining the abortion because she is a victim of rape, incest, domestic violence, or human trafficking.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 26-13; House 77-41*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/CS/HB 655 — Clinical Laboratories**

by Health and Human Services Committee; Health Quality Subcommittee; and Rep. Roberson  
(CS/SB 738 by Health Policy Committee and Senators Grimsley and Soto)

The bill amends ss. 483.041 and 483.181, F.S., to require a clinical laboratory to offer its services to licensed allopathic and osteopathic physicians, chiropractors, podiatrists, naturopaths, optometrists, advanced registered nurse practitioners, dentists, dental hygienists, consultant pharmacists, and doctors of pharmacy without charging different prices for services based on the license of the practitioner and adds consultant pharmacists and doctors of pharmacy to the definition of “licensed practitioner.”

The bill also strikes the limitation on the conditions under which a clinical laboratory may refuse a specimen. Under current law, the only reason for which a clinical laboratory may deny testing a specimen is based on a history of nonpayment for services by the practitioner submitting the specimen. This bill allows a clinical laboratory to decline testing for other reasons as well.

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

*Vote: Senate 39-0; House 113-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/HB 697 — Public Health Emergencies**

by Health Quality Subcommittee and Rep. Gonzalez (CS/SB 950 by Health Policy Committee and Senator Hukill)

The bill amends provisions relating to the Department of Health's (DOH) authority to initiate and enforce quarantine orders for persons, animals, and premises. The DOH is authorized to isolate individuals in the same manner as existing authority for a quarantine. The bill defines "isolation" to mean the separation of an individual who is reasonably believed to be infected with a communicable disease from individuals who are not infected, to prevent the possible spread of the disease. The bill defines "quarantine" to mean the separation of an individual reasonably believed to have been exposed to a communicable disease, but who is not yet ill, from individuals who not been so exposed, to prevent the possible spread of the disease.

The bill requires law enforcement to assist the DOH in enforcing orders (as well as rules and laws) adopted under ch. 381, F.S., related to public health, and makes any DOH isolation or quarantine order immediately enforceable by law enforcement. Quarantine and isolation orders are imposed through order by the State Surgeon General or by the director of a county health department or his or her designee.

The bill amends s. 817.50, F.S., to prohibit a person from willfully and intentionally making a fraudulent claim during a declared public health emergency that he or she has contracted a communicable disease to a health care provider in order to obtain, or attempt to obtain, goods, products, merchandise, or services. The bill also prohibits a person from falsely reporting to a law enforcement officer that he or she has a communicable disease. Both of these actions are punishable as a misdemeanor of the second degree.

The bill also includes a legislative finding that the act fulfills an important state interest.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 114-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/HB 751 — Emergency Treatment for Opioid Overdose**

by Civil Justice Subcommittee; and Reps. Gonzalez, Stevenson, and others (CS/CS/SB 758 by Appropriations Committee; Health Policy Committee; and Senator Evers)

The bill establishes the “Emergency Treatment and Recovery Act” (Act). The Act encourages the prescription of opioid antagonists by authorized health care practitioners for the emergency treatment of known or suspected opioid overdoses when a health care practitioner is not available.

The bill authorizes health care practitioners to prescribe and dispense opioid antagonists to patients, caregivers, and first responders. A caregiver is defined as a family member, friend, or a person in a position to have recurring contact with a person at risk of experiencing an opioid overdose.

Pharmacists are authorized to dispense an appropriately labeled opioid antagonist based on a prescription that has been issued in the name of a patient or caregiver. The patient or caregiver may store and possess a dispensed opioid antagonist for later administration, when a physician is not available, to a person he or she believes in good faith to be experiencing an opioid overdose, regardless of whether that person has a prescription for an opioid antagonist.

Emergency responders, including but not limited to, law enforcement officers, paramedics, and emergency medical technicians are authorized to possess, store, and administer emergency opioid antagonists as clinically indicated.

Civil liability protection is extended to any person, including health care practitioners, pharmacists, and first responders who possess, administer, or store an approved opioid antagonist in accordance with the Act. A health care practitioner acting in good faith and exercising reasonable care is not subject to discipline under the applicable professional licensure statute and is also immune from civil or criminal liability for prescribing or dispensing an opioid antagonist in accordance with the Act.

This Act does not create a duty or standard of care for a person to prescribe or administer an opioid antagonist.

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

*Vote: Senate 39-0; House 118-1*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/SB 904 — Home Health Services**

by Health Policy Committee and Senator Bean

The bill (Chapter 2015-66, L.O.F.) amends ss. 400.462 and 400.506, F.S., to allow a nurse registry to operate one or more satellite offices within the same health service planning district as the registry's licensed operational site. The nurse registry may store supplies and records, register and process contractors, and conduct business by telephone at the satellite site as well as advertise the location of the satellite site to the public. However, the nurse registry must use the operational site for all administrative functions and to store all original records.

The bill requires the nurse registry to notify the Agency for Health Care Administration of a change of address of its operational site and when opening a satellite office. Before relocating its operational site or opening a satellite office, the nurse registry must submit evidence of its legal right to use the proposed property and proof that the proposed property is in an area zoned for use as a nurse registry.

The bill also amends s. 400.464, F.S., to allow home health agencies to operate one or more related offices in the health service planning district, rather than in the same county, as the agency's main office without requiring an additional license for each related office.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 37-0; House 118-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/HB 951 — Dietetics and Nutrition**

by Health Quality Subcommittee; and Rep. Magar and others (CS/SB 1208 by Health Policy Committee and Senator Bean)

The bill revises the Dietetics and Nutrition Practice Act. Specifically, the bill:

- Authorizes qualified individuals to use specified titles and designations including, Certified Nutrition Specialist, and Diplomat of the American Clinical Board of Nutrition;
- Requires the Board of Medicine to waive the licensure examination requirement for an applicant who meets statutory qualifications and who is:
  - A registered dietitian/nutritionist who is registered with the Commission on Dietetic Registration; or
  - A certified nutrition specialist who is certified by the Certification Board for Nutrition Specialists or a Diplomat of the American Clinical Board of Nutrition; and
- Authorizes a licensed dietician/nutritionist to independently order a therapeutic diet if otherwise authorized to order such a diet in this state.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 115-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/CS/HB 1001 — Assisted Living Facilities**

by Health and Human Services Committee; Health Care Appropriations Subcommittee; and Rep. Ahern and others (CS/CS/SB 382 by Appropriations Committee; Health Policy Committee; and Senators Sobel, Gaetz, and Gibson)

The bill strengthens the enforcement of current regulations for assisted living facilities (ALF) by clarifying existing enforcement tools, revising the Agency for Health Care Administration's (AHCA) ability to impose administrative penalties, and requiring an additional inspection for facilities having significant violations. The bill:

- Clarifies the responsibilities of an ALF and of mental health care services providers regarding community living support plans for ALF mental health residents.
- Revises the duties of the long-term care ombudsmen when conducting complaint investigations, including conducting an exit consultation.
- Revises the licensing criteria for limited nursing services (LNS) and extended congregate care (ECC) ALF sublicenses and creates a provisional license process for newly created ALFs that wish to receive an ECC license.
- Requires an ALF that serves any mental health residents to obtain a limited mental health sublicense.
- Focuses AHCA inspections on ALFs with multiple serious violations by reducing the number of monitoring visits required for LNS and ECC specialty licensed facilities while requiring an additional full inspection for any ALF with one class I or three or more class II violations within a 60-day period.
- Clarifies the criteria under which the AHCA must revoke or deny a facility's license.
- Requires the AHCA to impose an immediate moratorium on an ALF that fails to allow access to the facility or to records.
- Allows ALF staff members to assist residents with the self-administration of additional types of procedures including, but not limited to, using a nebulizer, using a glucometer, and assisting with putting on and taking off antiembolism stockings.
- Adds certain responsible parties and AHCA personnel to the list of people who must report abuse or neglect to the Department of Children and Families' central abuse hotline.
- Requires new ALF staff members to attend a two hour employee preservice orientation course beginning October 1, 2015.
- Requires the AHCA to add certain content to its website by November 1, 2015, to help consumers select an ALF.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-0; House 114-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/CS/HB 1049 — Practice of Pharmacy**

by Health and Human Services Committee; Health Quality Subcommittee; and Rep. Peters and others (CS/CS/SB 1180 by Regulated Industries Committee; Health Policy Committee; and Senators Latvala, Soto, and Diaz de la Portilla)

The bill amends ch. 465, F.S., the Florida Pharmacy Act (the act), to provide that the act and rules adopted under the act do not prohibit a Florida-licensed veterinarian from administering a compounded drug to any animal under the veterinarian's care or dispensing a compounded drug to the animal's owner or caretaker. The bill clarifies that this provision does not affect the regulation of the practice of pharmacy.

The bill also creates s. 465.1862, F.S., to require certain provisions in a contract between a pharmacy benefits manager and a pharmacy. A pharmacy benefits manager is an entity which contracts to administer or manage prescription drug benefits on behalf of a health insurance plan. The contract must require the pharmacy benefits manager to update maximum allowable cost pricing information at least every seven calendar days and to maintain a process that will eliminate drugs from maximum allowable costs list or modify drug prices to remain consistent with changes in pricing data and product availability on a timely basis. Maximum allowable cost is defined as the per-unit amount that a pharmacy benefits manager reimburses a pharmacist for a prescription drug, excluding dispensing fees, and prior to any copayments, coinsurances, and other cost-sharing charges.

If approved by the Governor, these provisions take effect July 1, 2015.

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



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**HB 1305 — Home Medical Equipment Providers**

by Rep. Eagle and others (SB 996 by Senator Richter)

The bill amends s. 400.93, F.S., to exempt physicians licensed to practice medicine, osteopathic medicine, or chiropractic medicine, who sell or rent electrostimulation medical equipment or supplies to their patients in the course of their practice from the requirement that they be licensed as a home medical equipment provider.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**SB 7032 — Public Records/Reports of a Deceased Child**

by Health Policy Committee

The bill reenacts and amends the public records and public meetings exemptions for certain identifying information held by the State Child Abuse Death Review Committee or a local child abuse death review committee and for portions of meetings of such committees where such information is discussed. The changes to the exemptions reflect changes to the child welfare laws enacted during the 2014 Session. Specifically, the bill extends the exemption to cases reviewed by a committee where the death was determined not to be the result of abuse or neglect and limits the exemption for cases involving verified abuse or neglect to only exempt the information of surviving siblings. The bill also authorizes release of confidential information to a governmental agency in furtherance of its duties or a person or entity for research or statistical purposes.

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

The bill contains a public necessity statement as required by the Florida Constitution.

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

*Vote: Senate 38-0; House 116-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Higher Education**

**SB 446 — Florida College System Boards of Trustees**

by Senator Bradley

The bill requires the Board of Trustees for St. Johns River State College to be comprised of seven members from the three-county area that the college serves. The bill also requires board members to serve staggered 4-year terms.

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

*Vote: Senate 38-0; House 112-1*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Higher Education**

**HB 461 — Independent Nonprofit Higher Educational Facilities Financing**  
by Reps. Sullivan, Moraitis and others (SB 622 by Senators Montford and Bean)

The bill expands the types of projects that the Higher Education Facilities Financing Authority may finance for independent nonprofit higher education colleges and universities. Specifically, the bill expands the definition of authorized projects that may be used by participating institutions to include projects such as, dining halls, research facilities, athletic facilities, healthcare facilities, parking, and other structures useful for the instruction of students, conducting research, or the operation of an educational institution, including equipment and machinery.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 108-5*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Higher Education**

**HB 7005 — OGSR/Commission for Independent Education**

by Government Operations Subcommittee and Rep. Ingoglia (SB 7004 by Higher Education)

The bill removes the scheduled repeal of exemptions from public records and meetings requirements for investigatory records and probable cause panel meetings associated with disciplinary proceedings initiated by the Commission for Independent Education.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 36-0; House 116-1*

## Committee on Judiciary

### **CS/CS/CS/HB 5 — Guardianship Proceedings**

by Judiciary Committee; Justice Appropriations Subcommittee; Civil Justice Subcommittee;  
Rep. Passidomo and others (CS/CS SB 318 by Appropriations Committee; Judiciary Committee;  
and Senators Diaz de la Portilla, Detert, Sobel, and Stargel;)

This bill revises the power of attorney and guardianship statutes to add due process protections to guardianship proceedings, preserve and protect a ward's quality of life, and clarify some ambiguities in current law. The specific statutory changes by the bill:

- Generally give an alleged incapacitated person and his or her attorney at least 24-hours advance notice of a hearing to appoint an emergency temporary guardian.
- Limit the automatic suspension of an alleged incapacitated person's power of attorney held by a close family member to circumstances in which neglect or wrongdoing is alleged.
- Ensure that alleged incapacitated persons who in fact have capacity are not responsible for paying the fees of an examining committee.
- Generally, require courts to explain why a particular guardian is chosen for a ward if the court does not use a rotation system to select guardians.
- Require a court to specify in its orders whether or to what extent a guardian's authority supersedes the authority of a health care surrogate. The bill also requires a guardian who displaces a ward's surrogate to follow any instructions the ward made in the designation of health care surrogate.
- Allow a court to appoint the office of criminal conflict and civil regional counsel to act as a court monitor if the ward is indigent.
- Provide that certain for-profit corporations are qualified to act as a guardian of a ward.
- Establish a code of prohibited conduct for guardians and a code of performance standards for guardians.
- Require a guardian to give a ward as much freedom as possible and assist a ward in regaining capacity.
- Allow family members of a ward to petition a court if a guardian is denying visitation between the ward and the ward's family.
- Recognize that the appointment of a guardian ad litem is not necessary to represent a minor's interest in the settlement of a claim, if the court has already appointed a guardian to represent the minor.
- Require annual guardianship plans to be filed with the court in advance of the plan year.
- Clarify that attorneys for the ward, whether court appointed or otherwise, are entitled to compensation from the guardianship estate.
- Clarify that expert testimony is not necessary to establish compensation for the guardian or the guardian's attorney. This change will benefit wards by, in many cases, eliminating charges for expert witness fees.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 113-0*

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

## Committee on Judiciary

### **CS/CS/HB 149 — Rights of Grandparents**

by Judiciary Committee; Children, Families and Seniors Subcommittee; Rep. Rouson and others (CS/SB 368 by Fiscal Policy Committee and Senators Abruzzo, Smith, and Gibson)

The bill authorizes a grandparent of a minor child whose parents are deceased, missing, or in a permanent vegetative state to petition the court for visitation with a grandchild. If only one parent is deceased, missing, or in a persistent vegetative state, before a grandparent may petition for visitation, the other parent must have been convicted of a felony or violent offense showing a substantial threat of harm to the child.

If the petitioning grandparent makes a prima facie showing that a parent is unfit or there is significant harm to the child, the bill requires the court to refer the case to family mediation and allows the court to appoint a guardian ad litem. If family mediation does not successfully resolve the issue of visitation, the court must proceed with a final hearing.

After a final hearing, the court may award visitation to a grandparent if it determines by clear and convincing evidence that:

- A parent is unfit or there is significant harm to the child;
- Visitation is in the best interest of the child, based on a number of factors; and
- Visitation will not materially harm the parent-child relationship, based on a number of factors.

If a minor child is adopted by a stepparent or close relative, the adoptive parent may petition the court to terminate an order granting grandparent visitation existing before the adoption.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 37-0; House 112-0*



## Committee on Judiciary

### **CS/CS/CS/HB 157 — Fraud**

by Judiciary Committee; Justice Appropriations Subcommittee; Criminal Justice Subcommittee; Rep. Passidomo and others (CS/CS/CS/SB 390 by Fiscal Policy Committee; Criminal Justice Committee; Judiciary Committee; and Senator Richter)

The bill amends ch. 817, F.S., to provide individuals and businesses greater protections against identity theft. In general terms, these changes affect individuals by allowing them to better identify when identity theft has been committed against them and by removing barriers to restoring their identity and credit after the crime has occurred. Additional forms of restitution are provided, which might allow the victims additional methods of recovering their financial losses. For business entities, the bill provides greater protections against fraud and identity theft.

More specifically, the most significant provisions of the bill:

- Prohibit a person from falsely personating or representing another person in a manner that causes damage to the other person's credit history or rating;
- Authorize a sentencing court to order restitution for costs and fees that an identity theft victim incurs in clearing his or her credit history or rating and establishes a civil cause of action against the defendant who has harmed the victim;
- Provide a process for an identity theft victim to obtain documentation of an alleged fraudulent transaction from a business entity and make the business entity immune from liability for disclosures made in good faith;
- Replace the term "corporation" with the term "business entity" to ensure that all businesses, regardless of their form, have the same protections against fraud;
- Prohibit the fraudulent transfer or issuance of a membership interest in a limited liability company;
- Prohibit the selling of counterfeit signs or decals with the name or logo of a security company without the express written consent of the company;
- Increase the criminal penalty for fraudulently obtaining goods or services from a health care provider;
- Make existing laws prohibiting the fraudulent use of an individual's personal identification information also applicable to the fraudulent use of a business' identification information;
- Specify criminal penalties for the fraudulent use of or intent to use the identification information of a dissolved business entity; and
- Specify criminal penalties for knowingly providing false information in a public record to facilitate the commission of another crime.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 39-0; House 115-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Judiciary**

**HB 283 — Transfers to Minors**

by Rep. Berman (CS/SB 630 by Banking and Insurance Committee and Senator Joyner)

This bill amends the Uniform Transfers to Minors Act to enable a person to make a gift to a minor which may be held by a custodian until the minor reaches the age of 25, and not 21, as provided under current law.

However, the bill requires that the minor have at least 30 days to compel the distribution of the custodial property on or about the minor's 21st birthday. The extended time periods apply to gifts or property held by a custodian which were directly transferred or given to the custodian by the donor, a holder of a power of appointment, or a personal representative or trustee pursuant to the terms of a trust or will. This bill does not apply to custodianships funded by fiduciaries or obligors which must be distributed to a minor at the age of 18.

Because financial institutions might not be aware that a custodianship does not terminate until a minor reaches the age of 25, they are shielded from liability under the provisions of this bill, if funds are distributed when the minor reaches the age of 21. The extension proposed by the bill does not authorize the extension of a custodianship for someone who has already reached the age of 21 years at the time for creation of the custodianship.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 117-0*

## Committee on Judiciary

### **CS/CS/HB 305 — Unlawful Detention by a Transient Occupant**

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Harrison and others (CS/CS/SB 656 by Regulated Industries Committee; Judiciary Committee; and Senators Latvala and Stargel;)

The bill provides a simplified process for homeowners and rightful residents to remove a transient occupant who has no legal right to the property and for whom an eviction action is unavailable. A transient occupant is a person who, without a lease is authorized to reside in a dwelling on a transient basis for a brief period of time. Factors used to determine transient occupancy include whether the person has a legal interest in the property, has property utility subscriptions, receives mail at the property, and has personal belongings at the property.

A transient occupant unlawfully detains a residential property if the person does not leave after the party with rightful legal interest in the property asks the person to leave. The bill authorizes the party to provide a law enforcement officer with a sworn affidavit setting forth facts showing that the person asked to leave is a transient occupant who is unlawfully detaining the residence. Upon receipt of the affidavit, the law enforcement officer may direct the transient occupant to leave. If the person does not leave, the law enforcement officer may charge the transient occupant with criminal trespassing.

The bill also expressly authorizes the use of an unlawful detainer action to remove a transient occupant and a cause of action for wrongful removal by a person who is wrongfully removed from a property.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 110-5*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Judiciary**

**CS/CS/CS/SB 342 — No Contact Orders**

by Rules Committee; Criminal Justice Committee; Judiciary Committee; and Senator Simmons

The bill defines what is meant by an order of no contact in a court order granting the pretrial release of a criminal defendant. An order of no contact directs a defendant to have no contact with a victim. The bill provides that orders of no contact are immediately effective and enforceable through the duration of the pretrial release or until the order is modified by the court.

Under the bill, unless the court specifies otherwise, a defendant who is ordered to have “no contact” may not:

- Communicate orally or in writing with the victim in any manner, in person, telephonically, or electronically directly or through a third person, with limited exceptions provided to facilitate parental visitation through a third person or through an attorney for lawful purposes;
- Have physical or violent contact with the victim or other person named in a court order, or his or her property;
- Be within 500 feet of the victim’s or other identified person’s residence, even if the defendant shares the residence; and
- Be within 500 feet of the victim’s or other identified person’s vehicle, place of employment, or a place specified in the order as regularly frequented by the person.

The defendant must receive a copy of the order of no contact before he or she is released from custody on pretrial release.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 37-0; House 112-0*

**Committee on Judiciary**

**SB 408 — Designated Areas for Skateboarding, Inline Skating, Paintball, or Freestyle or Mountain and Off-roading Bicycling**

by Senator Simmons

This bill eliminates the requirement that a governmental entity obtain a consent form from the parent of a child who uses a public skate park or area set aside for skateboarding, inline skating, or freestyle bicycling as a condition of limiting the governmental entity's liability for damages or injuries. However, under the bill and current law, the governmental entity can be liable for gross negligence or for failing to guard against or warn of dangerous conditions that are not apparent, regardless of whether a parental consent form is obtained.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 116-0*

## Committee on Judiciary

### **CS/CS/CS/HB 435 — Administrative Procedures**

by State Affairs Committee; Government Operations Appropriations Subcommittee; Rulemaking Oversight and Repeal Subcommittee; and Rep. Adkins (CS/SB 718 by Appropriations Committee and Senator Lee)

This bill makes a number of changes to the Administrative Procedure Act (APA), which relate to a state agency's reliance on unadopted or invalid rules and the provision of notices and information to the public. Among the most notable changes, the bill:

- Generally requires an agency that initiates rulemaking after a public hearing relating to an unadopted rule to file a notice of proposed rule within a time certain.
- Increases the amount of information relating to agency rulemaking which must be published in the Florida Administrative Register.
- Provides that the decision of an administrative law judge on the validity of the rule or unadopted rule is final agency action during a rule challenge that is asserted as a defense to agency action.
- Prohibits an administrative law judge from entering a summary final order with respect to a rule challenge asserted as a defense to agency action.
- Authorizes a the petitioner in a hearing that does not involve disputed facts to assert a rule challenge as a defense to agency action and have the rule challenge decided by an administrative law judge instead of the agency.
- Authorizes the rules ombudsman in the Executive Office of the Governor to require state agencies to review and designate rules the violation of which would be a minor violation.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 37-3; House 112-0*

## Committee on Judiciary

### **CS/CS/CS/HB 439 — Department of Legal Affairs**

by Judiciary Committee; Justice Appropriations Subcommittee; Criminal Justice Subcommittee; and Rep. Eisnaugle and others (CS/SB 1362 by Appropriations Committee and Senator Simmons)

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

- Expands the jurisdiction of the Office of Statewide Prosecution to include violations of ch. 787, F.S. (kidnapping, false imprisonment, and human trafficking), that were facilitated by or connected to the use of the Internet;
- Authorizes the department to spend no more than \$20,000 annually to support costs associated with the agency's Law Enforcement Officer of the Year and Victims Services recognition and awards program.
- Allows funds currently awarded to persons who report Medicaid fraud to also be used to fund the Department's Medicaid Fraud Control Unit;
- Expands the definition of the term "crime" for purposes of victim assistance awards;
- Expands the definition of the term "disabled adult" to include a person who has a mental illness or has one or more physical limitations;
- Prohibits victim assistance awards for "catastrophic injury" from being reduced;
- Authorizes the department to award a lifetime maximum of \$1,000 on all victim assistance claims relating to elderly persons and disabled adults who suffer a property loss that causes a substantial diminution in their quality of life; and
- Creates s. 960.196, F.S., that addresses relocation assistance for victims of human trafficking.

The bill also creates part VII of ch. 501, F.S., entitled the "Patent Troll Prevention Act." The bill prohibits a person from making a bad faith assertion of patent infringement. It allows a defendant in a patent infringement proceeding to move that the proceeding involves a bad faith assertion of patent infringement and request that the court issue a protective order. If, based on factors set out in the bill, the court finds that the defendant has established a reasonable likelihood that the plaintiff has made a bad faith assertion of patent infringement, the court must require the plaintiff to post a bond in an amount equal to the lesser of \$250,000 or a good faith estimate of the target's expense of litigation, including an estimate of reasonable attorney fees, conditioned on payment of any amount finally determined to be due to the target. A court may waive the bond requirement for good cause shown or if it finds the plaintiff has available assets equal to the amount of the proposed bond.

A person against whom a bad faith assertion of patent infringement is made also may bring an action in a court of competent jurisdiction for relief. If successful, the court may award a plaintiff equitable relief; damages; costs and fees, including reasonable attorney fees; and punitive

damages in an amount equal to \$50,000 or three times the total damages, costs, and fees, whichever is greater.

A violation of the prohibition against making a bad-faith assertion of patent infringement also constitutes an unfair or deceptive trade practice and the department may bring an enforcement action for an injunction and to recover actual damages. An institution of higher education, a technology transfer organization owned by or affiliated with an institution of higher education, or a demand letter or assertion of patent infringement that includes a claim for relief relating to patents for pharmaceutical or biological products are exempt from the bill's provisions.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 115-0*



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Judiciary**

**SB 570 — Service of Process of Witness Subpoenas**

by Senator Dean

The bill adds civil traffic cases to the types of court cases for which service of process may be made on a witness by United States mail. Other case types for which service of process of witness subpoenas may be made by United States mail are criminal traffic, misdemeanor, and second or third degree felony cases. To serve process by mail, the server must mail the subpoena to the witness's last known address at least 7 days before the witness's appearance is required.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 118-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Judiciary**

**SB 672 — Service of Process**

by Senator Dean

The bill reduces a requirement from 3 to 1 the number of attempts required by a process server to serve a subpoena for deposition in a criminal case before a process server may post the subpoena at a witness's residence. Under existing law, a process server must make three attempts, at different times of the day or night on different dates, to serve a criminal witness subpoena before the subpoena may be posted at the witness's residence. These requirements for three attempts at service before a process server may post a criminal witness subpoena continue to apply to a subpoena that commands a witness to appear in court.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 117-0*

## Committee on Judiciary

### **CS/CS/CS/HB 775 — Appointment of an Ad Litem**

by Judiciary Committee; Justice Appropriations Subcommittee; Civil Justice Subcommittee; and Rep. Powell and others (CS/SB 922 by Judiciary Committee and Senator Latvala)

This bill authorizes a court to appoint an ad litem, which is an attorney, administrator, or guardian ad litem to represent the interests of an absent party to a legal action if the party is not otherwise represented. The court may not require the ad litem to post bond. The ad litem is entitled to reasonable fees and costs, to be paid by the party requesting the appointment of the ad litem, unless the court orders otherwise. State funds may not be used to pay for ad litem services unless state funds would have been expended for ad litem services before the effective date of the bill.

If the ad litem discovers that the interest for which he or she serves is already represented, the ad litem must petition the court for discharge from that interest. If the ad litem discovers that the person he or she serves is deceased and there is no representative, the ad litem must:

- Reasonably attempt to locate spouses, heirs, devisees, or beneficiaries of the decedent;
- Report contact information for all persons located, and
- Petition for discharge as to any interest of the person located.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 113-0*

## Committee on Judiciary

### **CS/CS/HB 779 — Rental Agreements**

by Judiciary Committee; Civil Justice Subcommittee; and Rep. M. Jones and others (CS/CS/SB 524 by Rules Committee; Banking and Insurance Committee; and Senator Soto)

The bill addresses situations in which a tenant occupies a residential premises at the same time that a new owner acquires title to the property after a foreclosure sale. The bill authorizes the purchaser to provide a notice to the tenant which terminates the rental agreement upon delivery of the notice and terminates the occupancy of the tenant 30 days after the notice is delivered.

During the 30-day period, the new owner may collect rent. The owner, however, may not engage in practices that are prohibited in landlord and tenant relationships, such as terminating utilities or preventing the tenant from having access to the property.

If the tenant fails to vacate the property within the 30-day period, the owner may petition the court for a writ of possession. A writ of possession entitles the owner to possession of the property 24 hours after notice is conspicuously posted on the premises.

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

*Vote: Senate 39-0; House 114-0*

## Committee on Judiciary

### **CS/CS/SB 872 — Estates**

by Banking and Insurance Committee; Judiciary Committee; and Senator Hukill

This bill amends the Florida Probate Code and the Florida Trust Code to revise provisions governing the areas of attorney fees and costs, personal representatives and notices of administration, and the apportionment of estate taxes. Among the revisions, the bill:

- Authorizes a court to assess attorney fees and costs against one or more persons' part of an estate or trust in proportions it finds just and proper in estate and trust proceedings and to direct payment for assessments against a portion of an estate from a trust under certain circumstances.
- Provides factors that a court may consider when assessing costs and attorney fees against a person's share of an estate or trust in estate and trust proceedings.
- Revises requirements regarding the time to make objections to the validity of a will, qualifications of a personal representative, the venue, or jurisdiction of a court in estate proceedings.
- Requires that personal representatives who are not qualified at the time of appointment resign or be removed by the court and have their letters of administration revoked.
- Extends personal liability for attorney fees and costs in a removal proceeding to personal representatives who do not know but should have known of facts requiring them to immediately resign or provide notice of ineligibility to serve as personal representative to interested persons.
- Substantially revises current law regarding the allocation and apportionment of estate taxes to update the statute for consistency with changes in federal estate tax laws, codify case law governing estate tax apportionment, and address gaps in the current statutory apportionment framework.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 118-0*

## Committee on Judiciary

### **CS/CS/CS/HB 889 — Health Care Representatives**

by Judiciary Committee; Health Quality Subcommittee; Civil Justice Subcommittee; and Rep. Wood (CS/CS/SB 1224 by Rules Committee; Judiciary Committee; and Senator Joyner)

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

Because a principal may regain capacity or vacillate in and out of capacity, a redetermination of incapacity is often necessary to authorize the health care surrogate to act. This process can hinder effective and timely assistance and is cumbersome. Further, some competent persons desire the assistance of a health care surrogate with the sometimes complex task of understanding health care treatments and procedures and with making health care decisions.

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

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 39-0; House 116-0*

## Committee on Judiciary

### **CS/CS/HB 1069 — Defendants in Specialized Courts**

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Perry and others (CS/SB 1170 by Fiscal Policy Committee and Senator Bradley)

The bill authorizes cases pending in a veterans' court or a mental health court to be transferred to another county. The bill also defines the term "problem-solving court" to include drug courts, veterans' courts, and mental health courts. Specialty drug courts, veterans' courts, and mental health courts already exist in a number of circuits around the state.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 116-0*

## Committee on Judiciary

### **CS/SB 1312 — Strategic Lawsuits Against Public Participation**

by Judiciary Committee; and Senators Simmons, Gaetz, and Negron

A strategic lawsuit against public participation, a SLAPP suit, is one ostensibly brought to redress a wrong, but actually brought to silence critics. Under existing s. 768.295, F.S., government entities are prohibited from filing SLAPP suits in retaliation against those who exercise their rights to participate in governmental activities. The statute also provides for the expedited resolution of lawsuits alleged to violate the anti-SLAPP statute.

The bill expands the application of the anti-SLAPP statute by more broadly prohibiting lawsuits filed in retaliation against a person who engaged in otherwise protected free speech. Specifically, the bill protects “free speech in connection with public issues,” which it divides into two categories of protected speech:

- Speech made before a governmental entity in connection with an issue under consideration or review by a governmental entity, and
- Speech in connection with a play, movie, television program, radio broadcast, audiovisual work, book, magazine article, musical work, news report, or other similar work.

The latter category does not require that the speech have any connection or relationship to any government proceeding or any issue before any government entity to be protected by the bill.

The bill also prohibits SLAPP suits from being filed by anyone, not just governmental entities as under current law. Consistently, the bill entitles a defendant to the expeditious resolution of a lawsuit claimed to be a SLAPP suit regardless of who files the suit.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 114-1*



## Committee on Judiciary

### **SB 7016 — OGSR/Minor Identifying Information**

by Judiciary Committee

The bill reenacts and continues an existing public record exemption. The exemption protects certain information that might be used to identify a minor petitioning for a judicial waiver of parental notice under the Parental Notice of Abortion Act. The exemption protects from disclosure any identifying information held by the office of criminal conflict and civil regional counsel or the Justice Administrative Commission. These offices are in possession of the information when either the office of criminal conflict and civil regional counsel represents the minor in a court proceeding or the Justice Administrative Commission processes payments for a court-appointed private attorney who represents the minor.

It is essential that any identifying information of a minor held by either of these agencies be exempted from public disclosure or the Parental Notice of Abortion Act will not meet constitutional requirements as determined by the U.S. Supreme Court.

The original exemption was enacted in 2010 and is scheduled for repeal on October 2, 2015, unless saved through reenactment by the Legislature.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 40-0; House 116-0*

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### **CS/SB 132 — Disabled Parking Permits**

by Transportation Committee and Senators Joyner, Dean, Abruzzo, and Altman

The bill allows a permanently and totally disabled veteran to submit a United States Department of Veterans Affairs (USDVA) Form Letter (VAFL) 27-333, or its equivalent, to the Department of Highway Safety and Motor Vehicles in lieu of a certificate of disability when renewing or replacing a disabled parking permit. Upon request, the USDVA issues a VAFL 27-333 to veterans to certify his or her status as “permanently and totally” disabled due to a service connected disability. The letter must have been issued within the last 12 months and be provided with the application for a renewal or replacement disabled parking permit.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-0; House 116-0*

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### **CS/CS/CS/HB 185 — Public Records/Active Duty Servicemembers and Families**

by Local and Federal Affairs Committee; Government Operations Subcommittee; Veteran and Military Affairs Subcommittee; and Rep. Gaetz and others (CS/CS/SB 674 by Governmental Oversight and Accountability Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senators Evers, Soto and Altman)

The bill creates a public records exemption for certain identification and location information of current and former military servicemembers, including reservists and National Guard members, who have served since September 11, 2001, and their spouses and dependents. The information that is exempt includes:

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

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2020, unless reviewed and reenacted by the Legislature. The bill contains a public necessity statement as required by the State Constitution.

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

*Vote: Senate 40-0; House 113-0*

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### **CS/CS/HB 329 — Special License Plates**

by Economic Affairs Committee; Highway and Waterway Safety Subcommittee; and Rep. Ingram and others (CS/CS/SB 112 by Transportation Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senators Hays, Latvala, and Altman)

The bill creates the following six special military license plates:

- Combat Action Ribbon
- Air Force Combat Action Medal
- Distinguished Flying Cross
- World War II Veteran
- Woman Veteran
- Navy Submariner

Upon payment of the annual license tax in s. 320.08, F.S., World War II veterans, women veterans, Navy Submariners, and recipients of the relevant military combat or achievement award may be issued the applicable special license plate created by the bill. With the exception of the “Woman Veteran” plate, revenue generated from the sale of these plates will be deposited into the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund within the Florida Department of Veterans’ Affairs (FDVA) to support the Veterans’ Homes Program. Revenue generated from the “Woman Veteran” plate will be deposited in the FDVA’s Operations and Maintenance Trust Fund for the purpose of creating and implementing programs benefitting women veterans.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 37-0; House 116-0*

## **Committee on Military and Veterans Affairs, Space, and Domestic Security**

### **CS/CS/HB 361 — Military Housing Ad Valorem Tax Exemptions**

by Local and Federal Affairs Committee; Finance and Tax Committee; and Reps. Trumbull, Smith, and others (CS/SB 686 by Finance and Tax Committee and Senator Lee)

The bill provides that property of the United States that is currently exempt from taxation includes leasehold interests of and improvements affixed to land if the leasehold interest and improvements are used pursuant to the Military Housing Privatization Initiative of 1996. The bill exempts the actual housing units and directly-related facilities, such as housing maintenance facilities, housing management offices, parks and recreational facilities. The bill provides that it does not apply to public lodging establishments and does not affect existing agreements for municipalities or counties to provide municipal services. Upon becoming law, these provisions will apply retroactively to January 1, 2007.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 115-0*

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### **CS/SB 620 — Emergency Management**

by Governmental Oversight and Accountability Committee and Senators Richter and Altman

The bill provides that the per diem expense reimbursement limitations under s. 112.061(6), F.S., do not apply to state employees traveling on an Emergency Management Assistance Compact (EMAC) mission when such expenses are reimbursed pursuant to an amount agreed upon in an interstate mutual aid request for assistance.

The EMAC is an agreement between all 50 states to provide each other mutual assistance in managing an emergency or disaster declared by the governor of the affected state. The EMAC requires a member state that receives aid from another member state pursuant to the EMAC to reimburse the aiding member state for its expenses. Florida's current per diem limits may prevent a state employee from being fully reimbursed when certain EMAC missions take place in states where expenses exceed authorized reimbursement levels.

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

*Vote: Senate 37-0; House 114-0*

## **Committee on Military and Veterans Affairs, Space, and Domestic Security**

### **CS/CS/HB 801 — The Beirut Memorial**

by State Affairs Committee; Government Operations Appropriations Subcommittee; and Rep. Taylor and others (CS/SB 876 by Fiscal Policy Committee and Senators Dean and Altman)

The bill authorizes the design and installation of a memorial to honor the 241 members of the United States Armed Forces who lost their lives in the October 23, 1983 bombing in Beirut, Lebanon. The memorial will be placed within the Capitol Complex memorial garden, an area of the Capitol Complex set aside by the Department and Management Services pursuant to s. 265.111(3), F.S., on which authorized memorials will be placed.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 113-1*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Military and Veterans Affairs, Space, and Domestic  
Security**

**SB 7028 — Educational Opportunities for Veterans**

by Military and Veterans Affairs, Space, and Domestic Security Committee

The existing Congressman C.W. “Bill” Young Veteran Tuition Waiver Program provides for out-of-state fee waivers for honorably discharged veterans who physically reside in Florida and attend a state university, state college, career center, or charter technical career center. Under this program, veterans who relocate to Florida from another state and enroll in a public postsecondary institution are exempt from the out-of-state fees normally assessed to non-resident students. Currently, the waiver may be applied up to 110 percent of the required credit hours of a degree or certificate program.

The bill amends the Congressman C.W. “Bill” Young Veteran Tuition Waiver Program to expand fee waiver eligibility to any individual using United States Department of Veterans Affairs education benefits, commonly referred to as G.I. Bill benefits. As a result, veterans’ dependents and veterans of the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration are entitled to the out-of-state fee waiver while using any federal G.I. Bill benefit.

The bill also repeals the statutory provision that restricts the out-of-state fee waiver to 110 percent of the required credit hours of a degree or certificate program.

The bill seeks to comply with recent federal legislation (Public Law 113-146) that requires public postsecondary institutions to provide in-state tuition rates to veterans and eligible dependents as a condition of continuing to receive G.I. Bill education benefits.

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

*Vote: Senate 40-0; House 116-0*



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/CS/CS/HB 87 — Construction Defect Claims**

by Judiciary Committee; Business and Professions Subcommittee; Civil Justice Subcommittee; and Rep. Passidomo and others (CS/SB 418 by Regulated Industries Committee and Senator Richter)

The bill amends ch. 558, F.S., relating to construction defect claims. The bill contains a legislative finding that the opportunity to resolve claims without legal process should be extended to insurers of a contractor, subcontractor, supplier, or design professional and contains a finding that the settlement negotiations should be confidential. The bill revises the definition of “completion of a building or improvement” to include a temporary certificate of occupancy.

The bill amends requirements for filing a notice of claim. The notice must describe the claim in reasonable detail and must sufficiently identify the location of the defect to enable the responding party to locate the defect without undue burden. It does not require destructive or other testing.

The bill provides that a written response to a claim must include one or more offers or statements that the respondent disputes the claim, or that the respondent will remedy the claim, compromise and settle the claim by means of a combination of repairs and monetary payments, or await a determination by an insurer.

The bill states that providing a copy of a notice of claim to a person’s insurer does not constitute a claim for insurance purposes unless the insurance policy specifies otherwise.

The bill provides requirements for the exchange of documents by the parties and provides that a party may assert any claim of privilege recognized under Florida law respecting any of the disclosure obligations mandated by ch. 558, F.S.

The bill amends s. 718.203, F.S., and s. 719.203, F.S., regarding condominiums and cooperatives respectively, to provide that completion of a building or improvement includes issuance of a temporary or other certificate of occupancy, that allows for occupancy or use of the entire building or improvement.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 35-4; House 112-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/CS/SB 186 — Alcoholic Beverages**

by Fiscal Policy Committee; Regulated Industries Committee; and Senators Latvala, Gibson; and Clemens

The bill revises the Beverage Laws related to alcoholic beverages. The bill prohibits the use of Electronic Benefits (EBT) cards to purchase alcoholic beverages. Related to vendor-licensed brewers, the bill:

- Authorizes the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation to issue a vendor's license to a manufacturer of malt beverages for the sale of alcoholic beverages on property consisting of a single complex that includes a brewery (vendor-licensed brewer);
- Repeals the requirement that the licensed property include "other structures which promote the brewery and tourism industry of the state" in order to be eligible as a vendor licensed brewer;
- Limits the amount of malt beverages that can be transferred between breweries owned by the same brewer to the yearly production of the receiving brewery;
- Limits a malt beverage manufacturer to holding no more than eight vendor licenses;
- Requires that all alcoholic beverages that are not manufactured at a brewery owned by the brewer must be obtained through a distributor, an importer, a sales agent, or a broker; and
- Prohibits vendor-licensed brewers from making deliveries.

Related to malt beverage tastings, the bill:

- Permits malt beverage tastings on certain premises;
- Requires malt beverage tastings to be limited to and directed to members of the general public of the age of legal consumption;
- Clarifies that vendors may conduct malt beverage tastings on their licensed premises with beverages from their own inventory;
- Requires that the beer must be served in a cup having a capacity of 3.5 ounces or less and must be inside the building;
- Requires that unconsumed beverages must be removed from the premises and properly disposed of;
- Provides that the party conducting the tasting is responsible for any violations;
- Clarifies who is responsible for paying the excise taxes;
- Prohibits the payment of fees or compensation of any kind in return for the vendor's authorization of the tasting at his premises; and
- Prohibits cooperative advertising and identification of the vendor in advertising.

Related to malt beverage containers, the bill:

- Permits the filling and refilling of 32, 64, and 128 ounce malt beverage containers (known as "growlers") at the point of sale;

- Provides that growlers may be filled and refilled by a vendor-licensed brewer, a package store licensed to sell beer, wine, and distilled spirits only in sealed containers for off-premises consumption, and vendors authorized to sell malt beverages for consumption on the premises and whose license does not restrict the consumption of malt beverages to on the premises only;
- Requires growlers to be identified or be imprinted or labeled with certain information, including the anticipated percentage of alcohol by volume, and that the growlers have an unbroken seal or be incapable of being immediately consumed;
- Provides that a violation of the growler requirements is a misdemeanor of the first degree, which is punishable by a term of imprisonment not to exceed one year or a fine not to exceed \$1,000;
- Clarifies that it is not unlawful for a person to possess or transfer full or empty growlers; and
- Prohibits the use of growlers for the purpose of distribution or sale outside of the licensed manufacturing premises or licensed vendor premises.

The bill deletes the vehicle permit requirement for licensed vendors to transport alcoholic beverages. It deletes the requirement that vendor-owned vehicles must have the invoices or sales tickets when transporting alcoholic beverages. It provides that common carriers may transport alcoholic beverages.

The bill revises the limitation on the number of containers of distilled spirits that distilleries may sell to consumers. Current law permits distilleries to sell two or fewer containers per calendar year. The bill increases the limitation to permit consumers to purchase from a distillery in a face-to-face transaction, per calendar year:

- Two containers of each brand of distilled spirits;
- Three containers of one brand and one container of a second brand; or
- Four containers of a single brand.

The bill permits the Florida Department of Transportation to install a directional sign to a brewery at the request and expense of the distillery.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-0; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/CS/HB 217 — Engineers**

by Regulatory Affairs Committee; Business and Professional Subcommittee; and Rep. Van Zant and others (CS/CS/SB 338 by Fiscal Policy Committee; Regulated Industries Committee; and Senator Altman)

The bill amends existing law regulating engineers to specifically address the practice of structural engineering, which is defined as the analysis and design of threshold buildings and other structures of a certain height, size, or occupancy. The bill modifies current law to include the licensure of structural engineers similar to professional engineers by the Board of Professional Engineers within the Department of Business and Professional Regulation. Beginning March 1, 2017, the bill prohibits anyone, other than a duly licensed structural engineer, from practicing structural engineering. The bill provides an alternative method for some applicants to qualify for structural engineer licensure prior to September 1, 2016.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-2; House 104-3*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/SB 226 — TEST**

by TEST

TEST

*Vote: Senate 0-0; House 0-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/HB 239 — Medication and Testing of Racing Animals**

by Business and Professions Subcommittee; and Reps. Fitzenhagen and Stone (CS/SB 226 by Regulated Industries Committee; and Senators Latvala and Sobel)

The bill modifies requirements regarding prohibited medication or drugging of racing animals (horses and greyhounds). Violations are no longer contingent upon a person administering or causing a prohibited substance to be administered; the mere presence of a prohibited substance in a racing animal is evidence of the violation. The fine for violations may be up to \$10,000 or the race winnings (purse or sweepstakes amount), whichever is greater. Prosecutions must be started within 90 days of the race date.

Samples are collected from racing animals at racetracks by the Division of Pari-mutuel Wagering (division) of the Department of Business and Professional Regulation. The division must notify the owner or trainer, the stewards, and the horsemen's association at a racetrack of all drug test results. One portion of a sample is analyzed by the division's laboratory to determine whether any substance prohibited in racing animals is present. If the analyzed sample contains prohibited substances, the owner or trainer has the right to request an analysis on the remaining portion by an independent laboratory. For samples from racing greyhounds, if the second analysis does not confirm the first, or is of insufficient quantity to do so, prosecution may still be pursued against the owner or trainer despite the lack of confirmation which maintains current law. For samples from racehorses, if the second analysis does not confirm the first, or is of insufficient quantity to do so, no prosecution may be pursued against the owner or trainer, and any suspended licensee must be reinstated.

The bill requires the division to adopt rules regarding the use and allowed levels of medications, drugs, and naturally occurring substances in racing animals, as listed by the Association of Racing Commissioners International (ARCI). The bill requires the division to adopt rules that include a classification system for drugs and incorporates ARCI's Penalty Guidelines for drug violations and must determine monitoring and testing methodology that may be used to screen samples for prohibited substances. Medication levels for racing greyhounds are recommended by the University of Florida College of Veterinary Medicine. The division's rules also must include the conditions for the use of furosemide, a diuretic (Lasix or Salix). Furosemide is the only medication that may be administered within 24 hours before a race, but it may not be administered within 4 hours before the officially scheduled post time of a race. The division may solicit input from the Department of Agriculture and Consumer Services (DACS) on the rules, which must be adopted before January 1, 2016.

An outside quality assurance program must annually assess the ability of all laboratories approved by the division to analyze samples for the presence of medications, drugs, and prohibited substances. The findings must be reported to the division and DACS.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 112-0*

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



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/CS/HB 277 — Public Lodging Establishments**

by Veteran and Military Affairs Subcommittee; Business and Professions Subcommittee; and Rep. Hager and others (CS/CS/SB 394 by Military and Veterans Affairs, Space, and Domestic Security Committee; Regulated Industries Committee; and Senators Brandes and Altman)

The bill requires that public lodging establishments, which includes hotels, motels, and bed and breakfast inns, waive any policy that restricts accommodations to individuals based on age for active duty members of the United States Armed Forces, the National Guard, the Reserve Forces, and the Coast Guard upon the presentation of a military identification card. The bill also prohibits individuals from duplicating military identification cards.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 36-0; House 113-1*



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/CS/HB 307 — Mobile Homes**

by Regulatory Affairs Committee; Civil Justice Subcommittee; and Rep. Latvala (SB 662 by Senator Latvala)

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

- The division is required to provide training and educational programs for mobile home owners' associations;
- Mobile home owners must comply with all building permit and construction requirements. A mobile home owner is responsible for fines imposed for violating any local codes;
- A mobile home owner's right to a 90-day notice of a rental increase or change in services may not be waived;
- A homeowners' committee must make a written request for a meeting with the park owner to discuss a proposed rental increase or change in services or rules;
- Lifetime leases and automatically renewable leases are assumable by the homeowner's spouse; however, this right of assumption may only be exercised once during the term of the lease;
- A member of the board of directors of the Florida Mobile Home Relocation Corporation must be removed immediately upon written request for removal from the association that originally nominated that member;
- A homeowners' association's bylaws are deemed to provide specific provisions in the bill related to the conduct of meetings, electronic communication, voting requirements, use of proxies, amending the articles of incorporation and bylaws, duties of officers and directors, filling vacancies on the board, and recall of directors;
- The division must adopt rules to provide binding arbitration or recall election disputes;
- Board members must either certify that they have read the association's organizing documents, rules, and regulations and that they will faithfully discharge their fiduciary responsibility, or complete the division's educational program within one year of taking office; and
- The homeowners' association is required to retain and make available certain official records to the members of the association, but may not disclose specified information.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 114-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/CS/HB 373 — Public Accountancy**

by Regulatory Affairs Committee; Government Operations Appropriations Subcommittee; and Rep. Raulerson and others (CS/SB 636 by Regulated Industries Committee and Senator Latvala)

The bill amends the definition of licensed firm or public accounting firm to mean a sole proprietor, partnership, corporation, limited liability company, firm, or other legal entity licensed under s. 473.3101, F.S.

The bill amends s. 473.3101, F.S., to provide that the following firms must hold a license as a public accounting firm:

- Any firm with an office in this state which performs audits, reviews, and compilations services that involve the rendering of an attestation or opinion;
- Any firm with an office in this state which uses the title “CPA,” “CPA firm,” or any other title, designation, words, letters, abbreviations, or device tending to indicate that it is a CPA firm; and
- Any firm that does not have an office in this state but performs the services described in s. 473.3141(4), F.S., for a client having its home office in this state.

The bill requires the Board of Accountancy within the Department of Business and Professional Regulation to define by rule what constitutes a CPA firm. The board is required to define by rule what constitutes an office.

The bill also provides that the term “quality review” includes the term “peer review” as defined in s. 473.3125, F.S.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 40-0; House 114-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/HB 401 — Public Lodging and Public Food Service Establishments**

by Business and Professions Subcommittee and Rep. Magar (SB 558 by Senator Stargel)

The bill deletes the July 1, 2014 date by which the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation was required to adopt a rule for risk-based inspection of public food service establishments. The number or frequency of risk-based inspections is based on several risk factors, including the type of food utilized, food preparation methods, and inspection and compliance history. The division adopted the risk-based inspection frequency rule on July 4, 2013. The bill requires the division to reassess the inspection frequency at least annually.

The bill requires the division to notify, rather than provide, each inspected public food service establishment and temporary food service event sponsor that the food recovery brochure is available. The food recovery brochure is developed by the Department of Agriculture and Consumer Services to provide information about food recovery programs that provide surplus food to governmental agencies and local volunteer and nonprofit organizations for distribution to those in need. The division maintains an electronic copy of this brochure on its website.

The bill permits currently-licensed public food service establishments to operate at a temporary food service event for the duration of the event without obtaining an additional temporary food service event license if the event exceeds three days. The bill permits the division to deliver inspection reports to operators of public food service and public lodging establishments by electronic transmittal. The bill requires public food service establishments to maintain a copy of the inspection report and to make the copy available to the division when the establishment is inspected. It deletes the requirement that the establishment maintain a duplicate copy of the inspection report on the premises. The bill maintains the requirement that establishments must make a copy of the inspection report available to the public upon request.

The bill deletes the \$100 delinquent fee for public food service establishments and public lodging establishments that file for renewal more than 30 days but not more than 60 days after the expiration date of the license. Licensees who fail to file a license renewal for 30 days or less after the date the license expires would be assessed a \$50 delinquent fee.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 114-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/CS/HB 453 — Timeshares**

by Government Operations Appropriations Subcommittee; Civil Justice Subcommittee; and Rep. Eisnaugle (CS/SB 932 by Fiscal Policy Committee and Senator Stargel)

The bill relates to the Florida Vacation Plan and Timesharing Act (act), which establishes requirements for the creation, sale, exchange, promotion, and operation of timeshare plans, including requirements for full and fair disclosure to purchasers. The act is enforced by the Division of Florida Land Sales, Condominiums, and Mobile Homes (division) within the Department of Business and Professional Regulation (department). The bill:

- Provides that an ownership interest in a condominium or cooperative unit or a beneficial interest in a timeshare trust is required for such interests to qualify as timeshare estates;
- Revises the definitions for nonspecific and specific multisite timeshare plans to provide that the plans may include interests other than timeshare licenses or personal property timeshare interests;
- Revises the required disclosures for public offering statements in multisite timeshare plans and provides that the developer has the burden of proof with regard to compliance with those provisions;
- Revises the requirements for amendments to timeshare instruments in regards to component sites;
- Expands the limitation on liability for developers who, in good faith attempt to and substantially comply with, all the provisions of the act;
- Requires the disclosure of lease terms in timeshare trusts;
- Repeals the requirement for judicial approval of transactions involving timeshare trust property;
- Creates a procedure for the extension or termination of timeshare plans;
- Creates a procedure for the transfer of the reservation system and owner data when a managing entity is discharged;
- Requires all multisite timeshare plans to disclose the term of each component site plan and prominently disclose the term of component sites which are shorter than the term of the plan;
- Excludes component site common expenses and ad valorem expenses from the cap on annual increases in common expense assessments;
- Allows for substitute and replacement accommodations that are better than the existing accommodations; and
- Revises the notice requirements on substitute accommodations.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-0; House 87-22*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/SB 466 — Low-voltage Alarm Systems**

by Regulated Industries Committee and Senator Flores

The bill amends the definition of Low-voltage Alarm Systems, reduces the maximum permit fee for those systems, and eliminates permit requirements for wireless burglar alarms and smoke detectors. Any electrical device or signaling device used to signal or detect a burglary, fire, robbery, or medical emergency is an alarm system. A system that is hardwired and operates at low voltage (with or without home-automation equipment, thermostats, and video cameras) is a low-voltage alarm system. The bill excludes wireless alarm systems (burglar alarms and smoke detectors) from all permitting requirements of any local enforcement agency with jurisdiction over building inspections and code enforcement, such as a local government, school board, community college, or university.

In addition to providing that permits may not be required in order to install, maintain, inspect, replace or service wireless alarm systems, the bill reduces the maximum charge for a uniform basic permit for a hardwired, low-voltage alarm system from \$55 to \$40. The bill deletes permit fee provisions that expired on January 1, 2015. The bill prohibits a local enforcement agency from requiring the payment of any additional amount associated with the installation or replacement of a hardwired, low-voltage alarm system. The bill authorizes local enforcement agencies to coordinate inspections with the owner or customer of low-voltage alarm system projects to ensure compliance with applicable codes and standards. However, the obligation to take corrective action if a project fails an inspection remains with the alarm system contractor.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 36-0; House 115-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/CS/SB 596 — Craft Distilleries**

by Commerce and Tourism Committee; Regulated Industries Committee; and Senator Hays

The bill revises the limitation on the number of containers of distilled spirits that distilleries may sell to consumers. Current law permits distilleries to sell two or fewer containers per calendar year. The bill increases the limitation to permit consumers to purchase from a distillery in a face-to-face transaction, per calendar year:

- Two containers of each brand of distilled spirits;
- Three containers of one brand and one container of a second brand; or
- Four containers of a single brand.

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

The bill provides that a craft distillery may only sell and deliver distilled spirits to consumers within the state in a face-to-face transaction at the distillery property.

The bill provides that a craft distillery may be affiliated with another distillery that produces 75,000 gallons or fewer on each of its premises in this state or in another state, territory, or country. The bill permits the Florida Department of Transportation to install a directional sign to a brewery at the request and expense of the distillery.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 118-1*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/CS/SB 608 — Real Estate Brokers and Appraisers**

by Fiscal Policy Committee; Regulated Industries Committee; and Senator Stargel

The bill authorizes the Florida Real Estate Commission (commission) within the Department of Business and Professional Regulation (department) to adopt rules to permit a real estate brokerage to register a broker on a temporary, emergency basis if the sole broker of a brokerage dies or is unexpectedly unable to remain a broker.

The bill clarifies that the exemption to post-licensure education and the education course requirements applies to persons who have received a four year degree, or higher, in real estate from an accredited institution of higher education.

The bill authorizes the commission to reinstate the license of an individual that has become void if the commission determines that the individual failed to comply because of illness or economic hardship, as defined by rule. The individual must apply for reinstatement within 6 months after the license becomes void.

The bill specifies the work file documentation that appraisers and registered appraisal management companies must retain and requires that the appraiser's work file must meet the standards of the Appraisal Standards Board of the Appraisal Foundation, as established by rule of the Florida Real Estate Appraisal Board (board) within the department. The bill deletes the prohibition that the department cannot inspect or copy the records of an appraisal management company except in connection with a pending investigation or complaint.

The bill deletes the requirement of a written agreement between Florida and other states for the reciprocal licensing of out-of-state appraisers.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 115-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/HB 641 — Amusement Games or Machines**

by Regulatory Affairs Committee and Rep. Trumbull and others (CS/CS/SB 268 by Finance and Tax Committee; Regulated Industries Committee; and Senators Stargel, Latvala, and Abruzzo)

The bill creates section 546.10, F.S., to specify types of amusement games, methods for activating amusement games, the award of coupons, points, or prizes, limits upon prize values, and locations authorized for the operation of amusement games. The bill:

- Includes a statement of legislative intent to ensure that provisions regulating amusement games or machines are not subject to abuse or interpreted in any manner as creating an exception to Florida's general prohibitions against gambling;
- Provides that in addition to the use of a coin, an amusement game may be activated by currency, card (not a credit or debit card), coupon, point, slug, token, or similar device, and is played by application of skill;
- Provides for the classification of amusement games as Types A, B, or C:
  - Type A amusement games enable a player to receive free replays of the game without further activation or payment for a game (up to a maximum of 15 accumulated replays); no tickets or merchandise may be awarded to the player;
  - Type B amusement games enable a player to receive a coupon or point that may be accumulated and used to redeem merchandise onsite;
  - Type C amusement games allow a player to manipulate a claw or similar device within an enclosure and receive merchandise directly from the game.
- Increases the maximum redemption value of coupons or points a player may receive for a single play of a Type B amusement game from 75 cents to \$5.25, with a maximum value of 100 times that amount (\$525) for an item of merchandise that may be obtained onsite using accumulated coupons or points won by a player;
- Increases the maximum wholesale cost of merchandise dispensed directly to a player by a Type C amusement game to 10 times that amount (\$52.50).
- Provides for the maximum values to be adjusted annually, based on changes in the consumer price index, beginning January 1, 2018; and
- Increases the authorized locations for amusement games to be operated:
  - Type A amusement games may be operated at any location;
  - Type B amusement games may be operated at:
    - A facility as defined in s. 721.05(17), F.S., that is under the control of a timeshare plan;
    - A public lodging establishment or public food service establishment licensed pursuant to chapter 509, F.S.;
  - The following premises, if the owner or operator of the premises has a current license issued by the Department of Business and Professional Regulation pursuant to chapter 509, chapter 561, chapter 562, chapter 563, chapter 564, chapter 565, chapter 567, or chapter 568, F.S.:
    - An arcade amusement center;
    - A bowling center, as defined in s. 849.141, F.S.; or
    - A truck stop.

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



- Type C amusement games may be operated at:
- A facility as defined in s. 721.05(17), F.S., that is under the control of a timeshare plan;
- An arcade amusement center;
- A bowling center, as defined in s. 849.141, F.S.
- The premises of a retailer, as defined in s. 212.02, F.S.
- A public lodging establishment or public food service establishment licensed pursuant to chapter 509, F.S.
- A truck stop; or
- The premises of a veterans' service organization granted a federal charter under Title 36, U.S.C., or a division, department, post, or chapter of such organization, for which an alcoholic beverage license has been issued.
- Limits actions to enjoin the operation of an amusement game for alleged violation of s. 546.10, F.S., or chapter 849, F.S., to the Florida Attorney General, state attorneys, certain sovereign tribes, the Florida Department of Agriculture and Consumer Services, the Florida Department of Business and Professional Regulation, and certain substantially affected persons.
- Provides for additional sanctions for violation of s. 546.10, F.S., in addition to other existing civil, administrative, and criminal sanctions.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-1; House 113-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/CS/CS/HB 643 — Termination of a Condominium Association**

by Judiciary Committee; Business and Professions Subcommittee; Civil Justice Subcommittee; and Reps. Sprowls, Grant, and others (CS/CS/CS/SB 1172 by Fiscal Policy Committee; Judiciary Committee; Regulated Industries Committee; and Senator Latvala)

The bill revises the requirements for the optional termination of condominiums. Current law permits a condominium to be terminated at any time if a plan of termination is approved by 80 percent of the condominium's total voting interests and no more than 10 percent of the total voting interests reject the termination. The bill provides that, if 10 percent or more of the voting interests of a condominium reject a plan of termination, another termination may not be considered for 18 months.

The bill prohibits condominiums that have been created pursuant to the condominium conversion procedures in Part VI of ch. 718, F.S., from undertaking an optional plan of termination until 5 years after the conversion.

The bill provides the following conditions and limitations for the termination of a condominium if at the time the plan of termination is recorded, at least 80 percent of the total voting interests are owned by a bulk owner or a bulk owner with an entity which would be considered an insider under s. 726.102, F.S.:

- Upon timely request, unit owners must be allowed to retain possession of units and lease their former units for 12 months after the effective date of the termination if the units are offered to the public;
- Any unit owner whose unit was granted homestead exemption must be paid a relocation payment equal to 1 percent of the termination proceeds allocated to the unit;
- Unit owners other than the bulk owner must be paid at least 100 percent of the fair market value of their units as determined by one or more independent appraisers;
- The fair market value for a unit of an owner who was an original purchaser from the developer and who dissented or objected to the plan of termination must be at least the original purchase price paid for the unit; and
- The plan of termination must provide the manner by which each first mortgage on a unit will be satisfied in full at the time the plan is implemented.

Before a plan of termination can be presented to the unit owners for consideration the following disclosures must be made in a sworn statement:

- The identity of any person owning or controlling 50 percent or more of the condominium units or if owned by an artificial entity, the person who owns or controls it and the person who owns or controls 20 percent of the entity that constitutes the bulk owner;
- The units acquired by the bulk owner, the date of acquisition and the price of each unit; and
- The relationship of any board member to the bulk owner.

If members of the board are elected by the bulk owner, other unit owners may elect at least one-third of the board before approval of any plan of termination.

It provides for termination of common elements, withdrawal of the plan, correction of errors, and valuation of the common elements in the plan of termination.

The bill provides timeframes for objections to the plan of termination, including plans approved at a meeting and plans approved by a written consent or joinder.

The bill permits unit owners to contest a plan of termination by petitioning the Division of Florida Condominiums, Timeshares, and Mobile Homes for mandatory nonbinding arbitration. It repeals the unit owners' right to contest the plan of termination in a court by initiating a summary procedure pursuant to s. 51.011, F.S. Unit owners may contest the fairness and reasonableness of the apportionment of the proceeds from the sale, that the first mortgages of unit owners will not be fully satisfied, or that the required vote was not obtained.

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

*Vote: Senate 38-0; House 117-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/CS/SB 716 — Public Records/Animal Medical Records**

by Governmental Oversight and Accountability Committee; Regulated Industries Committee; and Senators Hays, Soto, and Diaz de la Portilla

The bill makes animal medical records held by any state college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education confidential and exempt from public inspection and copying.

In addition, the bill makes medical records that are transferred by a records owner in connection with official business by any accredited state college of veterinary medicine confidential and exempt from disclosure. Confidential and exempt animal medical records may be disclosed to another governmental entity in the performance of its duties and responsibilities and as provided by current law governing veterinary medical records. The bill provides a public necessity statement justifying the exemption pursuant to s. 24(c), Art. I, of the State Constitution, and includes a finding that the exemption permits eligible veterinary colleges to effectively and efficiently carry out their mission to educate veterinary medicine students.

The bill provides that the public record exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 37-1; House 116-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/CS/HB 791 — Residential Properties**

by Finance and Tax Committee; Civil Justice Subcommittee; and Rep. Moraitis, Fitzenhagan, and others (CS/CS/CS/SB 748 by Fiscal Policy Committee; Judiciary Committee; Regulated Industries Committee; and Senator Ring)

The bill relates to the governance of condominium, cooperative, and homeowners' associations (community associations).

The bill permits corporations not for profit to use a copy, facsimile, or other reliable reproduction of the original proxy for any purpose for which the original proxy could be used if it is a complete reproduction of the entire proxy. In current law, community associations may be corporations for profit or corporations not for profit.

For condominium associations, the bill:

- Provides that, in cases where damage to condominium property is not the result of an insurable event, the maintenance provisions of the declaration or bylaws determine whether the association or the unit owners are responsible for the repair or replacement;
- Provides that, for the period before turnover of control, the developer's vote to reduce or waive the funding of reserves is based on the developers voting interests allocated to its units;
- Permits the condominium association to file a lien on unpaid administrative late fees; and
- Extends from July 1, 2016 to July 1, 2018 the date before which condominium parcels must be purchased to qualify as a bulk assignee or bulk buyer.

For cooperative associations, the bill provides that neither the authorized designee of the cooperative association or persons residing in the home of the board's designee may sit on the committee charged with determining whether to confirm or reject the fine or suspension levied by the board.

For homeowners' associations, the bill prohibits designees of the board and persons who reside with the designee of the board from sitting on the committee charged with reviewing fines and penalties against members of the association.

For condominium and cooperative associations, the bill provides that the priority provisions for applying a homeowner's payments to a monetary obligation in ss. 718.116(3) and 719.108, (3), F.S., respectively, apply notwithstanding any negotiated instrument resolving a dispute on the debt or any purported accord and satisfaction.

For condominium and homeowners' associations, the bill provides that, when voting rights are suspended, the total number of voting interests of the association must be reduced by the number of suspended voting interests when calculating the total percentage or number required to take or approve any action, and that the suspended voting interests may not be used for any purpose.

For condominium, cooperative, and homeowners' associations, the bill:

- Permits associations to provide electronic notice of unit owner and board meetings without having specific authority in the bylaws of the association for giving notice by electronic transmission;
- Creates a mechanism for Internet-based online voting in condominium, cooperative, and homeowners' associations;
- Permits associations to file a lien on unpaid administrative late fees; and
- Clarifies that it is the board of the association that levies any fines and that the role of the impartial committee is limited to determining whether to confirm or reject the fine or suspension levied by the board.

Regarding homeowners' associations, the bill provides that:

- The board may not levy a fine exceeding \$100, unless otherwise provided in the association's governing documents;
- Members that fail to pay a fine may be suspended from the board of directors or barred from running for a seat on the board;
- Chapter 720, F.S., may be cited as the "Homeowners' Association Act;" and
- The association's failure to timely provide notice of the recording of the amendment does not affect the validity or enforceability of the amendment.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 98-17*

## Committee on Rules

### **SM 866 — Diplomatic Relations with Cuba**

by Senators Flores, Garcia, and Diaz de la Portilla

The memorial expresses profound disagreement with the decision of the President of the United States to restore full diplomatic relations with Cuba, opposes the opening of a consulate or any diplomatic office in the State of Florida, and urges the continuation of the embargo.

*Vote: Senate Adopted; House Adopted*

## Committee on Rules

### **SM 1422 — Iran/Economic Sanctions**

by Senators Abruzzo, Gaetz, and Altman

In November 2013, the five permanent members of the United Nations Security Council, plus Germany, known as the “P5+1,” signed a Joint Plan of Action (JPA) with Iran to provide incremental relief from international pressure for positive steps toward transparency of Iran’s nuclear program.

The memorial urges Congress and the President of the United States to pass and enact new economic sanctions against Iran should that nation be found to be in violation of the JPA or fail to reach an acceptable agreement by the dates set forth in the November 2014 extension of the JPA.

*Vote: Senate Adopted; House Adopted*



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**CS/HB 3505 — Relief of the Estate of Lazaro Rodriguez by the City of Hialeah**

by Civil Justice Subcommittee and Rep. Steube (SB 44 by Senator Grimsley)

This bill provides \$485,000 for the relief of the Estate of Lazaro Rodriguez and his surviving wife and children. Mr. Rodriguez died in an automobile accident caused by the negligence of a City of Hialeah police officer.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 37-2; House 105-9*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**CS/HB 3511 — Relief of Carl Abbott by the Palm Beach County School Board**

by Civil Justice Subcommittee and Rep. Raburn (CS/SB 68 by Judiciary Committee and Senator Legg)

The bill provides three annual payments of \$211,111.11, totaling \$633,333.33, in relief to David Abbott, the guardian of Carl Abbott. Carl Abbott sustained injuries and damages as a result of the negligence of an employee of the Palm Beach County School District involving a school bus accident. Carl Abbott passed away in June 2014.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 36-2; House 107-9*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**CS/HB 3513 — Relief/Estate of Victor Guerrero/Pasco County**

by Civil Justice Subcommittee and Rep. Nunez (CS/SB 36 by Judiciary Committee and Senator Diaz de la Portilla)

This bill provides \$1,500,000 to the family and Estate of Victor Guerrero to compensate for injuries sustained as a result of the negligence of an employee of Pasco County involving a motor vehicle accident.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 37-2; House 108-9*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**CS/HB 3519 — Relief of Joseph and Audrey Stewart on Behalf of Their Son Aubrey Stewart, by the City of Jacksonville**

by Civil Justice Subcommittee and Rep. M. Jones and others (CS/SB 22 by Judiciary Committee and Senators Bradley, Galvano, Bean, and Gibson)

The bill provides \$3.3 million, less the amount paid for the repayment of Medicaid liens, for the care of Aubrey Stewart due to injuries sustained by Aubrey Stewart as a result of the negligence of the City of Jacksonville in the maintenance of trees and failing to remedy a known dangerous condition. The funds are to be paid by the City of Jacksonville into the Aubrey Javaris Stewart Special Needs Trust in installments over three years.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 36-1; House 108-9*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**CS/HB 3521 — Relief of Ronald Miller by the City of Hollywood**

by Civil Justice Subcommittee and Rep. Jenne (CS/SB 66 by Judiciary Committee and Senator Legg)

This bill provides \$100,000 of local funds for the relief of Ronald Miller for injuries sustained as a result of the negligence of a municipal employee of the City of Hollywood involving a motor vehicle accident.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 38-2; House 107-9*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**CS/HB 3523 — Relief of Mark T. Sawicki and Sharon L. Sawicki/City of Tallahassee**

by Civil Justice Subcommittee and Rep. Beshears (SB 54 by Senator Montford)

This bill provides \$700,000 for the relief of Mark T. Sawicki and Sharon L. Sawicki, to compensate them for injuries sustained by Mark T. Sawicki as the result of the negligence of an employee of the City of Tallahassee involving a motor vehicle accident.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 37-2; House 107-9*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**CS/HB 3527 — Relief of Asia Rollins/Public Health Trust Miami-Dade County**

by Civil Justice Subcommittee and Rep. Avila (CS/CS/SB 34 by Appropriations Committee; Judiciary Committee and Senator Diaz de la Portilla)

This bill provides \$699,999 to a special needs trust for the benefit of Asia Rollins to compensate Asia Rollins for injuries sustained as a result of the medical negligence of the Public Health Trust of Miami-Dade County d/b/a Jackson Memorial Hospital.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 38-1; House 105-9*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**CS/HB 3533 — Relief/Estate of Manuel Antonio Matute/Palm Beach County Sheriff's Office**

by Civil Justice Subcommittee and Rep. Santiago (SB 52 by Senator Negron)

This bill provides for \$371,850.98 in relief to Eddna Torres De Mayne, as personal representative of the Estate of Manuel A. Matute, as compensation for injuries and damages caused by the negligence of the Palm Beach County Sheriff's office. The claim arose out of a motor vehicle accident that resulted in the wrongful death of Manuel A. Matute.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 34-4; House 108-9*



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**CS/HB 3543 — Relief of Roy Wright and Ashley Wright by the North  
Brevard County Hospital District**

by Civil Justice Subcommittee and Rep. Avila (CS/SB 60 by Judiciary Committee and Senator Simpson)

This claim bill provides \$395,000 for the relief of Roy Wright and Ashley Wright, parents of Tucker Wright, for medical malpractice committed during the birth of their son by the North Brevard County Hospital District, which operates the Parrish Medical Center.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 36-2; House 107-9*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**CS/HB 3547 — Relief of Javier Soria/Palm Beach County**

by Civil Justice Subcommittee and Rep. Raulerson (CS/SB 42 by Judiciary Committee and Senator Braynon)

This bill provides \$101,800 for the relief of Javier Soria to compensate him for injuries sustained as a result of the negligence of an employee of Palm Beach County involving a motor vehicle accident.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 37-2; House 107-10*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**CS/HB 3549 — Relief of Monica Cantillo Acosta and Luis Alberto Cantillo Acosta by Miami-Dade County**

by Civil Justice Subcommittee and Rep. Santiago (SB 64 by Senator Legg)

This bill provides \$470,000 for the relief of Monica Cantillo Acosta and \$470,000 for the relief of Luis Alberto Cantillo Acosta, surviving children of Nhora Acosta, to compensate them for the wrongful death of Nhora Acosta as a result of the negligence of an employee of Miami-Dade County arising out of a motor vehicle accident.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 37-2; House 108-9*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**CS/HB 3555 — Relief/Michael and Patricia Rardin/North Broward Hospital District**

by Civil Justice Subcommittee and Rep. Artiles (CS/SB 80 by Judiciary Committee and Senator Flores)

This bill provides \$2,000,000 to be paid by the North Broward Hospital District to Michael and Patricia Rardin. The claim for compensation relates to injuries sustained as a result of the medical negligence of North Broward Hospital District in the care and treatment of Michael Rardin.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 36-3; House 104-9*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**CS/HB 3557 — Relief/Maricelly Lopez/City of North Miami**

by Civil Justice Subcommittee and Rep. Harrison (CS/SB 78 by Judiciary Committee and Senator Flores)

This bill provides \$1,500,000 to Maricelly Lopez, individually and as personal representative of the Estate of Omar Mieles, to compensate for injuries and the death of Omar Mieles involving a motor vehicle accident caused by the negligence of an employee of City of North Miami.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 39-1; House 108-9*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**CS/HB 27 — Driver Licenses and Identification Cards**

by Highway and Waterway Safety Subcommittee and Reps. Gaetz, Workman, and others  
(CS/SB 240 by Transportation Committee and Senators Brandes, Gaetz, and Gibson)

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

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

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 116-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**CS/HB 145 — Commercial Motor Vehicle Review Board**

by Highway and Waterway Safety Subcommittee and Rep. Beshears (CS/CS/CS/SB 220 by Fiscal Policy Committee; Governmental Oversight and Accountability Committee; Transportation Committee; and Senator Simpson)

The bill addresses various issues relating to commercial motor vehicle overweight citations and the Commercial Motor Vehicle Review Board (Review Board). Related to overweight citations, the bill:

- Authorizes a driver of a commercial motor vehicle that receives an overweight citation for excess weight measured by portable scales to proceed to the nearest fixed scale at an official weigh station or certified public scale for verification of weight and requires the Florida Highway Patrol to escort the driver to the nearest fixed scale and attend the re-weighing;
- Voids the citation if the vehicle is found to be in compliance with weight requirements at the fixed scale; and
- Repeals provisions authorizing the Florida Highway Patrol to require vehicles be driven to the nearest weigh station or public scales for verification of weight and requiring an officer to weigh a vehicle at a fixed scale rather than by portable scales upon the request of the driver, if such a facility is available within five miles.

Related to the Review Board, the bill:

- Revises the membership and related provisions of the Review Board; and
- Requires the Department of Transportation (DOT) to provide video conference capability at each of its district offices to enable a person requesting a hearing before the Commercial Motor Vehicle Review Board to appear remotely.

If approved by the Governor, these provisions take effect July 1, 2015, except where otherwise provided.

*Vote: Senate 39-0; House 116-1*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**CS/SB 160 — Rural Letter Carriers**

by Fiscal Policy Committee and Senator Evers

The bill exempts a United States Postal Service rural letter carrier from mandatory seat belt usage requirements while performing duties in the course of his or her employment on a designated postal route.

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

*Vote: Senate 36-0; House 88-28*



THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**CS/SB 264 — Traffic Enforcement Agencies and Traffic Citations**

by Fiscal Policy Committee and Senators Bradley and Brandes

The bill prohibits all traffic enforcement agencies from establishing a traffic citation quota. The bill also requires a county or municipality to submit a report to the Legislative Auditing Committee if the county's or municipality's revenue from traffic citations, in a fiscal year, exceeds 33 percent of the expense to operate the county's or municipality's law enforcement agency in the same fiscal year. The report must be submitted within six months after the end of the fiscal year and must detail:

- The total revenue from traffic citations of the county or municipality; and
- The total expenses for law enforcement of the county or municipality.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 116-1*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**CS/CS/HB 369 — Human Trafficking**

by Economic Affairs Committee; Transportation and Ports Subcommittee; and Reps. Kerner, Spano, and others (CS/SB 534 by Criminal Justice Committee and Senators Latvala and Sobel)

The bill seeks to heighten public awareness regarding human trafficking in the State of Florida. The bill:

- Requires development of public awareness signs according to certain specifications, containing specific information for contacting the National Human Trafficking Resource Center, as well as other means for accessing help and services;
- Requires the Florida Department of Transportation to display a public awareness sign in every rest area, turnpike service plaza, weigh station, primary airport, passenger rail station, and welcome center open to the public in the state;
- Requires emergency rooms to display a public awareness sign in emergency rooms at general acute care hospitals;
- Requires employers to display a public awareness sign in a conspicuous location clearly visible to the public and employees of a strip club or other adult entertainment establishment, and at a business or establishment that offers massage or bodywork services for compensation that is not owned by a regulated health care profession; and
- Authorizes a county commission to adopt an ordinance to enforce employer signage violations, which are noncriminal violations punishable by a \$500 fine.

If approved by the Governor, these provisions take effect January 1, 2016.

*Vote: Senate 40-0; House 113-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**CS/HB 471 — Disabled Parking**

by Highway and Waterway Safety Subcommittee and Reps. Dubose, Moraitis, and others (SB 788 by Senator Sobel)

The bill exempts vehicles displaying the disabled veteran license plate issued under s. 320.084, F.S., from any parking fees charged by a city or county in a facility that provides timed parking spaces.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 39-0; House 113-0*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**SB 676 — Voluntary Contributions to End Breast Cancer**

by Senator Benacquisto

The bill requires the Department of Highway Safety and Motor Vehicles to include language on motor vehicle registration, driver license, and identification card application forms, permitting a voluntary contribution of \$1 or more per applicant, for the Florida Breast Cancer Coalition Research Foundation, Inc.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-0; House 113-2*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**CS/CS/SB 7040 — Public Records/E-mail Addresses/Department of Highway Safety and Motor Vehicles**

by Rules Committee; Governmental Oversight and Accountability Committee; and Transportation Committee

The bill creates an exemption from the state's public records laws for customer e-mail addresses collected by the Department of Highway Safety and Motor Vehicles during driver license and motor vehicle record transactions. Specifically, the exemption applies to e-mail addresses collected by the Department for:

- Sending a notification regarding motor vehicle titles, pursuant to s. 319.40(3), F.S.;
- Providing a renewal notice for a motor vehicle license or registration, pursuant to s. 320.95(2), F.S.; and
- Providing a renewal notice for a driver license or identification card, pursuant to s. 322.08(8), F.S.

The bill provides a statement of public necessity, as required by the State Constitution, and includes a retroactivity clause. Therefore, e-mail addresses currently held by the Department for the aforementioned purposes will also be exempt from public disclosure.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 38-1; House 112-4*

THE FLORIDA SENATE  
2015 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**CS/HB 7055 — Highway Safety and Motor Vehicles**

by Economic Affairs Committee; Highway and Waterway Safety Subcommittee; and Rep. Steube (CS/SB 7072 by Fiscal Policy Committee and Transportation Committee)

The bill revises multiple laws administered by the Department of Highway Safety and Motor Vehicles (DHSMV). More specifically, the bill:

- Allows an employing state agency to pay up to \$5,000 directly to a venue to cover funeral and burial expenses for full-time law enforcement, correctional, or correctional probation officers killed in the line of duty;
- Allows a golf cart to be operated on a two-lane county road within the jurisdiction of a municipality, if allowed by such municipality;
- Revises the size of required red hazard flags from 12-inches square to 18-inches square on loads that extend four feet or more beyond a vehicle's perimeter, to comply with federal regulations;
- Authorizes the Department of Transportation to issue a special permit for truck tractor-semitrailer combinations carrying multiple sections or single units of manufactured buildings on an overlength trailer of no more than 80 feet;
- Increases the fine a local government may issue for an unlawfully displayed vehicle for sale, hire, or rental, which is parked upon public property or parked upon private property without permission from the property owner, from \$100 per violation to \$500 per violation.
- Extends the repeal of the Pilot Rebuilt Motor Vehicle Inspection program from July 1, 2015 to July 1, 2018, and revises program requirements, including:
  - Increases the amount of the required surety bond or irrevocable letter of credit an applicant must have from \$50,000 to \$100,000;
  - Requires an applicant to secure and maintain a facility at a permanent structure where the only services provided are rebuilt inspection services;
  - Requires the operator of such facility to annually attest he or she is not employed by, does not have an ownership interest in, or does not have a financial arrangement with certain entities from which he or she receives remuneration, directly or indirectly, for the referral of customers for rebuilt inspection services;
  - Requires program participants to maintain records of each rebuilt vehicle examination processed at the facility for at least five years; and
  - Requires the DHSMV to terminate an operator from the program who does not meet the minimum eligibility requirements.
- Provides that residential manufactured buildings located on mobile home lots shall be treated as a mobile home for purposes of ch. 319, F.S., which addresses titling;
- Directs the DHSMV to include language on motor vehicle registration, driver license, and identification card application forms, permitting a voluntary contribution of \$1 or more per applicant, for the Florida Breast Cancer Foundation;
- Requires the DHSMV, and their authorized agents, to provide each applicant for a motor vehicle registration or driver license the option to register emergency contact information

and to be contacted with information about state and federal benefits available as a result of military service;

- Removes certain obsolete requirements for establishing a specialty license plate, including the application fee, marketing strategy, and financial analysis of the requested specialty plate;
- Removes provisions for the issuance of the Corrections Foundation license plate, the Children First license plate, and the Veterans of Foreign Wars license plate, which have been discontinued by the DHSMV for failure to meet minimum sale or presale requirements;
- Includes Major League Soccer within the Florida Professional Sports Team license plate;
- Revises the identification of ancient and antique motor vehicles by requiring the use of the model date of the vehicle to determine its age rather than the manufacture date of a vehicle's engine;
- Allows disclosure of confidential personal injury protection and property damage liability insurance policy numbers of a person involved in a motor vehicle accident to DHSMV-approved third parties that provide data collection services to an insurer of any person involved in such accident, and to governmental entities if necessary to perform its duties;
- Provides that certified emergency medical technicians with proper training can administer emergency allergy treatments; and
- Provides reenactments and conforming cross-references to reflect the changes made in this bill.

If approved by the Governor, these provisions take effect October 1, 2015.

*Vote: Senate 40-0; House 115-0*