

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Agriculture**

**CS/CS/SB 740 — Department of Agriculture and Consumer Services**  
by Appropriations Committee; Agriculture Committee; and Senator Stargel

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

- Allows certain lands classified as agricultural for tax purposes to continue to be classified as such for five years after being damaged by a natural disaster. The assessment applies retroactively to lands damaged by a natural disaster that occurred on or after July 1, 2017;
- Provides that screened enclosed structures used in horticulture production for pest exclusion, when consistent with state or federal eradication or compliance agreements, have no separately assessable value for purposes of ad valorem taxation;
- Shifts the issuance of a local oyster harvesting license for Apalachicola Bay from the department to the City of Apalachicola;
- Removes the electronic payment mandate for pesticide registration payments;
- Codifies the State Agricultural Response Team within the department and assigns it certain duties in coordination with the Division of Emergency Management;
- Prohibits comingling charitable and non-charitable funds collected through solicitation or sponsor sales and requires organizations to keep detailed records;
- Prohibits ringless direct-to-voicemail solicitation telephone calls under Florida's Do Not Call (DNC) statute and adds the opportunity for businesses to add their telephone numbers to the DNC list;
- Revises department sampling and analysis requirements for antifreeze;
- Allows for the lawful seizure of "skimming devices" by department inspectors;
- Revises application requirements and fees for brake fluid brands;
- Transfers responsibility for liquefied petroleum gas (LPG) insurance issues to the Commissioner of Agriculture instead of the Governor of Florida;
- Consolidates and reduces the number of LPG categories and expands the license period from one to three years;
- Eliminates the original and renewal LPG fee structure and replaces it with a new revenue neutral fee structure;
- Updates the dollar threshold for required reporting of LPG accidents from \$1,000 to \$3,000;
- Requires an LPG dealer to give a five day notice before discontinuing service or rendering a consumer's LPG equipment inoperable;
- Aligns provisions of the state livestock law with the federal Packers and Stockyards Act and makes failure to render payment for livestock to a seller an unfair or deceptive act;
- Extends the expiration date for seven weights, measures, and standards sections from July 1, 2020 to July 1, 2025;
- Defines the Commissioner of Agriculture's authority to waive fees during emergencies;
- Updates the Florida Seed Law in response to technological and federal regulatory changes;

- Authorizes the department to cover the cost of the initial Commercial Driver's License (CDL) examination fee for those Florida Forest Service employees whose positions entail operating CDL-requiring equipment; and
- Creates the "Government Impostor and Deceptive Advertisements Act" to prevent Florida consumers and businesses from being scammed by companies selling free government forms or mimicking government services.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 34-0; House 116-0*

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**Committee on Agriculture**

**CS/SB 872 — Young Farmers and Ranchers**

by Appropriations Committee; and Senator Grimsley

The bill establishes the Florida Young Farmer and Rancher Advisory Council within the Department of Agriculture and Consumer Services (department). The Commissioner of Agriculture (commissioner) will appoint 12 members to the council. The council may submit findings and recommendations for mitigating challenges facing young farmers and ranchers to the commissioner.

The bill also directs the department to establish the Florida Young Farmer and Rancher Resource Clearinghouse on its website to assist young and beginning farmers in identifying available grants, loans, scholarships, and resources for financial and business planning. The clearinghouse must also include resources available to beginning agricultural producers who are veterans.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 36-0; House 114-0*

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**Committee on Agriculture**

**CS/CS/SB 1576 — Animal Welfare**

by Community Affairs Committee; Agriculture Committee; and Senators Steube and Perry

The bill requires animal shelters that take in stray dogs and cats to adopt written policies and procedures to ensure that every reasonable effort is made to quickly and reliably return the animals to their owners. It allows a court to prohibit a person convicted of animal cruelty from owning, possessing, keeping, harboring, having contact with, or having custody or control over any animal. It leaves the time frame for the prohibition within the court's discretion. The bill also increases the severity ranking for aggravated animal cruelty from a level three to a level five on the offense severity ranking chart of the Criminal Punishment Code.

If approved by the Governor, these provisions take effect October 1, 2018.

*Vote: Senate 38-0; House 108-0*

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**Committee on Agriculture**

**HB 7011 — OGSR/School Food and Nutrition Service Program**

by Oversight, Transparency and Administration Subcommittee; and Rep. Davis (SB 7016 by Agriculture Committee; and Senator Montford)

The bill provides an Open Government Sunset Review (OGSR) of a public records exemption for certain personal identifying information of students and families who receive free or reduced cost meals during the school year, including the summer period. Specifically, the public records exemption upon which the OGSR is based makes exempt from disclosure by designated agencies personal identifying information on recipients of free or reduced cost meals.

The original public necessity statement of the bill provided that the exemption is needed to protect information of sensitive, personal nature, the release of which could be defamatory, cause unwarranted damage to reputation, and possibly jeopardize the individual's personal safety. The justification upon which the exemption is based remains valid. Therefore, the bill deletes the repeal date of the public records exemption.

The public records exemption is scheduled for repeal October 2, 2018, unless reviewed and saved from repeal before that date.

Additionally, agencies identified in the original public records exemption as holding the personal identifying information are the Department of Agriculture and Consumer Services (DACS), the Department of Children and Families (DCF), and the Department of Education (DOE). The DCF indicates, however, that the agency does not receive information related to applicants and participants in school food and nutrition programs. Therefore, the bill narrows the exemption by removing the reference to the DCF as one of the agencies that holds this personal identifying information.

If approved by the Governor, these provisions take effect October 1, 2018.

*Vote: Senate 37-0; House 107-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Appropriations**

**SB 472 — National Statuary Hall**

by Senators Thurston, Book, Taddeo, Farmer, Rodriguez, Gibson, Torres, and Campbell

The bill requests the Joint Committee of the Library of Congress to approve the replacement of the statue of General Edmund Kirby Smith in the National Statuary Hall Collection with a statue of Mary McLeod Bethune. The bill states that it is the “official request” to the Joint Committee pursuant to federal law, and requires the Department of State to deliver a copy of the bill to the President of the United States Senate, the Speaker of the United States House of Representatives, the Joint Committee, and each member of the Florida Congressional delegation.

The Division of Cultural Affairs of the Department of State must take possession of the statue of General Smith when it is returned to the state pursuant to federal law, and the division must make the statue available for public display.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 111-1*

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2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Appropriations**

**HB 5001 — General Appropriations Act**

by Appropriations Committee and Representative Trujillo (SB 2500 by Appropriations Committee)

HB 5001, the General Appropriations Act for Fiscal Year 2018-2019, provides for a total budget of \$88.7 billion, including:

- \$32.4 billion from the General Revenue Fund (GR)
- \$2.1 billion from the Education Enhancement Trust Fund
- \$1.2 billion from the Public Education Capital Outlay Trust Fund (PECO TF)
- \$53.0 billion from other trust funds (TF)
- 112,857.21 full time equivalent positions (FTE)

**Reserves**

Total: \$3.25 billion

- \$1.0 billion in the General Revenue Fund unallocated
- \$1.48 billion in the Budget Stabilization Fund
- \$770.3 million in the Lawton Chiles Endowment Fund

**Major Issues**

***Education Capital Outlay***

Total: \$454.1 million [\$372.3 million PECO TF; \$81.8 million GR]

*(Additional \$33.1 million GR contingent on Federal Emergency Management Agency (FEMA) Reimbursement)*

- Public School Repairs and Maintenance - \$50 million
- Charter School Repairs and Maintenance - \$145.3 million  
*(Additional \$5 million GR contingent on FEMA Reimbursement)*
- Developmental Research Schools - \$6.2 million
- Public School Special Facilities - \$31.4 million  
*(Additional \$2 million GR contingent on FEMA Reimbursement for Gilchrist County)*
- Florida College System Repairs and Maintenance - \$35.4 million
- Florida College System Projects - \$31 million  
*(Additional \$12.2 million GR contingent on FEMA Reimbursement)*
- State University System Repairs and Maintenance - \$47.2 million
- State University System Projects - \$101.4 million  
*(Additional \$11.2 million GR contingent on FEMA Reimbursement)*
- School for the Deaf and Blind Repairs and Maintenance - \$3.3 million
- Public Broadcasting - Health and Safety Issues - \$2.4 million

- Florida State University Schools - Hurricane Special Needs Shelter - \$2 million GR  
(*Contingent on FEMA Reimbursement*)
- Edward W. Bok Academy – Hurricane Relief Initiative - \$500,000 GR  
(*Additional \$700,000 GR contingent on FEMA Reimbursement*)

In addition, \$40 million in authorization for State University System (SUS) Capital Improvement Student Fee Projects

### ***Compensation and Benefits***

Pay Issues - Total \$45.2 million [\$21.7 million GR; \$23.5 million TF]

- State Law Enforcement Officers - pay increase of 7% or 10% (if 10 or more years of service)
- State Firefighters - \$2,500 pay increase
- Department of Juvenile Justice Probation and Detention Officers - 10% pay increase
- Asst. State Attorneys and Asst. Public Defenders - pay increase of \$2,000 or \$4,000 (if more than 3 years of service within the same office). Pay increase is for attorneys with salary of \$75,000 or less (includes smoothing to ensure no employees, with similar service, making between \$75,000 and \$79,000 are surpassed due to this pay increase).
- Supreme Court Justices salary increase to \$220,600

State Employee Group Health Insurance - Total \$68.5 million [\$41.5 million GR; \$27 million TF]

- 6% increase to state-paid premiums

Florida Retirement System (State Agencies)- Total \$33.3 million [\$19.8 million GR; \$13.5 million TF]

- Fully funds normal costs and unfunded actuarial liability - including costs associated with lowering the investment return assumption from 7.60% to 7.50%

### ***Domestic Security***

Total - \$41.5 million TF

### ***State Match for Federally Declared Disasters***

Total - \$83.4 million GR

### **Pre-K - 12 Education Appropriations[\[1\]](#)**

Total Appropriations: \$15.9 billion [\$12.6 billion GR; \$3.3 billion TF]

Total Funding - Including Local Revenues: \$25.1 billion [\$15.9 billion state funds; \$9.2 billion local funds][\[2\]](#)



## Major Issues

### *Early Learning Services*

Total: \$1.1 billion [\$555.7 million GR; \$528.4 million TF]

- Voluntary Prekindergarten Program - \$398.4 million GR, including \$1.6 million for 630 additional students
- School Readiness Program - \$630.9 million [\$144.6 million GR; \$486.3 million TF]

### *Public Schools/K12 Florida Education Finance Program (FEFP)*

Total Funding: \$21.1 billion [\$11.9 billion state funds; \$9.2 billion local funds]

- FEFP Total Funds increase is \$484.8 million or 2.35%
- FEFP increase in Total Funds per Student is \$101.50, a 1.39% increase (from \$7,306 to \$7,408)
- Required Local Effort (RLE) increase of \$107.1 million for new construction only; RLE millage is reduced from 4.308 to 4.091 mills (RLE dollar increase mitigated by \$375.6 million of state funds)
- Teachers Classroom Supplies Allocation - \$8.9 million increase to raise the amount for each teacher by \$50, from \$250 to \$300
- Funding Compression Allocation – additional \$56.8 million for low-funded school districts (receive less than the state average total funds per student)
- School Safety Appropriations in CS/SB 7026
  - Safe Schools Allocation - additional \$97.5 million, including funds to increase the minimum level for each school district to \$250,000, to be used exclusively to hire additional school resource officers to make schools safer
  - Mental Health Assistance Allocation – \$69.2 million to provide funds to school districts and charter schools to assist in establishing or expanding school-based mental health care in coordination with mental health providers to help address the mental health crisis affecting young people in Florida; address issues such as opioid addiction, youth suicide, and bullying; and make schools safer

### *Public Schools/K12 Non-FEFP*

- Mentoring Programs - \$16.3 million GR
- Regional Education Consortia - \$304,000 increase to fully fund the program for small school districts
- Gardiner Scholarships – additional \$25 million for a total of \$128.3 million GR
- School District Matching Grants for school district foundations - \$4 million GR
- School and Instructional Enhancement Grants - \$22.8 million GR
- Exceptional Education Grants - \$6.6 million [\$4.3 million GR; \$2.3 million TF]
- Florida School for the Deaf & Blind - \$52.8 million [\$48.1 million GR; \$4.7 million TF]
- The Best and Brightest Teacher and Principal Scholarship Programs - \$233.95 million GR

- Schools of Hope Program - \$140 million GR
- Reading Scholarship Accounts - \$10 million (CS/HB 7055)
- Security Funding for the Jewish Day Schools – \$2 million GR
- School Safety Appropriations in CS/SB 7026
  - Mental Health Awareness and Assistance Training - \$6.7 million GR
  - Marjory Stoneman Douglas High School Memorial - \$1 million GR
  - Marjory Stoneman Douglas High School Building Replacement - \$25.3 million GR
  - School Hardening Grants program - \$99 million GR

### **Higher Education Appropriations[\[3\]](#)**

Total Appropriations: \$6.1 billion [\$4.5 billion GR; \$1.6 billion TF – excludes tuition]

Total Funding - including local revenues: \$9 billion [\$6.1 billion state funds; \$2.9 billion local]

### **Major Issues**

#### ***District Workforce***

Total: \$526 million [\$285.5 million GR; \$196.7 million TF; \$43.8 million tuition/fees]

- Workforce Development - \$366.3 million [\$291.4 million GR, \$74.9 million TF]
- Perkins Career and Technical Education grants and Adult Education and Literacy funds – [\$108.7 million TF]
- Restoration of CAPE Incentive Funds - \$4.5 million GR
- No tuition increase

#### ***Florida College System***

Total: \$2.2 billion [\$956.3 million GR; \$272.2 million TF; \$962 million tuition/fees]

- Performance Based Funding - \$60 million
  - \$30 million State Investment - restored nonrecurring funds [GR]
  - \$30 million Institutional Investment
    - Reprioritized from the base of each institution
- Restoration of CAPE Incentive Funds - \$10 million GR
- Additional College Program Fund operating funds - \$6.7 million GR
- No tuition increase

#### ***State University System***

Total: \$5 billion [\$2.8 billion GR; \$308 million TF; \$1.9 billion tuition/fees]

- Performance Based Funding - \$560 million
  - \$265 million State Investment [GR]
  - \$295 million Institutional Investment

- Reprioritized from the base of each institution
- Preeminence and Emerging Preeminence - \$20 million GR
- World Class Faculty and Scholar Program - \$20 million GR
- State University Professional and Graduate Degree Excellence Program - \$10 million GR
- National Ranking Operational Enhancement (UF, FSU) - \$5 million GR
- Regional University General Operating Enhancement – UNF - \$4 million GR
- FAMU Operational Funds - \$6 million GR
- FGCU Operational Funds - \$13.7 million GR
- FIU Operational Support - \$4.7 million GR
- FSU Operational Enhancement - \$5 million
- UF Operational Enhancement - \$5 million
- No tuition increase

### ***Private Colleges***

Total: \$170.6 million GR

- Florida Resident Access Grant (FRAG) – Increases student award amount from \$3,300 to \$3,500.
- ABLE Grant – Increases student award amount from \$2,500 to \$3,500.

### ***Student Financial Aid***

Total: \$841.1 million [\$250.7 million GR, \$590.4 million TF]

- Bright Futures (including CS/SB 4) – \$519.7 million TF [\$519.1 million TF, \$636,712 GR], which includes a \$122.4 million increase
  - \$11.7 million for workload (maintains Florida Academic Scholars (FAS) awards at 100% of tuition and fees with \$300 textbook stipend and FAS summer awards)
  - \$81.7 million for Florida Medallion Scholars (FMS) award increase to 75% of tuition and fees
  - \$28.4 million for FMS summer awards
  - \$636,712 for workload for UF Innovation Academy students
- Florida Student Assistance Grants – \$269.4 million [\$199.5 million GR, \$69.9 million TF]
- Benacquisto Scholarship Program Increase (including CS/SB 4) – \$2.8 million GR
  - \$1.5 million workload increase
  - \$1.2 million for out-of-state student expansion
- Children/Spouses of Deceased or Disabled Veterans Workload Increase – \$523,240 GR
- Need-based educational benefits to pay living expenses during semester breaks for active duty and honorably discharged members of the U.S. Armed Forces – \$1 million GR
- Florida Farmworker Student Scholarship Program (CS/SB 4) – \$0.5 million GR

### **Health and Human Services Appropriations[\[4\]](#)**

Total Budget: \$37,216.4 million [\$9,928.2 million GR; \$27,288.2 million TF]; 31,350.46 FTE

## Major Issues

### *Agency for Health Care Administration*

Total: \$29,204.7 million [\$6,898.1 million GR; \$22,306.6 million TF]; 1,536.5 FTE

- Medicaid Price Level and Workload – \$898.9 million [\$414.8 million GR; \$484.1 million TF]
- KidCare Workload – \$42.2 million [\$3.3 million GR; \$38.9 million TF]
- Low Income Pool – \$1.5 Billion [\$586.8 million IGTs; \$921.6 million TF]
- Increase Payments to Nursing Homes – \$128.5 million [\$50.0 million GR; \$78.5 million TF]
- Nursing Home Prospective Payment Transition – \$9.78 million [\$9.78 million TF]
- Medical School Faculty Physician Supplemental Payment – \$277.3 million [\$107.9 million IGTs; \$169.4 million TF]
- Medicaid Retroactive Eligibility Reduction – \$98.4 million [\$38.1 million GR; \$60.3 million TF]
- Intermediate Care Facilities for Developmentally Disabled Rate Increase - \$11.6 million [\$4.5 million GR; \$7.1 million TF]
- Prescribed Pediatric Extended Care (PPEC) Rate Increase - \$5.1million [\$2.0 million GR; \$3.1 million TF]
- Pediatric Neonatal Intensive Care Unit / Pediatric Intensive Care Unit Rate Increase - \$3.4 million [\$1.4 million GR; \$2.1 million TF]
- Increases in Graduate Medical Education Slots - \$45.0 million [\$17.5 million IGTs; \$27.5 million TF]
- Increase Personal Needs Allowance for Long Term Care residents from \$105 to \$130 per month – \$16.9 million [\$7.7 million GR; \$9.2 million TF]

### *Agency for Persons with Disabilities*

Total: \$1,331.8 million [\$553.1 million GR; \$778.8 million TF]; 2,702.5 FTE

- Provider Rate Increase to Maintain USDOL Compliance – \$41.0 million [\$15.9 million recurring GR; \$25.1 million TF]
- Employment and Internship Supports – \$0.9 million TF
- iConnect System – \$0.7 million [\$0.3 million GR; \$0.4 million TF]
- Palm Beach Habilitation Center Cultural Arts Building and Hurricane Shelter- \$1 million GR [contingent on FEMA Reimbursement]

### *Department of Children and Families*

Total: \$3,262.2 million [\$1,805.6 million GR; \$1,456.6 million TF]; 12,030.75 FTE

- Child Protection Investigators/Florida Abuse Hotline - \$8.1 million [\$4.4 million GR; \$3.7 million TF]; 69 FTE

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- Realignment within Department to Increase Child Protective Investigator Staff; 61 FTE
- Community-Based Care Lead Agencies (CBC) Funding – \$39.2 million [\$7.0 million GR; \$32.2 million TF]
- Central Receiving Systems Funding Restoration – \$9.8 million GR
- Guardianship Assistance Program – \$4.2 million [\$1.9 million GR; \$2.3 million TF]; 2 FTE
- Maintenance Adoption Subsidies Extended to Age 21 – \$7.6 million [\$4.0 million GR; \$3.6 million TF]
- Florida Safe Families Child Welfare Information System Enhanced Functionality - \$4.5 million [\$4.2 million GR; \$0.3 million TF]
- Increase Personal Needs Allowance – \$1.9 million GR
- Employment Assistance for Individuals with Mental Health Disorders – \$0.7 million GR
- School Safety Appropriations in CS/SB 7026
  - Provides additional community action treatment teams - \$9.8 million GR
  - Provides additional mobile crisis teams - \$18.3 million GR
- Opioid Crisis Appropriations in CS/CS/ HB 21
  - Increases access to treatment, reduces unmet treatment needs, and reduces opioid overdose-related deaths through prevention, treatment, and recovery activities - \$27.0 million TF
  - Provides funding for community-based services to address the opioid crisis, including, but not limited to, outreach, addiction treatment, and recovery support services - \$14.6 million GR

### ***Department of Elder Affairs***

Total: \$334.1 million [\$154.9 million GR; \$179.3 million TF]; 406.5 FTE

- Alzheimer's Respite Care (66 slots) – \$0.8 million GR
- Community Care for the Elderly (CCE) Program (61 slots) – \$0.5 million GR
- Home Care for the Elderly (HCE) Program (215 slots) – \$0.8 million GR
- PACE expansion, multiple locations (475 slots) – \$14.3 million [\$5.6 million GR; \$8.8 million TF]
  - 100 slots for Northeast Florida; 75 slots for Martin County; 100 slots for Miami-Dade County; 100 slots for Lee County; and 100 slots for Collier County

### ***Department of Health***

Total: \$2,971.4 million [\$507.1 million GR; \$2,464.3 million TF]; 13,410.71 positions

- Pediatric Cancer Research – \$3.0 million recurring GR
- Poison Control Centers – \$3.7 million recurring GR
- Early Steps Program Expanded Eligibility – \$3.5 million TF
- Newborn Screening Program X-ALD Testing – \$1.1 million TF
- Mary Brogan Breast & Cervical Cancer Early Detection Program – \$1.5 million recurring GR

- Opioid Crisis Appropriations in CS/CS/ HB 21 – \$6.0 million GR
  - Enhancements to Prescription Drug Monitoring Program system – \$1.0 million GR
  - Purchase of Naloxone for First Responders – \$5.0 million GR

### ***Department of Veterans' Affairs***

Total: \$112.7 million [\$10.0 million GR; \$102.7 million TF]; 1,263.5 FTE

- Staffing and start-up State Veterans' Nursing Home in Orange County – \$8.0 million TF; 136 FTE
- Initial Staffing of State Veterans' Nursing Home in St. Lucie County – \$0.2 million TF, 4 FTE
- Replace Vans to transport handicapped Residents – \$0.3 million TF
- Florida is For Veterans Entrepreneur Training Grants – \$0.8 million GR
- Benefits and Assistance Staffing Increase – \$0.4 million TF; 5 FTE

### **Criminal and Civil Justice Appropriations[\[5\]](#)**

Total Budget: \$5,210.1 million [\$4,266.9 million GR; \$943.2 million TF]; 45,967.25 FTE

### **Major Issues**

- Funds the Department of Corrections health services deficit, which includes Hepatitis C - \$25.1 million GR (Plus an additional \$21.7 million GR for Hepatitis C in the current fiscal year.)
- Funds residential mental health treatment services within the Department of Corrections - \$52.7 million GR and 289.00 FTE
- Americans with Disabilities Act (ADA) Compliance within the Department of Corrections facilities - \$6.4 million GR and 12.00 FTE
- Funds fixed capital outlay for cameras for DJJ's residential program facilities – \$1 million GR

### ***Attorney General/ Legal Affairs***

Total: \$309.2 million [\$61.6 million GR; \$247.6 million TF]; 1,352.50 FTE

- Agency-wide Information Technology Infrastructure Improvements - \$7.4 million TF
- Matching Funds for Generators at the 42 Certified Domestic Violence Shelters - \$1.5 million GR
- Transfer of Children's Advocacy Centers from the State Courts System - \$4.2 million GR

### ***Department of Corrections***

Total: \$2.6 billion [\$2.5 billion GR; \$81.3 million TF]; 24,539.00 FTE

- Desktop Virtualization - \$4.0 million TF
- Disability Rights Florida – Americans with Disabilities Act (ADA) Settlement Agreement - \$4.3 million GR and 12 FTE

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- Disability Rights Florida – Mental Health Treatment Services - \$42.7 million GR and 289.00 FTE
- Vocational Curriculum for Inmates – \$1.0 million GR
- Infectious Disease Drug Treatment (Hepatitis C) – \$14.6 million GR
- Contracted Health Services Funding - \$10.5 million GR
- Residential Mental Health Treatment Services - \$10.0 million GR
- Fixed Capital Outlay – ADA Compliance - \$2.1 million GR
- Fixed Capital Outlay – Renovations and Repairs - \$4.1 million GR

### ***Florida Department of Law Enforcement (FDLE)***

Total: \$295.4 million [\$102.15 million GR; \$194.3 million TF]; 1,891.00 FTE

- Improve sexual offender and predator registry - \$2.2 million TF
- Funds final year of Computerized Criminal History (CCH) database - \$5.7 million TF
- Provides funds for the renovations of the Tampa Bay Regional Operations Center - \$0.5 million GR
- Funds to replace hazardous device/emergency ordnance disposal vehicles - \$0.1 million TF
- School Safety Appropriations in CS/SB 7026
  - Funds the Marjory Stoneman Douglas High School Public Safety Commission - \$0.65 million GR
  - Funds a Mobile Suspicious Activity Reporting Tool - \$0.4 million in GR

### ***Department of Juvenile Justice***

Total: \$590.2 million [\$409.4 million GR; \$180.8 million TF]; 3,269.50 FTE

- Funds a retention bonus for DJJ's direct care workers - \$2.0 million GR
- Provides funds for PACE Center for Girls, that includes centers in Hernando and Citrus Counties - \$4.5 million GR
- Provides funds for AMIKIDS Programs - \$6.7 million GR
- Funds continuation and expansion of prevention and early intervention programs – \$1.1 million GR and \$5.3 million TF
- Funds Prodigy Program - \$0.5 million in GR and \$1.0 million TF

### ***State Court System***

Total: \$539.3 million [\$446.0 million GR; \$93.3 million TF]; 4,304.50 FTE

- Enhances funding for problem-solving courts (e.g., Veterans' Courts, Drug Courts, Early Childhood Courts) - \$2.5 million recurring GR
- Provides additional Vivitrol funding to address opioid problem - \$2.5 million GR
- Restores trial court salary reduction - \$2.0 million GR

### ***Justice Administration***

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Total: \$912.5 million [\$766.7 million GR; \$145.7 million TF]; 10,478.75 FTE

- Partially restores domestic violence and human trafficking initiatives in the 9th Circuit State Attorney's Office - \$0.7 million GR and 10.5 FTE
- Converts Regional Conflict Counsel OPS and contractors to full-time employees, per IRS audit - \$2.7 million GR and 64.75 FTE

### **Transportation, Tourism, and Economic Development Appropriations**

Total Budget: \$14.5 billion [\$245.2 million GR; \$14.3 billion TF]; 13,071 positions

#### **Major Issues**

- Transportation Work Program - \$9.9 billion TF
- Affordable Housing Programs - \$109.6 million TF
- Florida Job Growth Grant Funding - \$85 million GR
- Visit Florida - \$76 million TF and GR
- Library Grants and Cooperatives - \$20.1 million GR
- Cultural, Museum, and Historic Grants and Initiatives - \$14.3 million GR
- Motorist Modernization Project - \$12.6 million TF

#### ***Department of Economic Opportunity***

Total: \$1.14 billion [\$131.3 million GR; \$1.01 billion TF]; 1,475 FTE

- Economic Development Toolkit Payments (payments for existing contracts) - \$29.1 million
- Job Growth Grant Fund - \$85 million GR
- Economic Development Projects and Initiatives - \$12.9 million GR and TF
- Space Florida - \$18.5 million TF [\$12.5 million recurring; \$6 million nonrecurring]
- Visit Florida - \$76 million GR and TF
- Workforce Development Projects and Initiatives - \$5.8 million GR and TF
- Affordable Housing Programs - \$109.6 million TF:
  - SHIP - \$44.5 million TF (allocated to local governments)
  - State Housing Programs - \$79.2 million TF, includes:
    - At least 60 percent for the SAIL Program
    - \$15 million for workforce housing to serve low-income persons
    - \$15 million for housing in the Florida Keys
- Housing and Community Development Projects and Initiatives - \$5.4 million TF
- Community Development Block Grants - \$126.5 million TF
  - CDBG – Disaster Recovery Grants - \$90 million TF (federal grant fund authority to address unmet community needs for housing, infrastructure, and economic development after other assistance has been exhausted)

#### ***Department of State***



Total: \$101.7 million [\$67.3 million GR; \$34.4 TF]; 408 FTE

- State Aid to Libraries - \$20.1 million GR
- Cultural and Museum Program Support and Facilities - \$9.6 million GR
- Historical Resources Preservation - \$5.6 million [\$4.7 million GR; \$1.5 million TF]
- County Elections Assistance - \$3.4 million GR
- Cyber Security - \$1.9 million TF

### ***Department of Transportation***

Total: \$10.9 billion TF; 6,236 FTE

- Transportation Work Program - \$9.9 billion TF:
  - Highway and Bridge Construction - \$3.9 billion
  - Resurfacing and Maintenance - \$1.3 billion
  - Design and Engineering - \$1.0 billion
  - Right of Way Land Acquisition - \$577.3 million
  - Public Transit Development Grants - \$567.8 million
  - Rail Development Grants - \$303.8 million
  - County Transportation Programs:
    - Small County Road Resurface Assistance Program (SCRAP) - \$29.8 million
    - Small County Outreach Program (SCOP) - \$72.8 million, including \$15 million to rural areas of opportunity
    - Other County Transportation Programs - \$62.0 million
  - Aviation Development Grants - \$351.4 million
  - Seaport and Intermodal Development Grants - \$228.3 million
  - Economic Development Transportation (“Road Fund”) Projects - \$119.7 million TF
- Transportation Disadvantaged Program - \$59.9 million

### ***Department of Military Affairs***

Total: \$63.4 million [\$21.9 million GR; \$41.4 million TF]; 453 FTE

- Tuition Assistance for Florida National Guard - \$4.2 million GR
- About Face and Forward March Programs - \$2.0 million GR

### ***Department of Highway Safety and Motor Vehicles***

Total: \$480.0 million [\$150,000 GR; \$479.9 million TF]; 4,344 FTE

- Motorist Modernization Project - Phase I and II - \$12.6 million TF
- Relocation of Orlando Regional Communications Center - \$1.3 million TF
- Maintenance and Repairs of Facilities - \$3.3 million TF
- Field Office Equipment Refresh - \$4.0 million TF

### ***Division of Emergency Management***

Total: \$1.86 billion [\$26.1 GR; \$1.84 billion TF]; 155 FTE

- Federally Declared Disaster Funding - \$1.8 billion
  - Communities - \$1.7 billion TF
  - State Operations - \$42.9 million TF
- Statewide Notification and Alert System - \$3.5 million TF
- Statewide LiDAR Mapping - \$15 million GR
- Hurricane Mitigation Projects - \$11.1 million GR

## **The Environment and Natural Resources Appropriations**

Total Budget: \$4 billion (\$441.7 million GR; \$870.6 million LATF; \$2.7 billion Other TF); 8,699 FTE

### **Major Issues**

#### ***Department of Agriculture & Consumer Services***

Total: \$1.8 billion (\$186.4 million GR; \$107.5 million LATF; \$1.5 billion TF); 3,651 FTE

- Wildfire Suppression Equipment - \$6.3 million (\$5.6 million TF; \$0.7 million GR)
- Forestry Road/Bridge and Facility Maintenance - \$3.2 million (\$2.2 million LATF; \$1 million TF)
- Citrus Greening Research - \$8 million TF
- Citrus Health Response Program - \$7.1 million TF
- Citrus Crop Decline Supplemental Funding - \$2.5 million GR
- Farm Share and Food Banks - \$8.7 million GR
- Florida Forever - Rural and Family Lands \$5.8 million (\$3.8 million GR; \$2 million LATF)
- Lake Okeechobee Agricultural Projects - \$5 million LATF
- Agriculture Education and Promotion Facilities - \$5.3 million GR
- Critical Building Repairs and Maintenance - \$3.3 million (\$1.8 million GR; \$1.5 million LATF)
- African Snail Eradication Program - \$1.5 million TF
- Office of Energy Grants - \$1.3 million TF
- Licensing Enterprise Regulatory Management System - \$13.3 million TF
- Citrus Canker Eradication Claims - \$52.1 million GR for Broward and Palm Beach counties property owners

#### ***Department of Citrus***

Total: \$31.3 million (\$5.7 million GR, \$25.6 million TF); 41 FTE

- Florida Forward Consumer Marketing Program - \$5 million GR

#### ***Department of Environmental Protection***

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Total: \$1.8 billion (\$215.4 million GR; \$660.1 million LATF; \$902.1 million TF); 2,889 FTE

- Everglades Restoration - \$143.1 million (\$141.7 million LATF; \$1.4 million TF)
- Northern Everglades Restoration - \$31 million (\$28.2 million LATF; \$1.7 million GR; \$1.1 million TF)
- EAA Reservoir - \$64 million LATF
- St. John River/Keystone Heights Restoration, Public Access & Recreation - \$25.0 million (\$7.7 million LATF; \$17.3 million GR)( \$5 million contingent on FEMA reimbursement)
- Florida Forever Funding - \$100.8 million TF (\$75.8 million transfer from GR; \$15 million transfer from LATF)
  - State Lands - \$72 million
  - Florida Communities Trust - \$10 million
  - DACS – Land Protection Easements - \$5.8 million (also shown in DACS)
  - Florida Keys Area of Critical State Concern \$5 million
  - Stan Mayfield Working Waterfronts - \$2 million
  - FRDAP – \$2 million
- Additional FRDAP List for Child Friendly Parks - \$4 million TF
- Beach Management Funding Assistance - \$50 million LATF
- Hurricane Beach Recovery - \$11.2 million (\$5.9 million GR; \$5.3 million LATF)
- Springs Restoration - \$50 million LATF (Base funding)
- Herbert Hoover Dike - \$50 million GR
- Water Projects - \$30.9 million GR (\$0.8 million contingent on FEMA reimbursement)
- State Parks Maintenance and Repairs - \$35.1 million (\$5 million GR; \$27.9 million TF)
- Petroleum Tanks Cleanup Program - \$110 million TF
- Drinking Water & Wastewater Revolving Loan Programs - \$16.5 million GR; \$286.4 million TF
- Hazardous Waste/Site Cleanup - \$8.5 million TF
- Total Maximum Daily Loads - \$7.4 million LATF
- Florida Keys Area of Critical State Concern - \$5 million GR
- Small County Solid Waste Management Grants - \$3 million TF
- Small County Wastewater Treatment Grants - \$15 million TF
- Local Parks - \$2.8 million GR

### ***Fish & Wildlife Conservation Commission***

Total: \$378 million (\$34.2 million GR; \$102.9 million LATF; \$240.9 million TF); 2,119 FTE

- New District Office in Defuniak Springs - \$2 million TF
- Boating Infrastructure and Improvement Program - \$6.4 million TF
- Law Enforcement Body Worn Cameras - \$0.7 million TF
- Artificial Fishing Reef Construction - \$0.6 million TF
- Fisheating Creek Wildlife Management Area - \$1.1 million GR
- FWC Facilities Maintenance and Repair - \$1.4 million TF
- Derelict Vessel Removal - \$1 million TF
- Aviation Enhancement - \$1 million GR

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- Lionfish Nonnative Species Management - \$1 million TF
- Law Enforcement Reserve Program - \$0.2 million TF
- Black Bear Conflict Reduction - \$0.5 million TF
- Building Improvements - \$1.1 million TF
- Palm Beach Recreational Shooting Park - \$3 million TF

## **General Government Appropriations**

Total Budget: \$2.1 billion [\$317.1 million GR; \$1.7 billion Other TFs]; 11,209 FTE

## **Major Issues**

### ***Department of Business & Professional Regulation***

Total: \$155 million [\$1.4 million GR; \$153.6 million TF]; 1,616 FTE

- Online Application Fees - \$0.5 million TF
- Compulsive and Addictive Gambling Prevention - \$0.3 million TF

### ***Department of Financial Services***

Total: \$395.2 million [\$24.7 million GR; \$370.5 million TF]; 2,589 FTE

- Florida Planning, Accounting & Ledger Management (PALM) Project - \$32.5 million TF
- Information Technology Staff Augmentation - \$0.7 million TF
- Fire College and Arson Lab Repairs and Maintenance - \$0.4 million TF
- Local Government Fire Services - \$11.9 million TF and \$1.5M GR
- Increase Contracted Services Budget Authority - \$0.6 million TF
- University of Miami - Sylvester Comprehensive Cancer Center - Florida Firefighter Cancer Research - \$2 million GR
- Firefighter Assistance Grant Program - \$1 million TF
- Funeral and Cemetery IT Systems - \$1.2 million TF

### ***Department of the Lottery***

Total: \$182.1 million TF; 418 FTE

- Information Technology upgrades to software, hardware, and equipment - \$1.2 million TF
- Increase to Terminal Games Fees (New Contract) - \$5.6 million TF
- Increase to Instant Ticket Purchase - \$8.6 million TF
- Increase to Terminal Games Fees - \$2.1 million TF

### ***Department of Management Services***

Total Budget: \$624.8 million [\$73.9 million GR; \$550.8 million TF]; 838 FTE

- Florida Facilities Pool - \$58.3 million [\$41.3 million GR; \$17 million TF]
- Private Prison Monitoring Facility Maintenance and Repairs (Gadsden and Lake City Correctional Facilities) - \$3.9 million TF
- Florida Interoperability Network and Mutual Aid - \$1.9 million GR
- State Group Insurance Program Implementation- \$7.9 million TF
- State Employee Health Savings Account Program - \$1.5 million TF
- Statewide Law Enforcement Radio System (SLERS) Staff Augmentation and Independent Verification and Validation Services - \$1.3 million TF
- SLERS Contract Payments Based on Additional Revenue Received - \$2 million TF
- Florida Region Interference Program - \$0.2 million TF
- Statewide Travel Management System Enhancements - \$0.4 million GR
- Replacement of Motor Vehicles - \$0.3 million TF
- Fleet Management Information System - \$0.1 million TF
- Florida Commission on Human Relations Staffing – \$0.4 million TF
- Local Funding Initiative Projects - \$2.8 million GR

### ***Division of Administrative Hearings***

Total Budget: \$26.5 million TF; 240 FTE

### ***Agency for State Technology***

Total: \$64.7 million TF; 203 FTE

- Security Training - \$0.2 million TF

### ***Public Service Commission***

Total: \$25 million TF; 272 FTE

### ***Department of Revenue***

Total: \$585.8 million [\$217.1 million GR; \$368.7 million TF]; 5,037 FTE

- Fiscally Constrained Counties - \$28.7 million GR
- Aerial Photography - \$1.2 million GR
- Child Support Enforcement Parenting Time Plans - \$0.3 million TF

If approved by the Governor, these provisions take effect July 1, 2018, except where otherwise expressly provided.

[\[1\]](#) Pre-K - 12 Education appropriations include funding provided in CS/HB 7055 and CS/SB 7026.

[\[2\]](#) Local revenues include required and discretionary local effort for the public schools in the Florida Education Finance Program.

[\[3\]](#) Higher Education appropriations include funding provided in CS/SB 4.

[\[4\]](#) Health and Human Services appropriations include funding provided in CS/CS/HB 21 and CS/SB 7026.

[\[5\]](#) Criminal and Civil Justice appropriations include funding provided in CS/SB 7026.

*Vote: Senate 31-5; House 95-12*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Appropriations**

**HB 5003 — Implementing the 2018-2019 General Appropriations Act**  
by Appropriations Committee and Representative Trujillo (SB 2502 by Appropriations Committee)

HB 5003, relating to implementing the 2018-2019 General Appropriations Act, provides the following substantive modifications for the 2018-2019 fiscal year:

**Section 1** provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for Fiscal Year 2018-2019.

**Section 2** incorporates the Florida Education Finance Program (FEFP) work papers by reference for the purpose of displaying the calculations used by the Legislature.

**Section 3** provides that funds provided for instructional materials shall be released and expended as required in the proviso language attached to Specific Appropriation 92.

**Section 4** amends s. 1011.62, F.S., to create the funding compression allocation within the FEFP to provide additional funding for school districts whose total funds per FTE in the prior year were less than the statewide average.

**Section 5** amends s.1001.26, F.S., to allow public colleges or universities that are part of the public broadcasting system to qualify for state funding.

**Section 6** reverts the language of s. 1001.26, F.S., to the text in effect on June 30, 2018.

**Section 7** notwithstanding s. 212.099, F.S., to require for the 2018-2019 fiscal year that Florida Sales Tax Credit Program funds be used solely for the Florida Tax Credit Scholarship.

**Section 8** amends s. 1009.986, F.S., to authorize Florida ABLE, Inc. to determine whether to require residency as a condition of participation based on market research and estimated operating revenues and costs.

**Section 9** reverts the language of s. 1009.986, F.S., to the text in effect on June 30, 2016.

**Section 10** amends s. 1009.986, F.S., to change the priority of distribution of funds in an ABLE account upon the death of a designated beneficiary. Funds must first be distributed for qualified disability expenses and then transferred to the estate of the designated beneficiary or an ABLE account of another eligible individual specified by the designated beneficiary or his or her estate.

**Section 11** reverts the language of s. 1009.986, F.S., to the text in effect on June 30, 2016.

**Section 12** amends s. 1009.215, F.S., to authorize fall term awards for University of Florida Innovation Academy students when summer funding is provided for other Bright Futures recipients.

**Section 13** reverts the language of s. 1009.215, F.S., to the text in effect on June 30, 2018.

**Section 14** provides that the calculations of the Medicaid Disproportionate Share Hospital program for the 2018-2019 fiscal year contained in the document titled “Medicaid Hospital Funding Program,” dated January 26, 2018, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of state law, in making appropriations for the Medicaid Disproportionate Share Hospital and hospital reimbursement program. This section expires on July 1, 2019.

**Section 15** authorizes the Agency for Health Care Administration (AHCA) to submit a budget amendment to realign funding between the AHCA and the Department of Health for the Children’s Medical Services (CMS) Network for the implementation of Statewide Medicaid Managed Care, to reflect actual enrollment changes due to the transition from fee-for-service into the capitated CMS Network. This section expires on July 1, 2019.

**Section 16** provides direction to the Agency for Persons with Disabilities for setting iBudget amounts for clients receiving Home and Community-Based Waiver services. It also provides parameters under which a client’s iBudget amount may be increased. This section expires on July 1, 2019.

**Section 17** amends s. 409.908(2), F.S., relating to Medicaid nursing home reimbursement under the prospective payment system, to modify the parameters upon which Medicaid nursing home prospective payments rates are to be calculated when implemented on October 1, 2018. The direct care subcomponent is changed from 100 percent of the median cost to 105 percent, and the quality incentive payment pool subcomponent is changed from 6 percent to 8.5 percent of the September 2016 non-property payments of included facilities. This section is effective October 1, 2018.

**Section 18** amends s. 409.908(23), F.S., relating to Medicaid rate setting for specified provider types, to specify the prospective payment system reimbursement for nursing home services will be governed by s. 409.908(2), F.S., and the General Appropriations Act. Language relating to county health department reimbursement is restructured but not changed substantively. This section is effective October 1, 2018.

**Section 19** provides for the reversion of statute language for s. 409.908(2) and (23), F.S., back to the language as it existed on October 1, 2018.



**Section 20** directs the Agency to seek federal authorization from federal CMS to modify the period of retroactive Medicaid eligibility for non-pregnant adults to be from the first day of the month in which the person applies for Medicaid.

**Section 21** amends s. 893.055(18), F.S., relating to the prescription drug monitoring program to prohibit the use of any settlement agreement funds for the program for Fiscal Year 2018-2019.

**Section 22** amends s. 409.911, F.S., to provide that, for the 2018-2019 fiscal year, the AHCA must distribute moneys to hospitals providing a disproportionate share of Medicaid or charity care services as provided in the General Appropriations Act for Fiscal Year 2018-2019.

**Section 23** amends s. 409.9113, F.S., to provide that, for the 2018-2019 fiscal year, the AHCA must make disproportionate share payments to teaching hospitals, as defined in s. 408.07, as provided in the General Appropriations Act for Fiscal Year 2018-2019.

**Section 24** amends s. 409.9119, F.S., to provides, that, for the 2018-2019 fiscal year, the AHCA must make disproportionate share payments to specialty hospitals for children as provided in the General Appropriations Act for Fiscal Year 2018-2019.

**Section 25** allows the Agency for Health Care Administration to submit a budget amendment to realign funding priorities within appropriation, to address any projected surpluses and deficits.

**Section 26** amends ss. 39.6251, F.S., relating to continuing care for young adults, to conform to additional federal requirements for extending foster care to the age of 21.

**Section 27** amends s. 409.166(4) and (5), F.S., to provide adoption subsidies for qualifying adoptees up to age 21.

**Section 28** provides for the reversion of statute language for ss. 39.6251 and 409.166, F.S., back to the language as it existed on June 30, 2018

**Sections 29 and 30** amend ss. 381.986 and 381.988, F.S., to provide that rules relating to medical marijuana adopted prior to July 1, 2019 are exempt from the legislative ratification provision of s. 120.541(3), F.S.

**Section 31** amends section 296.37, F.S., to increase the personal needs allowance from \$105 to \$130 for residents of Department of Veterans' Affairs nursing facilities.

**Section 32** amends s. 216.262, F.S., to allow the Executive Office of the Governor to request additional positions and appropriations from unallocated general revenue funds during the 2018-2019 fiscal year for the Department of Corrections (DOC), if the actual inmate population of the DOC exceeds the Criminal Justice Estimating Conference forecasts from December 20, 2017. The additional positions and appropriations may be used for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health

services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population, and are subject to Legislative Budget Commission review and approval.

**Section 33** amends s. 215.18, F.S., to provide the Chief Justice of the Florida Supreme Court the authority to request a trust fund loan to ensure the state court system has sufficient funds to meet its appropriations contained in the General Appropriations Act for Fiscal Year 2018-2019.

**Section 34** authorizes the Department of Corrections to transfer funds from appropriation categories within the department, other than fixed capital outlay, into the Inmate Health Services category to continue to meet the current level of health care services. These transfers are subject to the notice, review, and objection procedures of s. 216.177, F.S. This section expires on July 1, 2019.

**Section 35** requires the Department of Juvenile Justice to ensure that counties are fulfilling their financial responsibilities and to report any deficiencies to the Department of Revenue. If the Department of Juvenile Justice determines that a county has not met its obligations, it must direct the Department of Revenue to deduct the amount owed to the Department of Juvenile Justice from shared revenue funds provided to the county under s. 218.23, F.S. The section also includes procedures to provide assurance to holders of bonds for which shared revenue fund distributions are pledged. This section expires on July 1, 2019.

**Section 36** prohibits the payment of reimbursement or application of credits to a nonfiscally constrained county for any previous overpayment of juvenile detention costs to offset detention share costs owed pursuant to s. 985.686, F.S., or any other law during Fiscal Year 2018-2019. This section expires on July 1, 2019.

**Section 37** amends s. 27.5304, F.S., to increase, for the 2018-2019 fiscal year, the statutory compensation limits for fees paid to court-appointed attorneys in noncapital, nonlife felony and life felony cases. The Legislature may establish the actual amounts paid to attorneys in these categories in the General Appropriations Act for Fiscal Year 2018-2019. This section expires on July 1, 2019.

**Section 38** requires clerks to pay costs of compensation to jurors, for meals or lodging provided to jurors, and for jury-related personnel costs that exceed funding in the General Appropriations Act for these purposes. This section expires on July 1, 2019.

**Section 39** amends s. 318.18, F.S., to require the deposit of certain funds into the Indigent Criminal Defense Trust Fund instead of the Public Defenders Revenue Trust Fund.

**Section 40** provides that the amendment to s. 318.18, F.S., made in section 39 of this act expires July 1, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

**Section 41** amends s. 817.568, F.S., to require the deposit of certain funds into the Indigent Criminal Defense Trust Fund instead of the Public Defenders Revenue Trust Fund.

**Section 42** provides that the amendment to s. 817.568, F.S., made in section 41 of this act expires July 1, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

**Section 43** transfers remaining revenue balances from the Public Defenders Trust Fund to the Indigent Criminal Defense Trust Fund. This section expires on July 1, 2019.

**Section 44** amends s. 1011.80, F.S., to allow state funds to be used for the operation of postsecondary workforce programs for state or federal inmates if specifically appropriated for such purpose in the General Appropriations Act for Fiscal Year 2018-2019. This allows the Department of Corrections to use state funds appropriated through CareerSource Florida.

**Section 45** provides that the amendment to s. 1011.80, F.S., made in section 44 of this act expires July 1, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

**Section 46** permits a Supreme Court justice who resides outside of Leon County to designate an official headquarters in the district in which he or she resides. The justice is eligible to receive subsistence at a rate to be established by the Chief Justice for each day or partial day that the justice is at the headquarters of the Supreme Court (Leon County) to conduct court business. In addition, the justice is eligible for reimbursement of travel expenses for travel between the justice's official headquarters and the headquarters of the Supreme Court. This section expires on July 1, 2019.

**Section 47** requires the Department of Management Services (DMS) and agencies to utilize a tenant broker to renegotiate private lease agreements, in excess of 2,000 square feet, expiring before June 30, 2021. This section expires on July 1, 2019.

**Section 48** continues the online procurement system transaction fee authorized in ss. 287.042(1)(h)1 and 287.057(22)(c), F.S., at 0.7 percent for the 2018-2019 fiscal year only. This section expires on July 1, 2019.

**Section 49** prohibits an agency from transferring funds from a data processing category to any category other than another data processing category. This section expires on July 1, 2019.

**Section 50** authorizes the Executive Office of the Governor (EOG) to transfer funds in the specific appropriation category "Data Processing Assessment - Agency for State Technology" between agencies, in order to align the budget authority granted with the Agency for State Technology estimated billing cycle and methodology. This section expires on July 1, 2019.

**Section 51** authorizes the EOG to transfer funds in the appropriation category “Special Categories-Risk Management Insurance” between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires on July 1, 2019.

**Section 52** authorizes the EOG to transfer funds in the appropriation category “Special Categories - Transfer to DMS - Human Resources Services Purchased Per Statewide Contract” of the General Appropriations Act for Fiscal Year 2018-2019 between departments, in order to align the budget authority granted with the assessments that must be paid by each agency to the DMS for human resources management services. This section expires on July 1, 2019.

**Section 53** defines the components of the Florida Accounting Information Resource subsystem (FLAIR) and Cash Management System (CMS) included in the Department of Financial Services Planning Accounting and Ledger Management (PALM) system. This section also provides the executive steering committee (ESC) membership and the process for ESC meetings and decisions. This section expires on July 1, 2019.

**Section 54** transfers the Agency for State Technology Budget and Policy Section, Cost Recovery Section, and administrative rules in chapter 74-3 to the DMS. This section expires on July 1, 2019.

**Section 55** directs the DMS to provide financial management oversight and legislative budget request support to the Agency for State Technology (AST). This section expires on July 1, 2019.

**Section 56** directs the Department of Environmental Protection to act as the primary point of contact for statewide geographic information systems and grants, coordinate and promote statewide geospatial data sharing. This section expires on July 1, 2019.

**Section 57** removes financial management duties from the AST provided by the DMS. Also, removes specific designation of some AST positions.

**Section 58** creates a new definition and revises several current definitions to align with the assessment of administrative costs to customers.

**Section 59** removes specific financial management duties including annual reconciliation, billing and refunds, and estimating customer costs from the AST.

**Section 60** removes customer-billing duties from the AST.

**Section 61** provides that the amendments to ss. 20.61, 282.0041, 282.0051, and 282.201, F.S., expires July 1, 2019, and shall revert to that in existence on June 30, 2018.

**Section 62** directs executive branch state agencies and the judicial branch to collaborate with the EOG and the DMS to implement and utilize the statewide travel management system.

**Section 63** amends s. 216.181(11)(d), F.S., to authorize the Legislative Budget Commission to increase amounts appropriated to the Fish and Wildlife Conservation Commission or the DEP for fixed capital outlay projects. The increase in fixed capital outlay budget authority is authorized for funds provided to the state from the Gulf Environmental Benefit Fund administered by the National Fish and Wildlife Foundation, the Gulf Coast Restoration Trust Fund related to the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast Act of 2012 (RESTORE Act), or from British Petroleum Corporation (BP) for natural resources damage assessment early restoration projects. Any continuing commitment for future appropriations by the Legislature must be identified specifically.

**Section 64** amends s. 215.18, F.S., to authorize the Governor to temporarily transfer moneys, from one or more of the trust funds in the State Treasury, to a land acquisition trust fund (LATF) within the Department of Agriculture and Consumer Services, the DEP, the Department of State, or the Fish and Wildlife Conservation Commission, whenever there is a deficiency that would render the LATF temporarily insufficient to meet its just requirements, including the timely payment of appropriations from that trust fund. These funds must be expended solely and exclusively in accordance with Art. X, s. 28 of the Florida Constitution. This transfer is a temporary loan, and the funds must be repaid to the trust funds from which the moneys are loaned by the end of the 2018-2019 fiscal year. Any action proposed pursuant to this subsection is subject to the notice, review, and objection procedures of s. 216.177, F.S., and the Governor shall provide notice of such action at least seven days before the effective date of the transfer of trust funds. This section expires on July 1, 2019.

**Section 65** provides that, in order to implement specific appropriations from the land acquisition trust funds within the Department of Agriculture and Consumer Services, the DEP, the Fish and Wildlife Conservation Commission, and the Department of State, the DEP will transfer a proportionate share of revenues in the Land Acquisition Trust Fund within the DEP on a monthly basis, after subtracting required debt service payments, to each agency and retain a proportionate share within the Land Acquisition Trust Fund within the DEP. Total distributions to a land acquisition trust fund within the other agencies may not exceed the total appropriations for the fiscal year. The section further provides that DEP may advance funds from the beginning unobligated fund balance in the Land Acquisition Trust Fund to LATF within the Fish and Wildlife Conservation Commission for cash flow purposes. This section expires on July 1, 2019.

**Section 66** amends s. 375.041, F.S., to reduce funding from the Land Acquisition Trust Fund for restoration of Lake Apopka for the 2018-2019 fiscal year.

**Section 67** reenacts s. 373.470, F.S. to amend match requirements of the South Florida Water Management District for Everglades Restoration funded from the Save Our Everglades Trust Fund. This section will require the match from SFWMD for Everglades Restoration to be funded from the Land Acquisition Trust Fund.

**Section 68** provides that the amendment to s. 373.470, F.S., expires July 1, 2019, and shall revert to that in existence on June 30, 2017.

**Section 69** amends s. 216.181, F.S., to authorize the Legislative Budget Commission to increase amounts appropriated to the Department of Environmental Protection for fixed capital outlay projects. The increase is authorized for funds provided to the state from the Trustee of the Environmental Mitigation Trust administered by Wilmington Trust for violation of the Clean Air Act by Volkswagen.

**Section 70** provides for the specific amounts from the Florida Forever Trust to the Division of State Lands, Florida Communities Trust, Stan Mayfield Working Waterfronts, and the Florida Recreation Development Assistance Program (FRDAP).

**Section 71** amends s. 375.075, F.S., to require the Department of Environmental Protection to conduct a separate grant application process and ranking within the FRDAP specifically for parks that provide recreational access and educational opportunities for children, with priority given to projects that serve the needs of children with unique abilities.

**Section 72** provides that South Florida Water Management District (SFWMD) shall permit agricultural operators to continue to farm on lands owned or controlled by the state or the SFWMD identified as necessary for an Everglades Agricultural Area reservoir project until the farming operations are incompatible with the project.

**Section 73** amends s. 427.013, F.S., to authorize the Commission for the Transportation Disadvantaged during the 2018-2019 fiscal year to make:

- Distributions to community transportation coordinators who operate in counties that do not receive federal Urbanized Area Formula Funds to provide transportation disadvantaged services; and
- Competitive grants to community transportation coordinators to support transportation projects that enhance access to specified activities, assist in development of transportation systems in nonurbanized areas, promote efficient coordination of services, support inner-city bus transportation, and encourage private transportation providers to participate.

**Section 74** amends s. 420.9079, F.S., relating to the Local Government Housing Trust Fund, to allow funds to be used as provided in the GAA for the 2018-2019 fiscal year.

**Section 75** amends s. 420.0005, F.S., relating to the State Housing Trust Fund, to allow funds to be used as provided in the GAA for the 2018-2019 fiscal year.

**Section 76** amends s. 321.04, F.S., to provide that for the 2018-2019 fiscal year, the Department of Highway Safety and Motor Vehicles may assign a patrol officer to the Lieutenant Governor, at his or her discretion, and to a Cabinet member if the department deems such assignment appropriate or if requested by such Cabinet member in response to a threat.

**Section 77** amends s. 339.135, F.S., to require the Department of Transportation to reduce all work program items identified as a reserve box in order to fund specific appropriations added to the work program in the General Appropriations Act for Fiscal Year 2018-2019.

**Section 78** amends s. 216.292(2)(a), F.S., to grant broader legislative review of any “five percent” budget transfers. For the 2018-2019 fiscal year, the review must ensure the proposed action maximizes the use of available and appropriate trust funds, does not exceed delegated authority and is not contrary to legislative policy and intent.

**Section 79** provides that no state agency may initiate a competitive solicitation for a product or service if the completion of such competitive solicitation would require a change in law or require a change to the agency's budget other than a transfer authorized in s. 216.292(2) or (3), F.S., unless the initiation of such competitive solicitation is specifically authorized in law or in the General Appropriations Act or by the Legislative Budget Commission.

**Section 80** amends s. 112.24, F.S., to provide that the reassignment of an employee of a state agency may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the Senate and House budget committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after receiving notice of the action, pursuant to s. 216.177, F.S. This requirement applies to state employee reassignments regardless of which agency (sending or receiving) is responsible for pay and benefits of the assigned employee.

**Section 81** maintains legislative salaries at the July 1, 2010, level.

**Section 82** amends s. 215.32(2)(b), F.S., in order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2018-2019 General Appropriations Act.

**Section 83** reverts the language of s. 215.32(2)(b), F.S., to the text in effect on June 30, 2011.

**Section 84** provides that funds appropriated for travel by state employees be limited to travel for activities that are critical to each state agency’s mission. The section prohibits funds from being used to travel to foreign countries, other states, conferences, staff-training, or other administrative functions unless the agency head approves in writing. The agency head is required to consider the use of teleconferencing and electronic communication to meet needs of activity before approving travel.

**Section 85** provides that, notwithstanding s. 112.061, F.S., costs for lodging associated with a meeting, conference, or convention organized or sponsored in whole or in part by a state agency or the judicial branch may not exceed 150 dollars per day. An employee may expend his or her own funds for any lodging expenses in excess of 150 dollars.

**Section 86** provides that a state agency may not enter into a contract containing a nondisclosure clause that prohibits a contractor from disclosing to members or staff of the Legislature information relevant to the performance of the contract.

**Section 87** requires the Department of Management Services to develop and establish the enrollee premium rates for the 2019 plan year for the State Employee Health Insurance Program.

The rates must be calculated within certain parameters. The department must establish the rates no later than August 15, 2018, and the Legislature may object to such rates by August 31, 2018.

**Section 88** specifies that no section of the bill shall take effect if the appropriations and proviso to which it relates are vetoed.

**Section 89** provides that a permanent change made by another law to any of the same statutes amended by this bill will take precedence over the provision in this bill.

**Section 90** provides a severability clause.

**Section 91** provides effective dates.

If approved by the Governor, these provisions take effect July 1, 2018, except where otherwise expressly provided.

*Vote: Senate 30-6; House 94-11*



THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Appropriations**

**HB 5005 — Collective Bargaining**

by Appropriations Committee and Representative Trujillo (SB 2504 by Appropriations Committee)

HB 5005, relating to collective bargaining, resolves the collective bargaining issues at impasse between the State of Florida and the bargaining representatives for state employees for the 2018-2019 fiscal year that have not been resolved in the General Appropriations Act or other legislation. All of these issues are resolved by maintaining the status quo under the current contracts.

The bill does not change substantive law.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 34-0; House 108-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Appropriations**

**CS/HB 7087 — Taxation**

by Appropriations Committee; Ways and Means Committee; and Rep. Renner and others (CS/CS/SB 620 by Appropriations Committee; Commerce and Tourism Committee; and Senators Passidomo, Young, Steube, Campbell, and Stargel)

CS/HB 7087 contains provisions for tax relief and changes to tax policy.

The bill provides temporary tax relief for hurricane recovery, including:

- Sales tax exemptions for farms damaged by 2017 hurricanes for building materials used to repair nonresidential farm buildings, and farm fencing.
- Refund of taxes on fuel used for agricultural shipments post Hurricane Irma.
- Assessment of citrus processing and packing equipment not being used at salvage value for 2018 property tax.
- Hurricane-damaged agricultural parcels taken out of production can retain their agricultural classification for five years.
- Residential homestead property damaged by a natural disaster is eligible for a refund of taxes paid.
- Documentary stamp tax exemption for emergency loans.
- Temporary sales tax exemption for emergency generators purchased by nursing homes and assisted living facilities.

**Sales Tax Holidays**

- 7-day disaster preparedness holiday in June.
- 3-day back to school sales tax holiday in August.

**Property Tax Provisions**

- Guidance for assessing multi-parcel buildings.
- Homestead property damaged by a storm may retain its Save Our Home benefit for portability purposes if it is not repaired by January 1 following the storm.
- Update of the list of military operations that qualify a service member for a property tax exemption.
- Removal of the requirement that a surviving spouse be married to a disabled ex-servicemember for five years prior to his or her death in order to receive a \$5,000 property tax exemption.
- The Florida Government Utilities Authority is exempted from property taxes or assessments on property in a county that is not a member of the authority.

**Sales Tax Provisions**

- The business rent tax is reduced from 5.8 percent to 5.7 percent.
- The bill provides exemptions for industrial machinery and equipment, and electricity, purchased by aquaculture operations.
- It provides an exemption for electricity and roll off containers used by recyclers.

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- It revises the list of public facilities that can be funded with the local option infrastructure surtax to include facilities that are necessary to carry out governmental purposes, such as fire stations, general governmental buildings, and animal shelters, and adds instructional technology used in a school districts classrooms.

#### Traffic Fines Reduction

- The bill provides a nine percent reduction of a civil traffic penalty if the driver cited elects to participate in traffic school.

#### Fuel Tax Provisions

- The bill exempts motor fuel purchased by a terminal supplier who resells the fuel to an exporter.
- It extends the natural gas tax exemption until 2024.
- It reduces the aviation fuel tax rate for air carriers who conduct scheduled operations or all-cargo operations.

#### Other Items (\$35.0 million)

- The bill exempts Housing Finance Authority-related notes and mortgages from the excise tax on documents.
- It exempts transfers of property between spouses in the first year of marriage from the documentary stamp tax.
- It changes mileage restrictions on trucks used to haul forestry products and agricultural products.
- It requires the H. Lee Moffitt Cancer Center and Research Institute to report how the cigarette tax distribution is spent.
- It requires sports franchises, the professional golf hall of fame, the International Game and Fish Association World Center facility, and spring training facilities to report how the money received from the sales and use tax distribution is spent.
- It raises the Community Contribution Tax Credit Program cap from \$10.5 million to \$12.5 million for Fiscal Year 2018-2019 and to \$13.5 million for Fiscal Year 2019-2020 for projects that provide housing opportunities to certain persons and households.
- It increases the total amount of tax credits for the rehabilitation of brownfield sites from \$10 million to \$18.5 million for Fiscal Year 2018-19.
- It redirects \$1.5 million in court fees to the Miami-Dade Clerk of Court.
- It authorizes additional uses of Tourist Development Tax revenue for certain water-related improvements, and for infrastructure to support tourism businesses.
- It provides that the Taxpayer Rights Advocate in the Department of Revenue must report to the state's Chief Inspector General and may be removed from office only by the Chief Inspector General.
- It provides for fiscally constrained counties and Monroe County to be reimbursed for loss of property tax revenue due to abatement of taxes on damaged homestead property.
- It provides for fiscally constrained counties to be reimbursed for loss of property tax revenue due to the reduced value of citrus processing equipment.

- It increases allowable per-pupil spending of the discretionary millage revenues received by school districts from \$100 to \$150 to purchase vehicles and pay insurance premiums.
- It requires counties and school districts that want to adopt a new discretionary sales surtax to have a CPA conduct a performance audit of the program related to the surtax prior to holding a referendum.
- It provides a local business tax exemption for honorably discharged veterans and their spouses and unremarried surviving spouses, and for individuals receiving public assistance and low-income individuals.
- It prohibits a local government from requiring a communications services tax dealer that occupies its roads or rights-of-way to pay into a security fund.
- It creates a new chapter in Florida Statutes dealing with Marketplace Contractors. These are individuals that enter into agreements with marketplace platforms to use the platforms' technology to provide services to third-party individuals or entities seeking temporary household services. The amendment provides a list of eligible services, and stipulates that it does not include services that require licensure under ch. 489, F.S., regulation of the construction industry. Marketplace contractors are not considered employees of the marketplace platform for purposes of workers' compensation and reemployment assistance.

If approved by the Governor, these provisions take effect July 1, 2018, except as otherwise provided.

*Vote: Senate 33-3; House 93-12*

## Committee on Appropriations Subcommittee on Finance and Tax

### **HJR 7001 — Supermajority Vote for State Taxes or Fees**

by Ways and Means Committee and Reps. Leek and others (SJR 1742 by Senator Stargel)

HJR 7001 proposes an amendment to the State Constitution providing that no state tax or fee may be imposed, authorized, raised by the legislature, or authorized by the Legislature to be raised, except through legislation approved by two-thirds of the membership of each house of the legislature. The joint resolution also requires that any proposed state tax or fee imposition, authorization or increase must be contained in a separate bill that contains no other subject.

The joint resolution specifies that the proposed amendment does not authorize the imposition of any state tax or fee otherwise prohibited by the State Constitution, and does not apply to any tax or fee imposed by, or authorized to be imposed by, a county, municipality, school board, or special district.

The amendment proposed in the joint resolution will take effect on January 8, 2019, if approved by sixty percent of the voters during the 2018 general election or earlier special election.

If approved by the voters, these provisions take effect January 8, 2019.

*Vote: Senate 25-13; House 80-29*

## Committee on Appropriations Subcommittee on Finance and Tax

### **HB 7093 — Corporate Income Tax**

by Ways and Means Committee; and Rep. Renner (CS/SB 502 by Appropriations Committee and Senator Stargel)

The bill adopts provisions of the Internal Revenue Code in effect on January 1, 2018, for purposes of Florida's corporate income tax; however, the bill decouples from the bonus depreciation provisions of the Tax Cuts and Jobs Act of 2017. A taxpayer must add back the bonus depreciation amount deducted in the first year but is allowed to subtract one-seventh of the amount from Florida taxable income over seven years.

The bill provides that, if Fiscal Year 2018-2019 corporate income tax receipts exceed the corporate income tax estimate by more than seven percent, the amount over seven percent must be refunded to taxpayers, and the corporate income tax rate is decreased for taxable years beginning on or after January 1, 2019, but before January 1, 2020.

The bill requires the Department of Revenue to study the effects of the Tax Cuts and Jobs Act of 2017 on Florida's corporate income tax structure and revenues. The department is required to hold public workshops, receive public input, and file reports with the Legislature and Governor.

If approved by the Governor, these provisions take effect upon becoming law and operate retroactively to January 1, 2018.

*Vote: Senate 25-11; House 81-26*

## Committee on Appropriations Subcommittee on Higher Education

### **CS/HB 7069 — Florida ABLE Program Trust Fund**

by Appropriations Committee; Higher Education Appropriations Subcommittee; and Rep. Ahern (SB 1398 by Senator Benacquisto)

The bill re-creates, without modification, the Florida ABLE Program Trust Fund within the State Board of Administration and repeals the scheduled termination of the trust fund. This trust fund serves as a depository for appropriations and moneys acquired from private sources or other governmental sources for the Florida ABLE program. Trust fund assets are maintained, expended, and invested solely to carry out the purposes of the Florida ABLE program.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 113-0*

**Committee on Appropriations Subcommittee on the Environment  
and Natural Resources**

**HB 7051 — Trust Funds/Re-creation/Land Acquisition Trust Fund/DACS**

by Agriculture and Natural Resources Appropriations Subcommittee and Rep. Albritton (SB 1370 by Senators Book and Campbell)

The bill re-creates, without modification, the Land Acquisition Trust Fund within the Department of Agriculture and Consumer Services. This fund serves as a depository for funds received from the Land Acquisition Trust Fund within the Department of Environmental Protection and for the expenditure of funds for the purposes set forth in Art. X, s. 28, State Constitution.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 34-0; House 112-0*



THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**HB 37 — Direct Primary Care Agreements**

by Reps. Burgess, Miller, M. and others (CS/SB 80 by Banking and Insurance Committee and Senators Lee and Young)

The bill amends the Florida Insurance Code (code) to provide that a direct primary care agreement is not insurance and is not subject to regulation under the code, which will remove regulatory uncertainty for health care providers. Direct primary care (DPC) is a primary care medical practice model that eliminates third party payers from the primary care provider-patient relationship and the associated administrative costs associated with filing and resolving insurance claims.

The bill also defines DPC agreements and requires them to meet statutory requirements, including consumer disclosures. A contract that does not meet these requirements is not a DPC agreement and is not exempt from the code.

The bill does not impact state revenues or expenditures.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 38-0; House 97-10*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**SB 220 — Bankruptcy Matters in Foreclosure Proceedings**

by Senators Passidomo and Mayfield

The bill allows a lienholder in a foreclosure proceeding to use documents filed in a defendant's bankruptcy case as admissions against the defendant. A mortgage foreclosure is a legal action by a lender against a debtor to force the sale of real property that secures a defaulted-upon loan. The proceeds of the sale are used to repay the debt. Often, a debtor subject to foreclosure will file for bankruptcy as a means of obtaining an automatic stay of the foreclosure action and a discharge of the mortgage debt.

In bankruptcy, a debtor must file a statement under penalty of perjury stating his or her intent to retain, redeem, or surrender any property securing a debt. The debtor is supposed to act on that decision as a condition of obtaining a discharge of his or her debts. In some cases, debtors have stated an intention to surrender real property in bankruptcy proceedings, but later have actively contested the completion of a foreclosure proceeding regarding the property in state court.

The bill allows for documents filed under a penalty of perjury in a bankruptcy case to be filed in a mortgage foreclosure proceeding as admissions against the debtor/mortgagor. The bill also creates a rebuttable presumption that a defendant has waived any defense to a foreclosure action if the lienholder submits documents filed in the defendant's bankruptcy case which:

- Evidence intention to surrender to the lienholder the property that is the subject of the foreclosure;
- Have not been withdrawn by the defendant; and
- Show that a final order that discharges the defendant's debts or confirms the defendant's repayment plan that provides for surrender of the property.

A defendant can still raise a defense based upon the lienholder's action or inaction subsequent to the filing of the document which evidenced the defendant's intent to surrender the property.

The bill also requires a court in foreclosure proceeding, upon the request of a lienholder, to take judicial notice of any order entered in a bankruptcy case.

If approved by the Governor, these provisions take effect October 1, 2018.

*Vote: Senate 35-0; House 111-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/SB 376 — Workers' Compensation Benefits for First Responders**

by Appropriations Committee; Banking and Insurance Committee; and Senators Book, Young, Taddeo, Montford, Stewart, Rader, Campbell, and Torres

The bill revises the standards for determining compensability of employment-related post-traumatic stress disorder (PTSD) under workers' compensation insurance for first responders, which includes volunteers or employees engaged as law enforcement officers, firefighters, emergency medical technicians, and paramedics. The bill allows first responders that meet certain conditions to access indemnity and medical benefits for PTSD without an accompanying physical injury. Current law provides only medical benefits for a mental or nervous injury without an accompanying physical injury and requires the first responder to incur a compensable physical injury to receive indemnity benefits for a mental or nervous injury. Generally, the bill will increase the likelihood of compensability for workers' compensation indemnity benefits for PTSD.

PTSD is a psychiatric disorder that can occur in persons who have experienced or witnessed a traumatic event such as a natural disaster, a serious accident, a terrorist act, war, combat, rape, or other violent personal assault. A diagnosis of PTSD requires direct or indirect exposure to an upsetting traumatic event. Although estimates vary across occupations and the general population, some studies indicate that first responders and other professionals who are exposed to potentially traumatic events in their workplace are significantly more likely to develop PTSD compared to the general population.

The bill creates an exception to current law to authorize the compensation of indemnity benefits for PTSD, if the first responder:

- Has PTSD that resulted from the course and scope of employment; and
- Is examined and diagnosed with PTSD by an authorized treating psychiatrist of the employer or carrier due to the first responder experiencing one of the following qualifying events relating to minors or others:
  - Seeing for oneself a deceased minor;
  - Witnessing directly the death of a minor;
  - Witnessing directly the injury to a minor who subsequently died prior to, or upon arrival at a hospital emergency department, participating in the physical treatment of, or manually transporting an injured minor who subsequently died before or upon arrival at a hospital emergency department;
  - Seeing for oneself a decedent who died due to grievous bodily harm of a nature that shocks the conscience;
  - Witnessing directly a death, including suicide, due to grievous bodily harm; or homicide, including murder, mass killings, manslaughter, self-defense, misadventure, and negligence;
  - Witnessing directly an injury that results in death, if the person suffered grievous bodily harm that shocks the conscience; or

- Participating in the physical treatment of an injury, including attempted suicide, or manually transporting an injured person who suffered grievous bodily harm, if the injured person subsequently died prior to or upon arrival at a hospital emergency department.

The PTSD must be demonstrated by clear and convincing evidence. Medical and indemnity benefits for a first responder's PTSD are due regardless of whether the first responder incurred a physical injury, and the following provisions do not apply:

- Apportionment due to a preexisting PTSD;
- The one percent limitation on permanent psychiatric impairment benefits; or
- Any limitation on temporary benefits under s. 440.093, F.S.

The first responder must file the notice of injury with their employer or carrier within 90 days of the qualifying event, described above, or manifestation of the PTSD. However, the claim is barred if it is not filed within 52 weeks of the qualifying event.

The bill requires an employing agency of a first responder to provide educational training relating to mental health awareness, prevention, mitigation, and treatment.

State and local governments may incur additional costs as a result of the implementation of this bill. The National Council on Compensation Insurance estimates the fiscal impact of the bill on Florida's workers' compensation system is approximately 0.2 percent, or approximately \$7 million.

If approved by the Governor, these provisions take effect October 1, 2018.

*Vote: Senate 33-0; House 114-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/SB 386 — Consumer Finance**

by Banking and Insurance Committee and Senators Garcia and Taddeo

The bill permits consumer finance loans made pursuant to ch. 516, F.S., to be repaid in installments due every 2 weeks, semimonthly, or monthly, rather than only monthly under current law. The bill requires that such a loan be repaid in periodic installments and the final payment may be less than the amount of the prior installments. Lastly, the bill establishes the maximum delinquency charge for each payment in default at least 10 days;

- \$15 per default if one payment is due in a month.
- \$7.50 per default if two payments are due in a month.
- \$5.00 per default if three payments are due in a month.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 35-0; House 117-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/HB 411 — Public Records and Public Meetings/Firesafety Systems**

by Government Accountability Committee and Rep. Clemons and others (SB 738 by Senator Perry)

The bill makes confidential and exempt from public records requirements in s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution firesafety system plans for any state owned or leased buildings and any privately owned or leased property, and information relating to such systems, that are held by a state agency. The bill also makes confidential and exempt from public meeting requirements any portion of a meeting that would reveal a firesafety system plan that is exempt from public records requirements.

The bill specifies that the public record exemptions must be given retroactive application because they are remedial in nature. Thus, records of firesafety system plans and records relating to firesafety systems in existence prior to the effective date of the bill will be protected by the exemptions.

The bill provides a public necessity statement as required by the State Constitution, specifying that as firesafety systems become more integrated with security systems, disclosure of sensitive information relating to the firesafety systems could result in identification of vulnerabilities in the systems and allow a security breach that could damage the systems and disrupt their safe and reliable operation.

The bill provides for repeal of the exemption on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

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

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

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/HB 455 — Governance of Banks and Trust Companies**

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. McClain and others  
(CS/SB 416 by Banking and Insurance Committee and Senator Thurston)

The bill amends the financial institution codes to expand the pool of eligible individuals who may serve as a director, president, or chief executive officer of a new or existing bank or trust company that is subject to regulation by the Office of Financial Regulation. Further, the bill clarifies and revises the limitations on corporate investments.

For existing and new state-chartered banks and trust companies, the bill extends the period from 3 to 5 years during which certain officers and directors must have achieved at least 1 year of direct financial institution experience. Under current law, at least two proposed directors, who are not also proposed officers, must have the requisite experience within the 3 years prior to the date of the application for charter. For existing state-chartered banks or trust companies, the president, chief executive officer, or any other person with an equivalent rank, must have had at least 1 year of direct experience within the last 3 years.

The bill requires that at least a majority, rather than three-fifths, of the directors of a state-chartered bank or trust company must have resided in this state for at least 1 year preceding their election and must continue their residency in Florida for the duration of their time in office. This change will align the residency requirement for Florida state-chartered banks with the residency requirement for national banks.

Lastly, the bill amends current law to clarify an ambiguity in the interpretation of investment limits relating to corporate obligations or corporate bonds. The bill clarifies that:

- The types of entities for which the limitation on investments in corporations applies are subsidiary corporations and affiliates.
- The limitation on investments in corporations applies to an aggregate of any combination of stocks, obligations, and other securities of subsidiary corporations and affiliates.
- The aggregate of such investments may not exceed 10 percent of the total assets of the bank.

The bill has no fiscal impact on the Office of Financial Regulation.

If approved by the Governor, these provisions take effect July 1, 2018.

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

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/HB 465 — Insurance**

by Commerce Committee; Insurance and Banking Subcommittee; and Reps. Santiago and Hager (CS/CS/SB 784 by Judiciary Committee; Banking and Insurance Committee; and Senator Brandes)

The bill amends numerous provisions of the Florida Insurance Code. This bill:

- Provides that the stock of a subsidiary corporation or related entity of a foreign insurer is exempt from certain limitations on valuation and investment requirements for solvency evaluation purposes if the investments are permissible in the insurer's domicile state that is a member of the National Association of Insurance Commissioners and the investments meet specified requirements;
- Provides that an applicant for licensure as an all-lines adjuster certified as a Claims Adjuster Certified Professional from WebCE, Inc., does not have to take the adjuster examination;
- Repeals a requirement that surplus lines insurers request eligibility from the Florida Surplus Lines Service Office;
- Incorporates a recent amendment of the Gramm-Leach-Bliley Act for purposes of privacy standards applicable to certain notices required by rules adopted by the Department of Financial Services and the Financial Services Commission;
- Provides that an insurer may issue an insurance policy without certain signatures;
- Requires that a notice of policy change summarize the changes made to the policy before renewal;
- Provides that an insurer is not required to participate in a mediation of a property insurance claim requested by an assignee of policy benefits;
- Allows motor vehicle insurers to use the Intelligent Mail barcode, or similar method approved by the United States Postal Service, to document proof of mailing of certain required notices;
- Authorizes specialty insurers to overcome a presumption of control regarding acquisition of stocks, interests, and assets of other companies by filing a disclaimer of control with the Office of Insurance Regulation, and provides that authorized viatical settlement providers are specialty insurers;
- Expands the confidentiality of documents submitted to the Office of Insurance Regulation under Own-Risk and Solvency Assessment requirements to make such documents inadmissible as evidence in any private civil action, regardless of from whom they were obtained;
- Revises unearned premium reserve requirements for reciprocal insurers; and
- Allows for electronic posting of certain policy information by health maintenance organizations and motor vehicle service agreement companies.

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

*Vote: Senate 38-0; House 113-1*



THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/HB 483 — Unfair Insurance Trade Practices**

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Yarborough and others (CS/CS/SB 762 by Commerce and Tourism Committee; Banking and Insurance Committee; and Senator Mayfield)

The bill amends the Unfair Insurance Trade Practices Act to allow insurers and their agents to give goods, wares, store gift cards, gift certificates, event tickets, anti-fraud or loss mitigation services, charitable donations, or other items not exceeding \$100 in value within 1 calendar year to insureds, prospective insureds, and others.

The bill limits advertising gifts by title insurance agents, agencies, and insurers to an aggregate \$25 gift value per calendar year, rather than a \$25 per gift value limit with no annual aggregate limitation.

If approved by the Governor, these provisions take effect July 1, 2018.

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

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/HB 529 — Florida Fire Prevention Code**

by Commerce Committee and Rep. Diaz, M. (CS/SB 746 by Banking and Insurance Committee and Senator Bean)

The bill establishes a 3-year exemption to the Fire Prevention Code to allow for the limited placement of waste containers and waste within the hallways of apartment buildings that utilize a doorstep waste pickup service.

Under the bill, a doorstep waste collection service may operate in apartment buildings with enclosed corridors served by interior or exterior exit stairs if waste is not placed in exit access corridors for longer than 5 hours; waste containers do not occupy exit access corridors for longer than 12 hours; and waste containers do not exceed 13 gallons. For apartment buildings with open-air corridors or balconies serviced by exterior stairs waste cannot be placed in exit access corridors for longer than 5 hours; there is no limit on how long waste containers may occupy access corridors; and a waste container size may not exceed 27 gallons. In all cases the management of an apartment complex utilizing a doorstep waste collection service that would operate under this new law must have written policies and procedures in place and enforce them to insure compliance. A copy of such policies and procedures can be requested and must be provided to the authority having jurisdiction. Additionally, waste containers may not reduce the means of egress width below that required under NFPA Life Safety Code 101:31.

The bill provides that the authority having jurisdiction may approve alternative containers and storage arrangements that are demonstrated to provide an equivalent level of safety and must allow apartment occupancies a phase-in period until December 31, 2020, to comply with the requirements of the bill. The provisions of the bill are repealed on July 1, 2021.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-1; House 113-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/HB 533 — Unfair Insurance Trade Practices**

by Insurance and Banking Subcommittee and Rep. Hager and others (CS/SB 756 by Rules Committee and Senator Grimsley)

The bill creates an exemption from the Unfair Insurance Trade Practices Act that allows an admitted insurer to refuse to insure a person for failure to purchase motor vehicle services from a membership organization that, as of January 1, 2018, is affiliated with the admitted property and casualty insurer.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 38-0; House 102-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**SB 660 — Florida Insurance Code Exemption for Nonprofit Religious Organizations**

by Senator Brandes

The bill amends Florida’s statute governing health care sharing ministries to reflect changes in how the entities operate. A health care sharing ministry is a health care cost sharing arrangement among persons of similar and sincerely held beliefs, administered by a not-for-profit religious organization. Some health care sharing ministries act as a clearinghouse to allow one or more members to directly pay the medical expenses of another member. Other health care sharing ministries receive funds from members and use those funds to pay authorized medical expenses when members request payment. These entities are not insurance companies and are not regulated by the Office of Insurance Regulation.

Current law limits participation in a health care sharing ministry to those who share the same religion. The bill allows participation by those who “share a common set of ethical or religious beliefs.” The bill provides that the health care sharing ministry must provide for the financial, physical or medical needs of a participant through contributions from other participants. Current law requires the health care sharing ministry must provide for financial or medical needs by direct payments from one participant to another. The bill allows direct payments but also allows payments from a fund to a participant.

The bill requires the health care sharing ministry to provide monthly to the participants the amount of qualified needs actually shared in the previous month. It also requires the organization to conduct an annual audit performed by an independent certified public accounting firm in according with generally accepted accounting principles. The audit must be available to the public upon request or posted on the organization’s website.

The bill expands the required notice to participants that the health care sharing ministry is not an insurance company and no participant is required by law to assist others with medical expenses.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 89-27*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/CS/SB 920 — Deferred Presentment Transactions**

by Rules Committee; Appropriations Committee; Commerce and Tourism Committee; and  
Senators Bradley and Braynon

The bill authorizes deferred presentment installment transactions under Florida law. A deferred presentment installment transaction must be fully amortizing and repayable in consecutive installments, which must be as equal as mathematically practicable. The term of a deferred presentment installment transaction may not be less than 60 days or more than 90 days and the time between installment payments must be at least 13 days but not greater than 1 calendar month.

The maximum face amount of a check taken for a deferred presentment installment transaction may not exceed \$1,000, exclusive of fees. The maximum fees that may be charged on a deferred presentment installment transaction are 8 percent of the outstanding transaction balance on a biweekly basis. Fees for a deferred presentment installment transaction are calculated using simple interest. Prepayment penalties are prohibited. The bill retains current law in prohibiting a provider from entering into a deferred presentment transaction with any person who has an outstanding deferred presentment transaction or whose previous transaction has been terminated for less than 24 hours. If a drawer timely informs the provider in writing or in person that they cannot redeem or pay in full in cash the amount due and owing, the provider must provide a grace period for payment of a scheduled installment.

If approved by the Governor, these provisions take effect July 1, 2019.

*Vote: Senate 31-5; House 106-9*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/HB 935 — Mortgage Regulation**

by Commerce Committee and Rep. Nunez (CS/SB 894 by Rules Committee and Senator Garcia)

The bill revises ch. 494, F.S., governing non-depository loan originators, mortgage brokers, and mortgage lender businesses subject to regulation by the Office of Financial Regulation to provide greater consumer protections. The bill provides that it is unlawful for any person to misrepresent a residential mortgage loan as a business purpose loan, and defines the term, “business purpose loan.” Further, the bill provides a definition of the term “hold himself or herself out to the public as being in the mortgage lending business,” as that term currently exists under two licensing exemption provisions. These current exemptions permit an individual investor to make or acquire a mortgage loan with his or her own funds, or to sell such mortgage loan, without being licensed as a mortgage lender, so long as the individual does not “hold himself or herself out to the public as being in the mortgage lending business.”

The bill was in response to alleged unlicensed mortgage lending activity in South Florida. According to these reports, some lending entities were providing residential loans with usurious interest rates and high fees made under the guise of business purpose loans in order to avoid licensure and disclosure requirements under ch. 494, F.S., as a mortgage lender. These groups also claim that some of these unscrupulous lenders would not make the “residential loan” unless the borrower formed a limited liability company.

If approved by the Governor, these provisions take effect July 1, 2019.

*Vote: Senate 37-0; House 112-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**HB 953 — Consumer Report Security Freezes**

by Rep. Harrison and others (SB 1302 by Senator Brandes)

The bill prohibits consumer reporting agencies (CRAs) from charging fees for placing, removing, or temporarily lifting a security freeze on a consumer report. A security freeze prevents a CRA from releasing the consumer report, credit score, or any information contained within the consumer report to a third party without the consumer's express authorization. Currently, Florida law permits a CRA to charge a consumer up to \$10 to institute a credit freeze.

In recent years, data breaches have increased in frequency, scale, sophistication, and severity of impact, resulting in more widespread identity theft. Currently, Florida law allows a consumer to freeze access to his or her consumer report, which prevents anyone from trying to open a new account or new credit under his or her name.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 36-0; House 113-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/HB 1011 — Homeowners' Insurance Policy Disclosures**

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Cruz and others  
(CS/SB 1282 by Banking and Insurance Committee and Senator Taddeo)

The bill expands the required notice regarding flood insurance and laws and ordinance coverage in a homeowner's property insurance policy to include notice that the purchase of homeowner's insurance does not cover flood, even if hurricane winds and rain caused the flood to occur. The notice is to be included upon the initial issuance and at each renewal of the homeowner's insurance policy.

If approved by the Governor, these provisions take effect January 1, 2019.

*Vote: Senate 36-0; House 115-0*



THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/CS/HB 1073 — Department of Financial Services**

by Commerce Committee; Government Operations and Technology Appropriations Subcommittee; Insurance and Banking Subcommittee; and Rep. Hager (CS/CS/CS/SB 1292 by Appropriations Committee; Children, Families, and Elder Affairs Committee; Banking and Insurance Committee; and Senator Stargel)

The bill makes various changes to statutes relating to the Department of Financial Services (DFS). The bill:

- Allows the Division of Treasury to use “electronic images” as a means of producing copies of warrants, vouchers, or checks;
- Creates the Bureau of Insurance Fraud and the Bureau of Workers’ Compensation Fraud within the Division of Investigative and Forensic Services of the DFS.
- Requires transition plans of youth aging out of foster care to provide information on the financial literacy curriculum offered by the DFS and requires young adults who have aged out of foster care and who request aftercare services to receive information about the financial literacy curriculum;
- Begins the process of creating the Florida Open Financial Statement System to allow better access to financial reports filed by local governments and provides a \$500,000 appropriation;
- Directs agencies to provide risk training, report return-to-work data to the DFS, and submit information regarding internal risk assessments to the DFS;
- Allows DFS to disclose the personal identifying information of injured employees to its contracted vendors for the purpose of administering workers’ compensation claims;
- Specifies that public assistance recipients give written consent to make inquiry of past or present employers and records to the Department of Education, rather than the Department of Economic Opportunity, to facilitate the investigation by DFS of public assistance fraud.
- Eliminates the licensure requirement for managing general agents and replaces it with a process where managing general agents are appointed by insurance companies;
- Reduces from 24 to 4 the number of risks that an agent can write for an insurer in a calendar year without an appointment by the insurer or an exchange of business appointment;
- Extends the validity of fingerprints from 12 to 48 months for currently licensed individuals seeking other DFS licenses;
- Eliminates the requirement that nonresident public adjusters and nonresident all-lines adjusters submit an affidavit certifying their understanding of Florida law;
- Provides that DFS may provide rewards to individuals who provide information leading to the arrest and conviction of persons who commit arson;
- Creates a uniform 4-year appointment term for members of the Florida Fire Safety Board;
- Clarifies the inactive status requirements for a fire equipment dealer license and removes the requirements that proof of insurance for a fire equipment dealer or fire protection system contractor’s license must be on a form provided by the DFS;

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.
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- Specifies roles, responsibilities, and retention requirements of individuals holding a Special Certificate of Compliance;
- Repeals outdated language requiring the Florida State Fire College to develop and implement a staffing formula for the Fire College; and
- Allows a life agent who is a certified public accountant and who has specified registrations in the financial services business to serve as trustee in situations where the life agent has placed the life insurance coverage.

If approved by the Governor, these provisions take effect July 1, 2018.

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

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**CS/CS/HB 1127 — Pub. Rec. and Meetings/Citizens Property Insurance Corporation**

by Government Accountability Committee; Oversight, Transparency and Administration Subcommittee and Rep. Lee (CS/CS/CS/SB 1880 by Rules Committee; Governmental Oversight and Accountability Committee; Banking and Insurance Committee; and Senators Broxson and Mayfield)

The bill creates public record and public meeting exemptions to protect data and records pertaining to the security of Citizens Property Insurance Corporation's information networks from disclosure. The bill provides that records held by the corporation that identify detection, investigation, or response practices for suspected or confirmed information technology security incidents, including suspected or confirmed breaches, are confidential and exempt from public record requirements. Portions of risk assessments, evaluations, audits, and other reports of Citizen's information technology security program are also exempt from public disclosure. The exemption applies if the disclosure would facilitate unauthorized access to, or unauthorized modification, disclosure, or destruct of data or information or information technology resources.

The bill also creates a public meeting exemption for meetings and portions thereof that would reveal the above-described information technology security information. Recordings or transcripts of such closed portions of meetings must be taken. Recordings or transcripts are confidential and exempt from public record requirements, unless a court, following an in-camera review, determines that the meeting was not restricted to the discussion of confidential and exempt data and information. In the event of such a judicial determination, only that portion of a transcript that reveals nonexempt data and information may be disclosed to a third party.

The bill requires the confidential and exempt records related to the public meeting exemption to be available to the Auditor General, the Cybercrime Office of the Department of Law Enforcement, and the Office of Insurance Regulation. Such records and portions of meetings, recordings, and transcripts may also be available to a state or federal agency for security purposes or in furtherance of the agency's official duties.

The public record exemptions apply to records or portions of public meetings, recordings, and transcripts held by the corporation. The public records exemption applies retroactively.

This section is subject to the Open Government Sunset Review and stands repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

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

*Vote: Senate 36-0; House 108-5*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**HB 7075 — OGSR/Payment Instrument Transaction Information**

by Oversight, Transparency and Administration Subcommittee and Rep. McClure (SB 7010 by Banking and Insurance Committee)

The bill is the product of a review required by the Open Government Sunset Review Act. The Open Government Sunset Review Act requires the Legislature to review each public record exemption 5 years after enactment. If the Legislature does not reenact the exemption, it automatically repeals on October 2nd of the fifth year after enactment.

The Office of Financial Regulation (OFR) licenses and regulates check cashers. Florida law imposes various requirements on check cashiers, including that such licensees maintain certain payment instrument transaction information. In addition, certain information related to each payment instrument being cashed that exceeds \$1,000 must be entered into the OFR's check cashing database.

Current law provides that payment instrument transaction information held by the OFR pursuant to the database that identifies a licensee, payor, payee, or conductor is confidential and exempt from public record requirements. The OFR may enter into information-sharing agreements with the Department of Financial Services, law enforcement agencies, and other governmental agencies in certain circumstances, and require those agencies to maintain the confidentiality of the information, except as required by court order.

The bill extends the repeal date by 2 years, to October 2, 2020, for the public record exemption. The bill clarifies that the OFR may release information in the database in the aggregate as long as confidential and exempt identifying information is not disclosed.

If approved by the Governor, these provisions take effect October 1, 2018.

*Vote: Senate 37-0; House 113-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Banking and Insurance**

**HB 7097 — OGSR/Citizens Property Insurance Corporation**

by Government Accountability Committee and Rep. Santiago (SB 7012 by Banking and Insurance Committee)

The bill reenacts and saves from repeal the public records exemption for proprietary business information provided by participating insurers to the Citizens Property Insurance Corporation's clearinghouse program. Such proprietary business information is shared with the clearinghouse to facilitate placing risks with participating private market insurers when applicants or current Citizens policyholders seek new or renewal property insurance coverage from Citizens.

The bill is based on an Open Government Sunset Review of the public records exemption.

If approved by the Governor, these provisions take effect October 1, 2018.

*Vote: Senate 37-0; House 113-0*

## Committee on Children, Families, and Elder Affairs

### **CS/CS/CS/SB 268 — Public Records/Public Guardians/Employees with Fiduciary Responsibility**

by Rules Committee; Governmental Oversight and Accountability Committee; Children, Families, and Elder Affairs Committee; and Senator Passidomo

CS/CS/CS/SB 268 creates a public records exemption for identifying and location information of current and former public guardians, employees with fiduciary responsibility, and their spouses and children.

The required public necessity statement of the bill provides as justification for the exemption that the release of this information may and has placed current and former public guardians, employees with fiduciary responsibility, and the families of these individuals in danger of physical and emotional harm from disgruntled individuals, including wards of the guardian or their family members.

The exemption will be repealed on October 2, 2023, pursuant to the Open Government Sunset Review Act, unless the Legislature reviews and reenacts the exemption before that date.

If these provisions are approved by the Governor they will take effect July 1, 2018.

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

## Committee on Children, Families, and Elder Affairs

### **HB 281 — Incarcerated Parents**

by Rep. Williams and Daniels and others (CS/SB 522 by Rules Committee; and Senator Bean)

HB 281 (Chapter 2018-45, L.O.F.) requires that the Department of Children and Families (DCF) include incarcerated parents of dependent children in the case planning process. Case planning is required by law when a child is removed from his or her home due to abuse or neglect. Based on input from all parties, DCF and the community based care lead agency prepare a written document called a case plan for each child dependency case. Community based care agencies are regional, private entities that provide or contract for child welfare services for dependent children. The case planning process determines the ultimate goal for the child's permanent living arrangement, known as the permanency goal, and the steps the parents must take such as completing certain tasks or receiving certain services. These tasks must be completed by a certain date to achieve the child's permanency goal. When a parent is incarcerated, completing the case plan is more difficult.

The bill intends to improve the ability of incarcerated parents to complete case plans by requiring DCF to:

- Consider any limitations posed by the correctional facility where the parent is incarcerated when developing case plans;
- Determine what services and resources may be available to incarcerated parents and, if reunification with a child is the goal, proactively assist the parent in arranging for services from within jail or prison. If reunification is not the goal, DCF must still include a list of services available from the jail or prison in the case plan; and
- Amend existing case plans when a parent is incarcerated or released from confinement.

The incarcerated parent is responsible for complying with the case plan as well as meeting the requirements of his or her correctional facility.

These provisions were approved by the Governor and take effect July 1, 2018.

*Vote: Senate 36-0; House 112-0*

## Committee on Children, Families, and Elder Affairs

### **CS/HB 417 — Pub. Rec./Child Advocacy Center Personnel and Child Protection Team Members**

by Oversight, Transparency and Administration Subcommittee; and Rep. Jenne (CS/SB 1212 by Children, Families, and Elder Affairs; and Senator Book and Rader)

/HB 417 exempts the home addresses, telephone numbers, dates of birth, and photographs of current and former employees and their family members of a child advocacy center from public records requirements. Child advocacy centers are community-based, child-focused facilities where children alleged to be victims of abuse or neglect are interviewed, receive medical exams, therapy, and other critical services in a child friendly environment. A variety of professionals assist in the investigation, treatment, and prosecution of child abuse cases.

The bill also exempts the personal information of current or former child protection team members and their family members from public records requirements. A child protection team is a local medical multidisciplinary group that works with the Department of Children and Families and some sheriff's offices in cases of physical abuse or neglect or sexual abuse of a child. The teams provide expertise in evaluating alleged child abuse and neglect, assessing risk and protective factors, and providing recommendations for interventions to protect children. The bill also exempts names of spouses and children, as well as places of employment and the names and locations of schools and day care facilities attended by children of these personnel.

The bill includes a constitutionally required public necessity statement. The exemption will be repealed on October 2, 2023, pursuant to the Open Government Sunset Review Act unless it is reenacted.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 36-0; House 114-0*



THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Children, Families, and Elder Affairs**

**HB 449 — Children’s Initiatives**

by Rep. Stafford and others(SB 720 by Senator Young and Campbell)

HB 449 creates the Sulphur Springs Neighborhood of Promise Zone in Tampa and the Overtown Children and Youth Coalition in Miami as state recognized children’s initiatives.

Children's initiatives are modeled after the nationally known Harlem Children's Zone. They are limited geographic areas with severely disadvantaged physical and social infrastructure, such as high crime, low educational outcomes, or poor housing. These factors result in fewer opportunities for successful child development.

Children’s initiatives aim to create a community-based service network that develops, coordinates, and provides quality education, accessible health care, youth development programs, opportunities for employment, and safe and affordable housing for children and families.

The Ounce of Prevention Fund of Florida reviews and designates requests from local governments for neighborhoods to be recognized as children’s initiatives under s. 409.147, F.S. The Ounce of Prevention Fund has designated five initiatives in Florida, including both the Tampa and Overtown initiatives.

The bill provides that the initiatives are 10-year efforts and are designed to serve an area large enough to include all necessary components of community life, but small enough to reach every member of the neighborhood who wishes to participate.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 36-0; House 112-0*

## Committee on Children, Families, and Elder Affairs

### **SB 498 — Office of Public and Professional Guardians Direct-Support Organization**

by Senator Garcia

SB 498 removes the scheduled repeal date of the law authorizing the Foundation for Indigent Guardianship, Inc. The foundation serves as a direct-support organization for the Office of Public and Professional Guardians. That office within the Department of Elder Affairs regulates professional guardians with certain disciplinary and enforcement powers. The office is required to review and, if determined legally sufficient, investigate any complaint that a professional guardian has violated the standards of practice established by the office.

In 2006, the foundation founded The Florida Public Guardianship Pooled Special Needs Trust with the sole purpose of helping people with disabilities qualify for or maintain means-tested public benefits, such as Medicaid, Supplemental Security Income, food assistance, and public housing while potentially benefitting Florida's statewide public guardianship program. Since that date, the foundation has distributed over \$1,000,000 to public guardianship programs.

The foundation also provides complimentary educational opportunities for the staff of public guardianship programs as well as other educational projects. These efforts are designed to raise awareness and educate the public about the needs of public guardians and those they serve and to assist the livelihood and general welfare of Florida-resident elders in need of a public guardian, as well as those persons with cognitive impairments who are indigent and have no family or friends to care for their needs.

If these provisions are approved by the Governor they will take effect July 1, 2018.

*Vote: Senate 35-0; House 112-1*

## Committee on Children, Families, and Elder Affairs

### **CS/CS/CS/HB 1059 — Exploitation of a Vulnerable Adult**

by Judiciary Committee, Children, Families, and Seniors Subcommittee, Civil Justice and Claims Subcommittee, and Rep. Burton and others (SB 1562 by Senator Passidomo and Young)

CS/CS/CS/HB 1059 creates a civil cause of action for an injunction to prohibit a person from exploiting a vulnerable adult. The bill allows courts to grant a temporary injunction if the following conditions are met:

- The vulnerable adult is a victim of exploitation or the court believes that the vulnerable adult is in imminent danger of becoming a victim of exploitation;
- There is a likelihood of irreparable harm and there is not an adequate remedy in law;
- There is a substantial likelihood of success, based on the merits of the case;
- The threatened injury to the vulnerable adult outweighs possible harm to the respondent; and
- Granting of a temporary injunction will not harm the public interest.

The bill also creates standards for the court to follow when issuing an injunction, identifies individuals who may petition the court for an injunction, provides for a choice of venue specifying where the petition may be filed, and provides a procedural framework for the parties and court.

The bill provides several remedies for vulnerable adults following the issuance of an injunction. These include awarding to the vulnerable adult the temporary exclusive use and possession of any dwelling that the vulnerable adult and the respondent share, or barring the respondent from the residence of the vulnerable adult, and freezing the assets of both the vulnerable adult and an individual accused of exploiting them. The bill also imposes criminal penalties for violating an injunction.

If these provisions are approved by the Governor, they will take effect July 1, 2018.

*Vote: Senate 35-0; House 113-0*

## Committee on Children, Families, and Elder Affairs

### **CS/CS/HB 1079 — Child Welfare**

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Rep. Burton (CS/CS/SB 1360 by Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senator Broxson)

CS/CS/HB 1079 makes a number of changes designed to improve the child welfare system.

When a household is under investigation for child abuse, the bill allows the Department of Children and Families to add to that investigation any child born into the home if the department determines that the family cannot safely care for the other children in the home.

The bill gives flexibility to the Department of Children and Families for fingerprinting a person with a significant disability in a household being considered as a prospective placement for a child in out-of-home care. In such cases, the department does not have to fingerprint the household member to conduct a national check of criminal history, but must still complete a level 1 background screening for state criminal history.

The bill requires parents involved in a dependency case to provide current contact information. The court must consider how well the parent has completed the case plan and how often the parent visits the child in dependency proceedings.

The bill establishes the Guardianship Assistance Program within the Department of Children and Families as an option for relatives and non-relative caregivers. The new program is to be available July 1, 2019 and is in addition to the existing relative caregiver program and licensure as a foster home. Caregivers under the Guardianship Assistance Program must be licensed by the state and will receive higher monthly payments than the relative caregiver program, but less than foster care payments. The department may waive certain licensing requirements for families in the Guardianship Assistance Program. The bill provides definitions, specifies eligibility criteria that must be met to receive payments, provides for a \$4,000 annual payment, and specifies criteria that must be met for a young adult to continue receiving assistance to the age of 21. Unlike young adults in other licensed care, the bill does not provide postsecondary benefits such as per diem payments when attending school, for those in the Guardianship Assistance Program.

The bill adds two federal Child Care and Development Block Grant Act requirements relating to background screening requirements for child care personnel. Child care licensing and employee background rescreening requirements are administered by the Department of Children and Families. The change will require the department to use out-of-state criminal history records results for the past five years and adds drug offenses to the list of disqualifying offenses in Chapter 893 for child care personnel. The bill amends child care licensing statutes to require child care providers to give parents information on the dangers of leaving a child unattended in a vehicle. Child care providers must also post this information in their facilities.

Effective January, 1, 2019, the bill extends adoption assistance payments to families for children who are older than 18 but less than age 21. Such payments are funded by federal sources to encourage the adoption of children from the child welfare system. In order for the family to receive the payments, the young adult must be working or enrolled in school, unless they are unable to participate in these activities due to a disability.

Residential treatment facilities such as crisis stabilization units, residential treatment facilities, and residential treatment centers for children and adolescents or hospitals who care for a child victim of commercial sex exploitation, must meet certain requirements set for safe houses or safe foster homes. The bill eliminates the requirement that residential treatment facilities or hospitals separate child victims of commercial sexual exploitation from children with other needs. In addition, such facilities will no longer need meet the requirement for awake staff members on duty 24 hours a day. Other licensing requirements regarding awake staff would still apply.

The bill revises the allocation formula used to distribute additional funding to community-based care lead agencies. The changes will increase the weight given to the provision of family support services and the workload from the child abuse hotline. The weight of the number of children in out-of-home care, in-home care, and the portion of children in care is reduced. The amount allocated to all community-based care lead agencies is increased while the amount to address funding inequities is decreased.

Finally, the bill directs the Legislature's Division of Law Revision and Information to prepare a reviser's bill for the 2019 session to capitalize each word of the term "child protection team" in the Florida Statutes.

If these provisions are approved by the Governor they will take effect July 1, 2018.

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

## Committee on Children, Families, and Elder Affairs

### **CS/CS/HB 1373 — Medication Administration**

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Rep. Stevenson (CS/CS/SB 1788 by Appropriation Committee; Children, Families, and Elder Affairs Committee; and Senator Passidomo)

CS/CS/HB 1373 revises requirements for caregivers who do not hold a professional medical license and administer or assist with the administration of prescription medications to persons with developmental disabilities in residential facilities licensed by the Agency for Persons with Disabilities.

The bill expands the minimum number of hours for an initial training course that unlicensed caregivers must complete to assist with the administration and/or supervision of medication to no less than 6 hours, instead of no less than 4 hours. The bill requires unlicensed caregivers to demonstrate competency in the administration of medication, with specific competency assessment and validation requirements that vary based on the way the medication is administered, and requires all direct service providers to complete a 2-hour annual course in medication administration and error prevention.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 112-0*

## Committee on Children, Families, and Elder Affairs

### **CS/CS/HB 1435 — Child Welfare**

by Health Care Appropriations Subcommittee; Children, Families and Seniors Subcommittee; and Rep. Perez and others (CS/CS/SB 590 by Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senator Garcia and Campbell)

CS/CS/HB 1435 makes a number of changes designed to improve the use and support of relative and nonrelative caregivers for children removed from their homes due to abuse or neglect.

Subject to available resources, the bill authorizes the Department of Children and Families, certain county sheriff's offices, and community based care lead agencies to establish family finding programs. In some areas of the state, child abuse investigations are conducted by the sheriff. Family finding programs are to better identify relatives that may become caregivers for children of family members who are placed in out-of-home care. Community based care lead agencies are regional entities under contract with the Department of Children and Families to provide child welfare services.

Subject to available resources, the bill authorizes community based care lead agencies to establish a kinship navigator program to provide assistance to relatives and nonrelatives who are caring for children in out-of-home care. Such assistance may include providing eligibility and enrollment information for available benefits, relevant training, knowledge relating to custody options, help in finding legal services, and general outreach.

The bill requires the court to make a determination relating to a dependent child's enrollment in child care, early education, and preschool records for children under school age at each judicial hearing.

The bill clarifies a provision in the Rilya Wilson Act that requires children under school age who are in out-of-home care to continue enrollment in child care. Caregivers who stay home all day or work less than fulltime are not required to keep the child in child care. The bill also provides for educational stability and transitions in educational settings for children under school age.

If approved by the Governor, the bill has an effective date of July 1, 2018.

*Vote: Senate 37-0; House 115-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Children, Families, and Elder Affairs**

**HB 6021 — Guardian Ad Litem Direct-Support Organization**

by Rep. Stevenson and others (SB 222 by Senator Bean)

HB 6021 removes the repeal date of October 1, 2018, for the Florida Guardian ad Litem Foundation, which serves as a direct-support organization for the Guardian ad Litem Program. The Guardian ad Litem Program advocates for abused, neglected, or abandoned children who are involved in dependency court proceedings. The program uses volunteers who visit the child and attorneys who advocate for the best interest of the child in court.

Direct-support organizations are designated in statute to support public programs through activities such as fundraising and employee training. The Legislature authorized a direct-support organization for the Guardian ad Litem Program in 2007. The Florida Guardian ad Litem Foundation was created as a direct-support organization to further the mission of the Guardian ad Litem Program.

If these provisions are approved by the Governor they will take effect upon becoming law.

*Vote: Senate 35-0; House 107-0*



THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Commerce and Tourism**

**CS/SB 566 — Unlawful Detention by a Transient Occupant**

by Judiciary Committee and Senator Young

The bill amends s. 82.045, F.S., relating to the remedy for an unlawful detention by a transient occupant. Under current law, a transient occupant is someone who possesses real property lawfully for a brief length of time, without a lease or title to the property, such as a long-term houseguest. A transient occupant unlawfully detains the property after being directed to leave by the party entitled to possession.

The changes by the bill:

- Revise the factors used to determine whether an individual is considered a transient occupant;
- Establish the circumstances that cause a transient occupancy to terminate;
- Provide for the recovery of the belongings of a former transient occupant once the transient occupancy has terminated; and
- Authorize a former transient occupant to bring a civil action against the party entitled to possession who unreasonably withholds the belongings of the former transient occupant.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 34-0; House 116-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Commerce and Tourism**

**CS/CS/SB 568 — Telephone Solicitation**

by Rules Committee; Commerce and Tourism Committee; and Senator Young

The bill expands the Florida Do Not Call Act to:

- Prohibit the unsolicited ringless delivery or voicemail messages into consumers' voicemail boxes, in addition to phone calls and text messages;
- Explicitly prohibit telephone solicitors from making certain calls, text messages, or direct voicemail transmissions to business phone lines, in addition to consumer, donor, and potential donor phone lines, if the phone call recipient previously communicated a wish not to receive such communications; and
- Require a telephone sales call solicitor to provide on the call recipient's caller ID a telephone number that is capable of receiving calls and that can connect the call recipient to the telephone solicitor.

The bill also increases permitted penalties for violations of the Do Not Call Act to up to \$10,000 for violations prosecuted administratively, and \$10,000 or more for those prosecuted civilly.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 38-0; House 109-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Commerce and Tourism**

**CS/HB 661 — Business Filings**

by Oversight, Transparency and Administration Subcommittee; and Rep. Miller, M. and others  
(CS/SB 610 by Appropriations Committee and Senator Young)

The bill makes two changes to the statutes regarding limited liability corporations, business corporations, not-for-profit corporations, and limited partnerships.

The bill requires the Department of State (department) to send notice to a business entity or its authorized representative if a record is filed under the entity's name. The department may send notice by either email or US mail. If the filing changes the entity's email address, the department must send notification to both the new email address and the most recent prior email address. If the filing changes the entity's mailing address, the department must send the notification to the new mailing address and to the most recent prior mailing address.

The bill also authorizes an entity to correct a business filing made under its name. The fees for filing a statement of correction to correct a record that contains false, misleading, or fraudulent information will be waived if the statement is delivered to the department within 15 days of the department's notice of the filing.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 29-2; House 114-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Commerce and Tourism**

**CS/HB 1267 — Telephone Solicitation**

by Energy and Utilities Subcommittee and Rep. Killebrew and others(CS/SB 962 by Commerce and Tourism Committee; and Senators Grimsley, Rouson, and Young)

The bill allows telephone service providers to block certain phone calls from ringing through to a telephone service subscriber's phone, if authorized by the subscriber.

Telephone service providers may block "spoofed" calls made from:

- An inbound-only phone number that a subscriber has requested be blocked;
- An invalid phone number;
- A phone number that has not been allocated to a provider by the North American Numbering Plan Administrator; and
- A phone number that is not used by any telephone subscriber, if the telephone service provider confirms that the number is unused.

Telephone service providers may only block calls in a manner that is consistent with authorization from federal laws and rules.

On November 17, 2017, the Federal Communications Commission adopted a rule that provides similar safe harbor provisions to telephone service providers who preemptively block suspected robocalls. This bill provides state-level authorization for the same call blocking services.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 113-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Commerce and Tourism**

**HB 1285 — Florida Business Entities**

by Rep. Albritton (SB 1028 by Senator Thurston)

First, the bill allows state banks and trust companies to form as social purpose corporations or benefit corporations. To effectuate this change, the bill authorizes:

- The Office of Financial Regulation to modify its form articles of incorporation for state banks and trust companies to include provisions required for social purpose corporations or benefit corporations;
- The Office of Financial Regulation to approve special stock offering plans; and
- Social purpose corporations and benefit corporations to omit confidential information from their annual benefit reports, if the entity expressly states it has done so in the report.

Second, the bill creates the Institute for Commercialization of Florida Technology (institute) to increase the availability of seed and early stage investment capital to businesses in Florida without requiring an ongoing expenditure for such support. The institute will differ from the existing Institute for Commercialization of Public Research (ICPR) in several ways. Namely, the institute will:

- Be operated by a private fund manager who is paid from fees based on the institute's investment activities, rather than a professional staff;
- No longer partner with publicly supported universities or research institutes to support their commercialization efforts; and
- Not be supported by or function under the Department of Economic Opportunity.

Like the ICPR, however, the institute will partner with innovation and target industry businesses to foster investment funding, especially in seed-stage, startup, and early stage companies; advise companies about successful management, operations, and development processes; and provide opportunities to attract further investment.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 100-0*

## Committee on Communications, Energy, and Public Utilities

### **HB 405 — Linear Facilities**

by Reps. Williamson and Payne (SB 494 by Senator Lee)

This bill amends the exemptions from the land-use-consistency provisions of the Power Plant Siting Act (PPSA) and Transmission Line Siting Act (TLSA) to provide that they apply to established rights-of-way and corridors, to rights-of-way and corridors yet to be established, and to the creation of distribution and transmission corridors. The bill establishes the standard to be used in authorizing variances in a site certification under the PPSA and the TLSA. Finally, the bill provides that the PPSA and TLSA cannot affect in any way the Public Service Commission's exclusive jurisdiction to require transmission lines to be located underground.

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

*Vote: Senate 34-4; House 105-2*

## Committee on Communications, Energy, and Public Utilities

### **HB 7095 — OGSR/Local Government Electric Utility**

by Government Accountability Committee and Rep. McClain (CS/SB 7008 by Rules Committee; and Communications, Energy and Public Utilities Committee)

The bill removes the scheduled repeal of the public records exemption for proprietary confidential business information held by a local government electric utility in conjunction with either a due diligence review of an electric project or a project to improve the delivery, cost, or diversification of fuel or renewable energy resources. As a result, these records will remain exempt from disclosure requirements under public records law.

The bill also narrows and clarifies the information that is considered proprietary confidential. First, it removes the phrase “but not limited to” in the context of the list of types of information included in the phrase “proprietary confidential business information.” Second, the bill clarifies the meaning of the term “trade secrets” by referencing the existing definition in s. 688.002, F.S.

If approved by the Governor, these provisions take effect October 1, 2018.

*Vote: Senate 34-0; House 113-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**CS/SB 512 — Homestead Waivers**

by Rules Committee and Senator Young

The Florida Constitution protects homestead property in three ways. The Florida Constitution provides homesteads with an exemption from taxes; protects homesteads from forced sale by creditors; and limits the manner in which homestead owners may alienate (transfer property to another person) or devise (leave to someone by the terms of a will) the property.

To protect the interests of the family unit, the Florida Constitution provides in Section 4(c) of Article X that a homestead property may not be devised when the owner is survived by a spouse or minor child. However, the homestead may be devised to the owner's spouse if there is no minor child in certain circumstances. Specifically, the Florida Statutes provide a procedure for waiving spousal rights, particularly homestead rights, under written contracts, agreements, or waivers. However, there is a difference of opinion among practitioners as to whether a deed is covered under the umbrella of "contracts, agreements, or waivers."

CS/SB 512 provides form language that a spouse may include in a deed to demonstrate that he or she knowingly waives the right to inherit homestead property.

The bill provides that a spouse waives his or her rights as a surviving spouse with regard to the devise restrictions contained in the Florida Constitution if certain language, or substantially similar language, is included in a deed.

This waiver language is not a waiver of the protection against the owner's creditor claims during the owner's lifetime and after death. Additionally, the language is not a waiver of the restrictions against alienation by mortgage, sale, gift, or deed without the joinder of the owner's spouse.

If approved by the Governor, these provisions take effect July 1, 2018.

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



THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**HB 617 — Covenants and Restrictions**

by Rep. Edwards-Walpole, and others (CS/SB 266 by Rules Committee and Senator Passidomo)

A covenant or restriction is an agreement or limitation that subjects a parcel to any use restriction. Covenants or restrictions are contained in a document recorded in the public records of the county in which a parcel is located, and these covenants may be enforced by a homeowners' association. Homeowners' associations may also be authorized to impose a charge or assessment against the parcel or the owner of the parcel. Florida law allows for the preservation and revitalization of covenants by a homeowners' association, but not other community associations. The bill addresses the covenants and restrictions of property owners' associations and makes the following changes:

- Extends statutes authorizing the preservation and revival of covenants and restrictions to a broader range of associations, notably commercial property owners' associations;
- Allows a homeowners' association to file a form notice with the clerk of court which preserves the association's covenants and restrictions;
- Repeals language that requires a two-thirds vote of the members of the board of directors to preserve existing covenants and restrictions;
- Authorizes parcel owners who were subject to covenants and restrictions, but who do not have a homeowners' association, to use the same mechanisms as a homeowners' association to revitalize extinguished covenants and restrictions; and
- Requires a homeowners' association to annually consider preservation of the covenants and restrictions and requires that the association file a summary preservation every 5 years.

If approved by the Governor, these provisions take effect October 1, 2018.

*Vote: Senate 36-0; House 114-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**HB 1013 — Daylight Saving Time**

by Reps. Nunez and Fitzenhagen, and others (CS/CS/SB 858 by Commerce and Tourism Committee; Community Affairs Committee; and Senators Steube, Mayfield and Taddeo)

The Uniform Time Act of 1966 defines Daylight Saving Time (DST) as the advancement of time by one hour from the second Sunday of March to the first Sunday of November. Specifically, clocks are moved forward from 2 a.m. to 3 a.m. in spring, and they are moved back from 2 a.m. to 1 a.m. in fall. The act preempts state and local law regulating the observance of DST in any manner inconsistent with federal law. However, states may exempt themselves from observing DST and instead observe standard time year-round by passing a state law if:

- The entire state lies within a single time zone and the exemption applies statewide; or
- The state lies in more than one time zone and the exemption applies to the entire state or to the entire part of the state within one time zone.

Currently, DST is not observed in Hawaii, American Samoa, Guam, Puerto Rico, the Virgin Islands, and most of Arizona.

While states may exempt themselves from observing DST and remain on standard time year-round, they may not remain on the “spring forward” time change in March without making the corresponding “fall back” time change in October unless the United States Congress changes federal law.

HB 1013 creates the Sunshine Protection Act, which provides that the Legislature intends to adopt DST as the year-round standard time if the United States Congress amends 15 U.S.C. s. 260a, relating to Daylight Saving Time. Because a current Florida Legislature may not bind a future Florida Legislature, even if the United States Congress amends 15 U.S.C. s. 260a, further action may be required by the Florida Legislature to adopt DST as the year-round standard time in Florida.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 33-2; House 103-11*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**CS/CS/HB 1151 — Developments of Regional Impact**

by Commerce Committee; Agriculture and Property Rights Subcommittee; Rep. La Rosa (CS/CS/SB 1244 by Appropriations Committee; Community Affairs Committee; and Senator Lee)

A Development of Regional Impact (DRI) is defined in s. 380.06, F.S., as “any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.” The DRI program was initially created in 1972 as an interim program intended to be replaced by comprehensive planning and permitting programs. The DRI program provided a lengthy and complicated review process for proposed projects that was largely duplicated by the successor comprehensive planning review process.

In 2015, the Florida Legislature eliminated the requirement that new large-scale developments be reviewed pursuant to the DRI process. Instead, the Legislature directed that proposed developments only need to comply with the requirements of the State Coordinated Review Process for the review of local government comprehensive plan amendments.

Generally, the bill eliminates many unnecessary DRI statutory requirements governing the application and approval of DRIs since the program no longer exists. Proposed changes to an existing DRI development order will be the responsibility of the local government in which the development is located.

Specifically, the bill:

- Repeals obsolete language for the application and review of DRIs;
- Changes the process for existing DRIs to amend a development order;
- Retains current statewide guidelines and standards for determining when a development is subject to state coordinated review;
- Updates reporting requirements;
- Preserves certain unexpired letters, development orders, and agreements;
- Ends all DRI appeals to the Administration Commission except decisions by local governments under the DRI abandonment process;
- Repeals state land planning agency rules related to DRIs and Administration Commission rules related to aggregation of developments for the purpose of DRI review;
- Repeals the Florida Quality Developments (FQD) program and requires FQD development orders to be replaced by local government development orders; and
- Creates a definition of master development plan.

The Department of Economic Opportunity will incur less expenses related to the DRI process.

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

*Vote: Senate 36-0; House 110-1*



THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**CS/CS/HB 1383 — Tax Deed Sales**

by Government Accountability Committee; Ways and Means Committee; Rep. Latvala (CS/SB 1504 by Community Affairs Committee and Senators Rouson and Rader)

Local ad valorem taxes are due on November 1 or as soon as the certified tax roll is received by the tax collector. Taxes become delinquent on April 1 of the following year or immediately upon the expiration of 60 days from the date the original tax notice was mailed, whichever is later. If ad valorem taxes are not paid by June 1 or the 60th day after the tax becomes delinquent, whichever is later, the tax collector advertises and sells tax certificates to pay the delinquency.

Two years after April 1 of the year in which the tax certificate was issued, and before the certificate expires, a certificateholder may apply for a tax deed with the tax collector. Certificateholders other than the county must pay all costs required by statute before the sale may occur, including the costs of any title search or abstract. The tax collector is responsible for notifying the clerk of the circuit court of the parties requiring notice of the pending tax deed sale. The costs to bring the property to sale are added to the opening bid on the property.

Once the tax deed sale is completed, any proceeds in excess of the opening bid are paid over to and distributed by the clerk, first to governmental entities and then to nongovernmental entities in priority. However, if the balance after the governmental liens have been paid is insufficient to cover the cost to notify possible claimants of the proceeds then the clerk may retain the entire balance as a service charge. Any unclaimed money is remitted to the state on behalf of persons entitled to notice of the tax deed sale.

CS/CS/HB 1383 clarifies the responsibilities of the tax certificateholder when applying for a tax deed, including the specific costs to pay. The bill requires tax collectors to contract with title companies or abstract companies to provide a property information report. Costs for property information reports will be added to the costs of sale. Additionally, the bill revises certain provisions regarding notice and distribution of surplus funds and makes certain technical changes.

If approved by the Governor, these provisions take effect July 1, 2018.

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

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**HB 6003 — Participant Local Government Advisory Council**

by Rep. White (CS/SB 614 by Community Affairs Committee and Senators Montford, Simmons, Powell, and Taddeo)

The Local Government Surplus Funds Trust Fund (Florida PRIME) was created in 1977 to promote, through state assistance, the maximization of net interest earnings on invested surplus funds of local governments. All units of local government in Florida are permitted to invest their surplus funds in Florida PRIME. The State Board of Administration is responsible for administering Florida PRIME, and independent oversight is provided by the Investment Advisory Council and the Participant Local Government Advisory Council (PLGAC).

The six member PLGAC was created by the Legislature in 2008 following an unanticipated liquidity crisis in Florida PRIME for the purpose of regularly reviewing the administration of Florida PRIME and making recommendations regarding such administration to the Trustees. In its 2017 report, the PLGAC expressed that it had achieved all of its objectives, and recommended discontinuing the PLGAC.

The bill abolishes the Participant Local Government Advisory Council and makes conforming changes due to the abolishment. The State Board of Administration anticipates a reduction in expenditures of approximately \$25,000 associated with the abolishment of the PLGAC.

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

*Vote: Senate 36-0; House 112-1*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/CS/CS/HB 165 — Written Threats to Conduct Mass Shootings or Acts of Terrorism**

by Judiciary Committee; Justice Appropriations Subcommittee; Criminal Justice Subcommittee; and Rep. McClain and others (CS/CS/SB 310 by Appropriations Committee; Criminal Justice Committee; and Senators Steube and Baxley)

The bill amends s. 836.10, F.S., to prohibit a person from making, posting, or transmitting a threat in a writing or other record, including an electronic record, to conduct a mass shooting or an act of terrorism, in any manner that would allow another person to view the threat.

The bill also specifies that no liability is imposed upon a provider of an interactive computer service, communications services, as defined in s. 202.11, F.S., a commercial mobile service, or an information service if it provides service for use by another person who violates s. 836.10, F.S.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 94-7*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/HB 361 — Persons Authorized to Visit Juvenile Facilities**

by Criminal Justice Subcommittee and Reps. Richardson, Stafford, and others (CS/SB 1004 by Criminal Justice Committee and Senator Brandes)

The bill authorizes the following persons to visit between the hours of 6 a.m. and 11 p.m. all facilities housing juveniles that are operated or overseen by the Department of Juvenile Justice (DJJ) or a county:

- The Governor;
- A Cabinet member;
- A member of the Legislature;
- A judge of a state court;
- A state attorney;
- A public defender; and
- A person authorized by the secretary of the DJJ.

The bill requires the DJJ to make rules for purposes of implementing the bill, including rules pertaining to visitation of a state facility housing juveniles between 11 p.m. and 6 a.m. by a person specified in the bill.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 113-0*



THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**HB 491 — Theft**

by Rep. Roth and others (CS/SB 776 by Criminal Justice Committee and Senator Grimsley)

The bill amends s. 812.014(2)(c)7., F.S., to increase the fine from up to \$5,000 to \$10,000 in cases of felony theft of a commercially farmed animal, including an animal of the equine, avian, bovine, or swine class or other grazing animal; or a bee colony of a registered beekeeper.

This fine increase puts these agriculture-related thefts on par with aquaculture species theft which currently requires a \$10,000 fine.

If approved by the Governor, these provisions take effect October 1, 2018.

*Vote: Senate 36-0; House 114-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**HB 523 — Trespass on Airport Property**

by Rep. Cortes, B. (SB 1094 by Senator Simmons)

The bill provides that it is a third degree felony to trespass with the intent to injure another person, damage property, or impede the operation or use of an aircraft, runway, taxiway, ramp, or apron area, and the property trespassed upon is the operational area of an airport that is legally posted and identified in substantially the manner described by the bill. The bill also defines the term “operational area of an airport.”

If approved by the Governor, these provisions take effect October 1, 2018.

*Vote: Senate 36-1; House 113-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/HB 547 — Reports Concerning Seized or Forfeited Property**

by Criminal Justice Subcommittee and Rep. Killebrew (CS/CS/SB 1678 by Judiciary Committee; Criminal Justice Committee; and Senator Stargel)

The bill changes the deadline for the annual submission of reports concerning seized or forfeited property by law enforcement agencies pursuant to the Florida Contraband Forfeiture Act from October 10 to December 1.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 36-0; House 114-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/HB 581 — Subpoenas in Investigations of Sexual Offenses**

by Criminal Justice Subcommittee and Rep. Latvala and others (CS/CS/SB 618 by Judiciary Committee; Criminal Justice Committee; and Senators Baxley, Steube, Book, Rouson, and Mayfield)

The bill addresses use of a subpoena in an investigation involving allegations of sexual abuse of a child or the suspected commission of certain sex crimes.

The bill defines the terms “child,” “deliver,” “sexual abuse of a child,” “supervisory official,” and “adverse result.”

In an investigation involving allegations of sexual abuse of a child or the suspected commission of certain sex crimes, an investigative or law enforcement officer may use a subpoena to obtain records, documents, or other tangible objects, and testimony to authenticate such materials or objects. The bill specifies requirements for this subpoena. This subpoena does not apply to noncontent basic information regarding a subscriber or customer of a provider of an electronic communication service or remote computing service or to the contents of a wire or electronic communication that has been in electronic storage in an electronic communications system for more than 180 days.

In investigations involving sexual abuse of a child, an investigative or law enforcement officer may:

- Without notice to the subscriber or customer of a provider of an electronic communication service or remote computing service, use a subpoena to obtain noncontent basic subscriber or customer information; and
- With prior notice or delayed notice, use a subpoena to obtain contents of a wire or electronic communication that has been in electronic storage in an electronic communications system for more than 180 days.

An investigative or law enforcement officer may prohibit a subpoena recipient from disclosing to any person for 180 days the existence of the subpoena or delay required notification for 180 days, if the subpoena is accompanied by a written certification of a supervisory official that there is reason to believe that notification of the existence of the subpoena may have an adverse result. Limited disclosure is authorized. A court may grant extensions of the nondisclosure period or delay of notification if certain findings are made. The bill specifies requirements for providing notification to the customer or subscriber upon expiration of the delay of notification.

An investigative or law enforcement officer who uses a subpoena to obtain any record, document, or other tangible object may retain such items for use in any ongoing criminal investigation or a closed investigation with the intent that the investigation may later be reopened.

The bill also authorizes a petition to modify or set aside a subpoena or disclosure prohibition, specifies what subscriber or customer notification is required upon expiration of the delay of notification, specifies procedures for retention of records, provides for compensation of a subpoenaed witness and others, provides legal protections for subpoena compliance, and authorizes a court to compel compliance with a subpoena and to sanction refusal to comply.

If approved by the Governor, these provisions take effect October 1, 2018.

*Vote: Senate 37-0; House 115-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/HB 1065 — Expunction of Criminal History Records**

by Criminal Justice Subcommittee and Reps. Eagle, Jones, and others (CS/SB 298 by Criminal Justice Committee and Senator Bracy)

The bill enables a person to seek an expunction of a criminal history record if the charges related to the petition resulted in a judgment of acquittal or a not guilty verdict.

Additionally, the bill prohibits a person who was found guilty, or pled guilty or nolo contendere to one of the following offenses, or a person who, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, one of the following offenses, from being eligible to seek a sealing of his or her criminal history record:

- Sexual misconduct (ss. 393.135, 394.4593, and 916.1075, F.S.);
- Luring or enticing a child (s. 787.025, F.S.);
- Sexual battery (ch. 794, F.S.);
- Procuring person under age 18 for prostitution (former s. 796.03, F.S.);
- Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age (s. 800.04, F.S.);
- Voyeurism (s. 810.14, F.S.);
- Violations of the Florida Communications Fraud Act (s. 817.034, F.S.);
- Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person (s. 825.1025, F.S.);
- Sexual performance by a child (s. 827.071, F.S.);
- Offenses by public officers and employees (ch. 839, F.S.);
- Certain acts in connection with obscenity (s. 847.0133, F.S.);
- Computer pornography (s. 847.0135, F.S.);
- Selling or buying of minors (s. 847.0145, F.S.);
- Trafficking (s. 893.135, F.S.);
- A violation enumerated in s. 907.041, F.S.;
- Any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, F.S., without regard to whether that offense alone is sufficient to require such registration; or
- Registration as a sexual offender pursuant to s. 943.0435, F.S.

If approved by the Governor, these provisions take effect October 1, 2018.

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

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/HB 1177 — Joint Task Force on State Agency Law Enforcement Communications**

by Oversight, Transparency and Administration Subcommittee and Rep. Ingoglia (CS/SB 1460  
by Criminal Justice Committee and Senator Montford)

The bill adds a representative of the Florida Sheriffs Association to the Joint Task Force on State Agency Law Enforcement Communications. This representative must be appointed by the president of the Florida Sheriffs Association.

The per diem and travel expenses incurred by the member of the task force who represents the Florida Sheriffs Association in attending task force meetings and in attending to task force affairs shall be paid by the sheriff's office that employs the representative.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 36-0; House 114-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**HB 1201 — Education for Prisoners**

by Reps. Ahern, Lee, and others (CS/SB 1318 by Appropriations Committee and Senator Rouson)

The bill amends ss. 951.176 and 944.801, F.S., authorizing a county or the Department of Corrections to contract with a district school board, the Florida Virtual School, or a charter school to provide educational services in the Correctional Educational Program to its inmates. The educational services may include any educational, career, or vocational training.

The bill also amends s. 1011.80, F.S., allowing state funding for postsecondary workforce programs to be used for the education of inmates with less than 24 months of time remaining on his or her sentence.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 115-0*



THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/HB 1301 — Sexual Offenders and Predators**

by Justice Appropriations Subcommittee and Rep. Fitzenhagen and others (CS/SB 1226 by Criminal Justice Committee and Senators Book and Hutson)

The bill modifies definitions of the terms “permanent residence,” “temporary residence,” and “transient residence,” which are relevant to reporting residence information under Florida laws requiring reporting of certain information by those persons required to register as a sexual predator or sexual offender. The bill decreases from 5 days to 3 days the time period in which a person must abide, lodge, or reside at a place in order to meet any of the definitions for reporting purposes.

The bill also requires a court to impose the following mandatory terms of community control with electronic monitoring for sexual predators and sexual offenders who commit a felony violation of the registry laws, if the court does not impose a prison sentence:

- For a first offense, a mandatory minimum term of 6 months;
- For a second offense, a mandatory minimum term of 1 year; and
- For a third or subsequent offense, a mandatory minimum term of 2 years.

The bill excludes mandatory community control with electronic monitoring for an offense relating to harboring a sexual predator or sexual offender who is in noncompliance with registration requirements.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 35-0; House 98-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/CS/SB 1392 — Criminal Justice**

by Appropriations Committee; Criminal Justice Committee; and Senators Brandes, Perry, and Young

The bill creates a model of uniform criminal justice data collection. Specifically, the bill:

- Defines terms used in the bill as they relate to data collection;
- Requires the clerks of court, state attorneys, public defenders, county detention facility administrators, and the Department of Corrections to collect specified data on a biweekly basis and report it to the Florida Department of Law Enforcement (FDLE) on a monthly basis;
- Requires the FDLE to publish the data collected on the FDLE's website and make it searchable and accessible to the public;
- Provides that any clerk of the court or county detention facility that does not comply with the required data collection is ineligible to receive funding from the General Appropriations Act, any state grant program administered by the FDLE, or any other state agency for five years after the date of noncompliance;
- Requires additional information to be reported in the annual report for pretrial release programs;
- Digitizes the Criminal Punishment Code sentencing scoresheet; and
- Authorizes a pilot project in the Sixth Judicial Circuit for the purpose of improving criminal justice data transparency.

Additionally, the bill provides for the establishment of civil citation or similar prearrest diversion programs for adults and juveniles. The bill permits local communities and public or private educational institutions to adopt a model prearrest diversion program for adults and provides guidelines for the establishment of such programs. The bill requires a civil citation or similar prearrest diversion program for juveniles to be established in each judicial circuit in the state and outlines criteria that each civil citation or similar prearrest diversion program must specify in developing such program.

The bill requires the FDLE to adopt rules to provide for the expunction of a nonjudicial record of the arrest of a minor who has successfully completed a diversion program. The bill also requires each diversion program to submit data that identifies each minor participating in the diversion program to the Department of Juvenile Justice (DJJ). The DJJ must compile and semiannually publish the data on the department's website.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 36-1; House 116-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/SB 1552 — Juvenile Justice**

by Appropriations Committee and Senator Bracy

The bill makes numerous changes relating to juvenile justice. Specifically, the bill:

- Removes the requirement that the proceeds from the “Invest in Children” license plate must be allocated based on each county’s proportionate share of the license plate annual use fee;
- Requires a prolific juvenile offender who violates conditions of his or her nonsecure detention to be held in secure detention until a detention hearing is held;
- Reenacts statutory authority (s. 985.672, F.S.) for the Department of Juvenile Justice (DJJ) to establish a direct-support organization (DSO) to provide assistance, funding, and support to assist the DJJ in furthering its goals; and
- Requires the secretary of DJJ to appoint members to the DSO’s board of directors according to the DSO’s bylaws.

The bill also makes the following changes, effective July 1, 2019:

- Revises the Detention Risk Assessment Instrument (DRAI) used to determine placement of a juvenile in detention care; and
- Replaces the term “nonsecure” with “supervised release” and makes conforming changes throughout ch. 985, F.S., to be consistent with terminology and operation of the revised DRAI.

If approved by the Governor, these provisions take effect July 1, 2018, except where otherwise provided.

*Vote: Senate 37-0; House 77-37*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**HB 6059 — Department of Corrections' Direct-Support Organization**

by Rep. Plakon (SB 938 by Senator Bracy)

The bill removes the scheduled repeal date of the law authorizing the Department of Corrections (DOC) to establish a direct-support organization to provide assistance, funding, and promotional support for the DOC or staff within the correctional system in carrying out the core mission. The Corrections Foundation, Inc., is the direct-support organization designated by the DOC to provide assistance, funding, and support for the DOC and its staff.

If approved by the Governor, these provisions take effect July 1, 2018.

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

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**HB 7029 — OGSR/Human Trafficking Expunction**

by Oversight, Transparency and Administration Subcommittee and Rep. Edwards-Walpole and others (SB 7000 by Criminal Justice Committee)

The bill reenacts a current public records exception that protects from disclosure the court-ordered expunged criminal history records of human trafficking victims. Human trafficking is defined as the transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining of another person for the purpose of exploiting that person.

If approved by the Governor, these provisions take effect October 1, 2018.

*Vote: Senate 37-0; House 113-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**HB 7031 — OGSR/Criminal Justice Commission**

by Oversight, Transparency and Administration Subcommittee and Rep. Burgess (SB 7002 by Criminal Justice Committee)

The bill reenacts a current public meetings exemption in s. 286.01141, F.S., which applies to those portions of a meeting of a duly constituted criminal justice commission at which members discuss active criminal intelligence information or active criminal investigative information that could foreseeably be considered, or is currently being considered by the commission. A “duly constituted criminal justice commission” is an advisory commission created by local ordinance whose membership is comprised of individuals from the private sector and the public sector and whose purpose is to examine local criminal justice issues.

Members of a duly constituted criminal justice commission must publicly disclose the fact that they discussed such information in a closed portion of a public meeting of the commission.

If approved by the Governor, these provisions take effect October 1, 2018.

*Vote: Senate 37-0; House 113-0*

## Committee on Education

### CS/SB 4 — Higher Education

by Appropriations Committee; Senators Galvano, Perry, Young, Bradley, Stewart, Stargel, Simpson, Steube, Passidomo, Bean, Baxley, Hukill, Benacquisto, and Mayfield

The bill (Chapter 2018-4, L.O.F.) establishes the “Florida Excellence in Higher Education Act of 2018” to expand merit-based and need-based financial aid funding available to students; modify university performance expectations to incentivize and reward state university performance excellence and recognition in academics, instruction, research, and community accomplishments and achievements; and expand and enhance policy and funding tools for state universities to recruit and retain the very best faculty, enrich professional and graduate school strength and viability, and bring aging infrastructure and research laboratories into the 21st century.

Additionally, the bill modifies requirements relating to state university direct support organizations, establishes a process for the termination of separate accreditation for the St. Petersburg and Sarasota/Manatee campuses of the University of South Florida, and creates the "Campus Free Expression Act" which addresses the issue of free speech on the campuses of public postsecondary institutions.

### Student Financial Aid and Tuition Assistance

The bill expands student financial aid and tuition assistance programs to help to address financial insecurity concerns of students and their families. Specifically the bill:

- Modifies Bright Futures Scholarship Program awards to:
  - Increase the Florida Academic Scholars (FAS) award amount to cover 100 percent of public postsecondary education institution tuition and specified fees, plus \$300 per fall and spring academic semester or the equivalent for textbooks, beginning in the 2017-2018 academic year.
  - Increase the Florida Medallion Scholars (FMS) award amount to cover 75 percent of public postsecondary education institution tuition and specified fees, beginning in the fall 2018 semester.
  - Provide summer funding for Florida Bright Futures Scholarship awards for FAS awards, beginning in the 2018 summer term, and for FMS awards, beginning in the 2019 summer term; and authorizes summer funding for other Bright Futures awards if funded by the Legislature.
  - Remove the prohibition on the inclusion of the technology fee and tuition differential in a Bright Futures Scholarship award.
- Expands the Benacquisto Scholarship Program to attract qualified students from out-of-state who physically reside on or near the postsecondary education institution in which they enroll; who earn a high school diploma or the equivalent, comparable to Florida; who are accepted and enroll in a baccalaureate degree program in the 2018-2019 academic year or thereafter; and who meet the specified requirement to qualify for the scholarship. The bill exempts such student from the payment of out-of-state fees and

specifies that the award amount for such students is equal to the institutional cost of attendance for a Florida resident less the student's National Merit Scholarship.

- Creates the Florida Farmworker Scholarship Program for farmworkers and the children of farmworkers, who meet the specified scholarship eligibility criteria. The bill requires the Department of Education (DOE) to award up to 50 scholarships annually and the recipient may receive an award for a maximum of 100 percent of the credit hours or clock hours required to complete up to 90 credit hours of a program that terminates in a career certificate. The recipient is eligible for an award equal to 100 percent of tuition and specified fees at a public postsecondary education institution in Florida. Undocumented immigrants are not eligible for the award.
- Expands the First Generation Matching Grant Program by revising the state to private match requirements from a 1:1 match to a 2:1 match, and codifies the inclusion of Florida College System institutions as eligible program participants.
- Specifies that a Florida Prepaid College Program plan, purchased prior to July 1, 2024, is only obligated to pay for the credit hours taken by the qualified beneficiary at a state university.
- Renames the William L. Boyd, IV, Florida Resident Access Grant (FRAG) Program as the William L. Boyd, IV, Effective Access to Student Education (EASE) Grant Program.

### **Institutional Accountability**

The bill strengthens institutional accountability by modifying state university performance and accountability metrics and standards to promote on-time student graduation. Specifically, the bill:

- Modifies the State University System (SUS) Performance-Based Incentive to:
  - Specify that the performance-based metric for graduation rate must be a 4-year graduation rate.
  - Specify that the access metric is the access rate based on the percentage of undergraduate Pell Grant recipients who receive the award in the fall term; and require the access rate benchmarks and scores to be differentiated to reflect varying access rate levels among the universities, and provide that the scoring system may not include bonus points.
- Modifies the Preeminent State Research Universities Program to:
  - Revise the metric related to the 6-year graduation rate of 70 percent or higher for full-time, first-time-in-college (FTIC) students to a 4-year rate of 60 percent or higher. However, for the Board of Governors' (BOG's) 2018 determination of preeminence and emerging preeminence status and the related distribution of 2018-2019 appropriation for the program, any state university meeting the current 6-year graduation rate of 70 percent or higher by October 1, 2017, as reported to the Integrated Postsecondary Education Data System (IPEDS) and confirmed by the BOG, is considered to have satisfied this graduation rate metric.
  - Eliminate the authority for the preeminent state research universities to require FTIC students to take a six-credit set of unique courses.
  - Revise funding for emerging preeminent state research universities from one-half to one-fourth of the total increased funding to preeminent state research universities.



- Change from an encouragement to a requirement that the BOG establish standards and measures for programs of excellence throughout the SUS and specify that the programs include undergraduate, graduate, and professional degree programs, and require the BOG to make recommendations to the Legislature by September 1, 2018, regarding enhancing and promoting such programs.
- Modifies the duties of the state universities and the BOG to:
  - Require each state university to submit, as a part of the university's annual accountability plan, information on the effectiveness of such plan for improving 4-year graduation rates and the level of financial assistance to students.
  - Require, by June 1, 2018, each state university board of trustees (BOT) to submit a proposal to improve undergraduate 4-year graduation rates to the BOG for implementation beginning in the fall 2018 semester. The proposal must identify academic, financial, policy, and curricular incentives and disincentives for timely graduation; outline the implementation of a proactive financial aid program to enable full-time students with financial need to take at least 15 credit hours in the fall and spring semesters; and include assurances that there will be no increased cost to students.
  - Modify the requirements of the BOG's strategic plan to require each state university to use data-driven gap analyses to identify internship opportunities for students to benefit from mentorship by industry experts, earn industry certifications, and become employed in high-demand fields.
- Requires the BOG, in consultation with the state universities, to submit to the Legislature, by October 1, 2019, recommendations for future consideration on the most efficient process to achieve a complete performance-based continuous improvement model focused on outcomes that provides for the equitable distribution of performance funds. In addition to recommendations submitted by the BOG, the Legislature must review recommendations from an independent entity that consults with the BOG to receive input on behalf of the SUS. Implementation of any recommendations may not occur unless affirmatively enacted by the Legislature.
- Clarifies that developmental education instruction provided by eligible state universities must utilize the same instructional strategies that are specified in law.

### **State University Faculty, Program, and Infrastructure Investments**

The bill establishes the World Class Faculty and Scholar Program and the State University Professional and Graduate Degree Excellence Program to elevate the national prominence of the state universities in Florida. Specifically, the bill:

- Establishes the World Class Faculty and Scholar Program to fund and support the efforts of state universities to recruit and retain exemplary faculty and research scholars. Specifically, the bill:
  - Authorizes state university investments in areas such as research-centric cluster hires, faculty research, and research commercialization efforts. The funds may not be used to construct buildings.

- Requires the BOG to provide, annually, by March 15, to the Governor and the Legislature a report summarizing the expenditures and the impact of such expenditures in elevating the national competitiveness of the universities.
- Establishes the State University Professional and Graduate Degree Excellence Program to fund as support the efforts of state universities to enhance the quality of professional and graduate schools and degree programs in medicine, law, and business, and expand the economic impact of state universities. Specifically, the bill:
  - Authorizes state university investments in quality improvement efforts, which may include, but are not limited to, targeted investment in faculty, students, research infrastructure and other strategic efforts to elevate the national and global prominence of state university medicine, law, and graduate level business programs. The funds may not be used to construct buildings.
  - Requires the BOG to provide, annually, by March 15, to the Governor and the Legislature a report summarizing the expenditures and the impact of such expenditures in elevating the national and global prominence of the state university medicine, law, and graduate-level business programs.

### **State University Direct Support Organizations**

The bill modifies requirements relating to state university direct-support organizations (DSO) to:

- Require that the use of personal services by a state university DSO must comply with current law regarding limitation on compensation for state university administrators.
- Specify that the state university BOT may not permit the use of state funds for travel expenses by any university direct-support organization.
- Specify that records related to the expenditure of state funds, and financial records related to the expenditure of private funds for travel are not confidential.
- Require, rather than authorize, the chair of a university BOT to appoint at least one member of the DSO board of directors and executive committee, and requires the university BOT to approve all other appointments to the DSO.
- Prohibit a university DSO from giving to a political committee, without exception.
- Require BOT regulations for audit and oversight to include thresholds for approval of purchases, acquisitions, projects, and issuance of debt. No later than July 1, 2019, the transfer of a state appropriation by the BOT to any DSO may only include funds pledged for debt. Additionally, beginning July 1, 2019, and annually thereafter, each university BOT must report to Legislature the amount of state appropriations transferred to any DSO in the previous fiscal year, the purpose for which the funds were transferred, and the remaining balance of any funds transferred.
- Prohibit the transfer of funds to a DSO that does not provide equal employment opportunities.

### **University of South Florida**

The bill establishes a process for the termination of separate accreditation for the St. Petersburg and Sarasota/Manatee campuses of the University of South Florida (USF). Specifically, the bill:

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- Establishes the St. Petersburg and Sarasota/Manatee campuses of the USF, and requires each campus to have a campus board and a regional chancellor, each with specified duties. The USF BOT must, beginning July 2, 2020, include the chair of a campus board.
- Establishes the USF Consolidation Planning Study and Implementation Task Force (task force) to develop recommendations to improve service to students by phasing out separate accreditation for the St. Petersburg and Sarasota/Manatee campuses, and:
  - Establishes membership of the task force, and specifies appointments by the Governor, President of the Senate, Speaker of the House of Representatives, USF BOT, and chairs of the campus boards.
  - Requires the task force to submit, by February 15, 2019, a report to the USF BOT with recommendations on specified issues.
- Requires the USF BOT to adopt and submit a plan, by March 15, 2019, to the BOG that:
  - Establishes a timeline to terminate the separate accreditation for the St. Petersburg and Sarasota/Manatee campuses by June 30, 2020.
  - Minimizes disruption to USF students, to not impede students' ability to graduate in 4 years after initial FTIC enrollment.
  - Requires that, by July 1, 2020, the entirety of the USF, including all campuses and other component units of the university, operate under a single institutional accreditation from the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).
  - Requires data reporting after July 1, 2020, to be consolidated for all USF campuses, and requires the BOG to use the consolidated data for determining performance-based incentive and preeminent state research university program funding.
- Specifies that the following USF students may not be counted in the calculation of graduation rates or retention rates for performance-based incentive and preeminent state research university program funding determinations:
  - A student admitted to and initially enrolled before the spring 2020 semester as an FTIC student at the USF, St. Petersburg or the USF, Sarasota/Manatee campuses.
  - A student voluntarily disenrolled from all USF campuses before the date of termination of SACSCOC accreditation.
- Clarifies that the Florida Center for the Partnership for Arts Integrated Teaching, created within USF, must be physically headquartered at the USF, Sarasota/Manatee campus.
- Provides that the provisions related to the consolidation of accreditation of USF branch campuses, including the task force and the implementation plan, expires July 1, 2020.

### **Free Expression on Campus**

The bill creates the "Campus Free Expression Act" (Act), which addresses the issue of free speech on the campuses of public postsecondary institutions (public institutions). Specifically, the bill:

- Defines the following terms: commercial speech; free speech zone; outdoor areas of campus; public institution of higher education; and material and substantial disruption.
- Provides examples of protected expressive activities, which does not include commercial speech.

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- Authorizes a person to engage in an expressive activity in an outdoor area of campus freely, spontaneously, and contemporaneously as long as the person's conduct is lawful and does not materially and substantially disrupt the functioning of the public institution or infringe upon the rights of other individuals or organizations to engage in expressive activities.
- Specifies that the outdoor areas of campus are traditional public forums and authorizes a public institution to create and enforce restrictions that are reasonable and content-neutral on time, place, and manner of expression and that are narrowly tailored to a significant institutional interest. Restrictions must be clear and published and must provide for ample alternative means of expression.
- Specifies that a public institution may not designate any area of campus as a free-speech zone or otherwise create policies restricting expressive activities to a particular outdoor area of campus, except as authorized.
- Specifies that students, faculty, or staff of a public institution may not materially disrupt previously scheduled or reserved activities on campus occurring at the same time.
- Authorizes a person whose expressive rights are violated by an action prohibited under law to bring an action against a public institution in a court of competent jurisdiction to obtain declaratory and injunctive relief, reasonable court costs, and attorney fees.

## Appropriations

The bill appropriates, for the 2018-2019 fiscal year, \$121,776,631 in recurring funds from the Educational Enhancement Trust Fund and \$1,736,404 in recurring funds from the General Revenue Fund to the Department of Education to implement this act. Of these funds:

- \$1,737,223 from the Educational Enhancement Trust Fund must be used for 2019 summer term awards for Florida Bright Futures Academic Scholars.
- \$28,416,515 from the Educational Enhancement Trust Fund must be used for 2019 summer term awards for Florida Bright Futures Medallion Scholars.
- \$91,622,893 from the Educational Enhancement Trust Fund must be used for Florida Bright Futures Scholarship Program awards.
- \$1,236,404 from the General Revenue Fund must be used for the Benacquisto Scholarship Program.
- \$500,000 from the General Revenue Fund must be used for the Florida Farmworker Student Scholarship Program.

These provisions became law upon approval by the Governor on March 11, 2018, except as otherwise provided.

*Vote: Senate 33-5; House 84-28*

## Committee on Education

### CS/HB 495 — K-12 Public Education

by Education Committee; Reps. Diaz, M. and Bileca (CS/CS/SB 1056 by Appropriations Committee; Education Committee; and Senator Passidomo)

The bill revises time limits for certain public employees who qualify to participate in the Deferred Retirement Option Program (DROP); modifies educator certification requirements and district school board duties relating to school safety, and prohibits misconduct by authority figures against students; promotes opportunities for public middle and high school students to learn computer science taught by qualified teachers; and modifies end-of-course statewide assessment requirements for certain students.

#### Deferred Retirement Option Program (DROP)

The bill extends participation in the Deferred Retirement Option Program (DROP) for instructional and administrative personnel, and requires employers to notify the Division of Retirement, Department of Management Services, of the change in termination date and additional DROP period participation for the affected personnel. Specifically, the bill:

- Requires, beginning July 1, 2018, instructional personnel who are authorized to extend DROP participation beyond the 60-month period to have a termination date that is the last day of the last calendar month of the school year within the DROP extension granted by the employer.
- Authorizes a member's DROP participation to be extended through the last day of the last calendar month of the school year if, on July 1, 2018, a member's DROP participation has already been extended for the maximum 36 calendar months and the extension period concludes before the end of the school year.
- Authorizes administrative personnel in grades K-12, who have a DROP termination date on or after July 1, 2018 to extend DROP participation beyond the initial 60 calendar month period if the administrative personnel's termination date is before the end of the school year.
- Provides for the extension of DROP participation until the last day of the last calendar month of the school year in which the original DROP termination date occurred if a date other than the last day of the last calendar month of the school year is designated.
- Provides a legislative finding that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems.

#### Educator Certification and Student Safety

The bill modifies Florida law regarding educator certification requirements and district school board duties relating to school safety, and prohibits misconduct by authority figures against students. Specifically, the bill:

- Expands the applicability of certain employment disqualification criteria to include all positions that require direct contact with students.
- Grants the Department of Education (DOE) and the Education Practices Commission additional authority to enforce the educator certification requirements and impose penalties against persons who do not comply with certification requirements.
- Requires an educator who has been placed on probation to immediately notify the investigative office in the DOE upon separation from employment in any public or private position requiring a Florida educator's certificate.
- Prohibits an authority figure from soliciting or engaging in sexual conduct, a relationship of a romantic nature, or lewd conduct with a student and deems such offenses against students by authority figures as a second-degree felony.
- Adds a school bus to the definition of "school," to apply to the provisions in law regarding trespass on school grounds or facilities.
- Revises standards of ethical conduct for instructional personnel and school administrators to require the training on alleged misconduct by instructional personnel and school administrators which affects student safety to include specified misconduct that would result in disqualification from educator certification or employment.
- Requires a school district to:
  - File in writing with the DOE any legally sufficient complaint against an employee of the school district within a specified timeframe, regardless of the status of the complaint and regardless of whether the subject of the complaint is still a district employee.
  - Immediately notify the DOE if the subject of a legally sufficient complaint of misconduct affecting the health, safety, or welfare of a student resigns or is terminated before the conclusion of the district's investigation.
- Requires the DOE, upon receipt of notification by the school district, to place an alert on a person's certification file indicating that he or she resigned or was terminated before an investigation involving allegations of misconduct affecting the health, safety, or welfare of a student was concluded.
- Requires a district school superintendent to:
  - Report misconduct by instructional personnel or school administrators that would result in a disqualification from educator certification or employment to the law enforcement agencies with jurisdiction over the conduct. The bill provides that a superintendent who knowingly fails to report misconduct to law enforcement agencies must forfeit his or her salary for one year after the date of such failure to act.
  - Notify the parent of a student who was subjected to or affected by specified misconduct within 30 days after the date on which the school district learns of the misconduct, and specifies the information that must be included in such notification.
- Requires the resignation or termination of an employee before the conclusion of an alleged misconduct investigation affecting the health, safety, or welfare of a student to be clearly indicated in the employee's personnel file.

## Computer Science Instruction

The bill promotes opportunities for public middle and high school students to learn computer science taught by qualified teachers. Specifically, the bill:

- Defines “computer science” and expands access to computer science courses:
  - Requires middle schools, high schools, and combination schools to offer computer science courses.
  - Requires computer science courses to be identified in the Course Code Directory (CCD) and published on the DOE’s website by July 1, 2018. Additional computer science courses may be subsequently identified and posted on the DOE’s website.
  - Requires the Florida Virtual School (FLVS) to offer computer science courses identified in the CCD. The bill requires a school district that does not offer a computer science course to provide students access to such course through the FLVS or through other means.
- Creates opportunities for teachers to be certified and trained to teach computer science courses, and requires the DOE to award funding, subject to legislative appropriation, to a school district or a consortium of school districts to deliver or facilitate training for classroom teachers to:
  - Earn an educator certificate in computer science or an industry certification associated with a computer science course.
  - Pay fees for examinations that lead to a credential.
- Provides, subject to legislative appropriation, the following bonuses to a public school classroom teacher evaluated as effective or highly effective, or is newly hired:
  - \$1,000 after each year teaching a computer science course, for up to three years, if the classroom teacher holds an educator certificate in computer science or has passed the computer science subject area examination and holds an adjunct certificate.
  - \$500 after each year teaching a specified course, for up to three years, if the classroom teacher holds an industry certification associated with a computer science course.

### **Statewide Assessments**

The bill specifies that a student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) course who takes the respective AP, IB, or AICE assessments and earns the minimum score necessary to earn college credit does not have to take the required end-of-course assessment for the corresponding course.

If approved by the Governor, the provisions in the bill related to computer science instruction take effect upon becoming law; the provisions related to offenses against students by an authority figure and trespass on school grounds or facilities take effect October 1, 2018; and the remaining provisions take effect July 1, 2018.

*Vote: Senate 36-0; House 107-1*

## Committee on Education

### **CS/HB 565 — Excess Credit Hour Surcharges**

by Education Committee and Rep. Mariano and others CS/SB 844 by Education Committee and Senator Bean)

The bill requires a state university to refund the assessed excess hour surcharge, for up to 12 credit hours, to any first-time-in-college student who completes a baccalaureate degree program within 4 years after his or her initial enrollment in a state university.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 115-0*



## Committee on Education

### **HB 577 — High School Graduation Requirements**

by Reps. Silvers, Duran, and others (SB 856 by Senators Montford, Broxson and Young)

The bill authorizes students to use apprenticeship or preapprenticeship program credit to meet specified credit requirements for high school graduation. Specifically, the bill:

- Authorizes a student who earns credit upon completion of an apprenticeship or preapprenticeship program registered with the Department of Education to use such credit to meet the high school graduation credit requirements for:
  - Fine or performing arts, speech and debate, or practical arts; or
  - Electives.
- Requires the State Board of Education to approve and identify in the Course Code Directory the apprenticeship and preapprenticeship programs from which a student may use earned credit to meet the specified credit requirements for high school graduation.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 112-0*

## Committee on Education

### **CS/CS/HB 591 — Missing Persons**

by PreK-12 Appropriations Subcommittee; Criminal Justice Subcommittee; Rep. Porter and others (CS/SB 1156 by Appropriations Committee and Senator Perry)

The bill expands “Project Leo” (project) statewide to all Centers for Autism and Related Disabilities (CARD) that opt to join the project to aid search-and-rescue efforts for persons with special needs in case of elopement. Additionally, the bill:

- Makes each CARD program responsible for developing eligibility criteria for the selection of participants based on the specific needs of each center’s service area counties specified in law.
- Removes obsolete reporting requirements related to program implementation and operation.
- Extends the project from June 30, 2018, to June 30, 2019.

The bill removes the scheduled October 1, 2018 repeal of the citizen support organization for Florida Missing Children’s Day.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 113-0*

## Committee on Education

### **CS/CS/HB 731 — Home Education**

by Education Committee; PreK-12 Innovation Subcommittee; and Reps. Sullivan and others (CS/CS/SB 732 by Appropriations Committee; Education Committee; Senators Baxley and Grimsley)

The bill modifies requirements related to home education programs, school attendance, and the Florida Partnership for Minority and Underrepresented Student Achievement. Specifically, the bill:

- Modifies the home education program to:
  - Clarify the definition of a “parent,” consistent with Florida law.
  - Specify limits on information required by the school district from a parent unless the home education program student chooses to participate in a district program or service.
  - Authorize a school district to provide access to career and technical education courses and programs to home education program students who enroll in a public school solely for the career and technical courses or programs.
  - Require industry certifications; national assessments; and statewide, standardized assessments offered by the school district to be made available to home education program students.
- Clarifies school attendance procedures to:
  - Specify that district school superintendents may not require evidence of a child’s age if the child attends a parochial, religious, or denominational school; a private school; a home education program; or a private tutoring program.
  - Authorize the district school superintendent to refer instances of nonenrollment to a child study team for intervention.
  - Require all reasonable efforts to resolve cases of nonenrollment and nonattendance to be exhausted prior to initiating criminal prosecution.
- Modifies the Florida Partnership for Minority and Underrepresented Student Achievement to:
  - Update the name of the preliminary ACT assessment to the PreACT.
  - Add the ACT and the PreACT to specified assessments included in databases containing assessment data, to which the Florida Department of Education must provide access for evaluation purposes.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 101-0*

## Committee on Education

### CS/CS/HB 1091 — Early Learning

by PreK-12 Appropriations Subcommittee; PreK-12 Quality Subcommittee; Reps. Grall and others (CS/CS/SB 1254 by Appropriations Committee; Education Committee; Senators Passidomo and Book)

The bill modifies provisions relating to the school readiness program. Specifically, the bill:

- Requires the Office of Early Learning (OEL) to:
  - Identify observation-based child assessments for use by school readiness program providers at least three times a year, and specifies related requirements.
  - Adopt a program assessment for school readiness program providers that measures the quality of teacher-child interactions, including supports such as classroom organization and instructional supports, for children ages birth to 5 years, and specifies related requirements.
  - Develop a differential payment of 15 percent for school readiness program providers based on teacher-child interaction quality measures, with no more than 5 percent of the 15 percent total differential provided to providers who submit valid and reliable observation-based assessment data.
  - Revise the standard statewide provider contract to include contracted slots; quality improvement strategies, if applicable; and program assessment requirements.
  - Provide that termination of the standard statewide provider contract for cause, for up to 5 years, must also include failure to meet minimum quality measures of the program assessment, unless the early learning coalition (ELC) determines that the provider is essential to meeting capacity needs and the provider has an active improvement plan.
  - Modify the single statewide information system to provide access to a parent to monitor the development of his or her child and enable analysis at the state, regional, and local level to measure child growth over time, program impact, and quality improvement and investment decisions.
  - Modify the annual report published on the OEL's website to include specified data regarding school readiness program providers' compliance with requirements relating to the program assessment.
- Revises ELC plans to add information regarding:
  - An assessment of local priorities within the respective county or multi-county region based on the needs of families and provider capacity using available community data.
  - Local eligibility priorities for children, the use of contracted slots, as applicable, in the ELC's procedures for program implementation, a payment rate schedule, and quality improvement strategies in the description of the ELC's quality activities and services.
- Revises the child eligibility priorities for participation in the school readiness program based on the ELC's local priorities; and also revise the definition of "at-risk" children for eligibility purposes.
- Revises the eligibility requirements for providers to deliver the school readiness program to specify that the providers must participate in a program assessment that measures the quality of teacher-child interactions.

- Authorizes the use of the award of grants and financial supports to school readiness program providers and their staff to meet program assessment requirements.

The bill appropriates \$6 million in nonrecurring funds for the 2018-2019 fiscal year from the Child Care and Development Block Grant Trust Fund to the OEL to implement the program assessment for school readiness program providers.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 36-1; House 114-0*

## Committee on Education

### **CS/CS/CS/HB 1279 — School District Accountability**

by Education Committee; PreK-12 Appropriations Subcommittee; PreK-12 Quality Subcommittee; Rep. Sullivan and others (CS/CS/SB 1804 Appropriations Committee; Education Committee; and Senator Stargel)

The bill (Chapter 2018-5, L.O.F.) increases fiscal accountability and expands fiscal transparency requirements for district school boards. Specifically, the bill:

- Increases fiscal accountability requirements in the following ways:
  - Adds to the Auditor General's (AG's) duties, the requirement to contact each district school board with findings and recommendations contained within the AG's previous operational audit report; and specifies compliance requirements for the district school boards.
  - Requires the Department of Education's (DOE's or department's) Inspector General to investigate allegations and reports of possible fraud or abuse against a district school board made by any member of the Cabinet; the presiding officer of either house of the legislature; a chair of a substantive or appropriations committee; or a member of the board for which the investigation is sought.
  - Requires school districts receiving annual federal, state, and local funds in excess of \$500 million to employ an internal auditor and specifies that the scope of the internal auditor must not be restricted and must include every functional and program area of the school system.
- Expands fiscal transparency in the following ways:
  - Requires district school boards to provide a full explanation of any budget amendments at the boards' next scheduled public meeting.
  - Modifies the information that each district school board must post on its website to add graphical representations, for each public school within the district and for the school district, of summary financial efficiency data and 3-year fiscal trend information.
  - Specifies additional information that each school district must report to the DOE including the total operating costs and expenditures for classroom instruction.
  - Requires the DOE to calculate specified expenditure information for each public school, school district, and the state; and develop a web-based fiscal transparency tool that identifies public schools and districts that produce high academic achievement based on the ratio of classroom instruction expenditures to total expenditures.
  - Requires the DOE to contract with an independent third party to conduct an investigation of all accounts and records to determine the cause of the deficit; what efforts, if any, were made to avoid the deficit; and whether any of the specified financial emergency conditions have occurred. The bill specifies the documents and records that must be reviewed and specifies related reporting requirement.
  - Requires the withholding of each district school board member's and district school superintendent's salary, with some exceptions, if any of the conditions of a financial emergency exist, until such conditions are corrected.

- Authorizes an individual school board member to request any proposed, tentative, and official budget documents, including all supporting background information; and requires such documents to be provided to the school board member.
- Requires prior approval by the district school board for reimbursement of out-of-district travel expenses that exceed \$500, and requires any request for travel outside of the state to include an itemized list detailing all anticipated travel expenses and to provide the public an opportunity to speak on the specific travel agenda item.
- Adds district school boards to the entities whom the Commission of Ethics (commission) may contact regarding a fine owed to the commission for a failure to timely file disclosure of financial interests.
- Requires district school boards to withhold a specified amount of funding from employee salaries for fines for a failure to timely file disclosure of financial interests and authorizes district school boards to retain a portion of such withheld funds to cover administrative costs.
- Requires a district school superintendent to reduce the district's administration expenditures in proportion to the reduction in the general fund's ending balance or the reduction in student enrollment, whichever is greater if, for 2 consecutive fiscal years, the portion of the fund's ending balance is projected to fall below 3 percent of the projected general fund revenues.

Additionally, the bill:

- Extends the standards of ethical conduct for instructional personnel and school administrators to also apply to administrative personnel and school officers.
- Aligns school board member salaries with the beginning salary for teachers who hold baccalaureate degrees or the amount calculated pursuant to law, whichever is less.
- Applies a lobbying restriction for 2 years after vacating office to appointed district school superintendents.
- Prohibits a district school superintendent from appointing or employing a relative to work under his or her direct supervision.

The bill also appropriates \$100,000 in nonrecurring funds from the General Revenue Fund to the DOE to implement the provisions related to the department contracting with an independent third party to conduct an investigation of all accounts and records in the event of specified financial emergency conditions.

These provisions were approved by the Governor and take effect July 1, 2019, except that the provisions which require the DOE to contract with an independent third party to conduct an investigation in the event of specified financial emergency conditions take effect July 1, 2018.

*Vote: Senate 31-6; House 96-16*

**Committee on Education**

**SB 1712 — Postsecondary Revenue Bonds and Debt**

by Senators Montford and Thurston

The bill modifies restrictions on debt payment sources for state universities by authorizing such universities to use federal grant and contract funds to secure revenue bonds, but only as required for an institution to participate in the Historically Black College and University Capital Financing Program (HBCU Program). In effect, the bill may allow Florida Agricultural and Mechanical University to participate in the HBCU Program.

If approved by the Governor, these provisions take effect July 1, 2018.

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



## Committee on Education

### CS/HB 7055 — Education

by Appropriations Committee; Education Committee; Reps. Bileca and Diaz, M.

The bill (Chapter 2018-6, L.O.F.) expands state school choice scholarship programs and streamlines accountability for participating private schools; provides flexibilities to school districts; modifies charter school requirements; specifies assessment, instructional, and curriculum requirements; modifies other education provisions; and provides appropriations. Specifically the bill:

#### State school choice scholarship programs

- Establishes the Hope Scholarship Program to provide the parent of a public school student who was subjected to an incident of battery, harassment, hazing, bullying, kidnapping, physical attack, robbery, sexual offense, harassment, assault, battery, threat, intimidation, or fighting at school, as defined by the Department of Education (DOE or department), with a scholarship to transfer the student to another public school that has capacity or to attend an eligible private school. The bill specifies responsibilities for a school district, parent, student, private school, DOE, and scholarship funding organization that participate in the program.
- A tax credit is available for a person who makes an eligible contribution. Each eligible contribution is limited to a single payment of \$105 made at the time a motor vehicle is purchased from a dealer, or at the time a motor vehicle that has not been purchased from a dealer is registered.
- An eligible contribution must be accompanied by a contribution election form provided by the Department of Revenue, which must include specified information.
- A buyer that makes a contribution will receive a tax credit equal to the amount of the contribution. The credit will reduce the amount of sales tax that is due on the purchase.
- Establishes Reading Scholarship Accounts to provide public school students in grades 3 through 5 who scored below a Level 3 on the grade 3 or grade 4 statewide, standardized English Language Arts (ELA) assessment in the prior school year. The scholarship must be offered on a first-come, first-served basis, and is contingent upon available funds.
- For the 2018-2019 school year, the scholarship award amount is \$500 per eligible student.
- Thereafter, the maximum amount granted for an eligible student must be provided in the General Appropriations Act.
- Expands authorized uses of Gardiner Scholarship Program funds to include:
  - Tuition or fees associated with full-time or part-time enrollment in a home education program.
  - Tuition and fees associated with part-time tutoring services provided by a person with a baccalaureate degree or a graduate degree in the subject area in which instruction is given.
  - Tuition or fees associated with enrollment in a nationally or internationally recognized research-based training program for a child with a neurological disorder or brain damage.

- Creates the Florida Sales Tax Credit Scholarship Program to fund the existing Gardiner Scholarship Program and the existing Florida Tax Credit Scholarship Program. The program is funded by contributions from tenants of commercial real estate that have to pay sales tax on their lease payments.
  - Tenants that contribute to the program can take credits against the taxes due on their lease payments until the credits equal the amount of the contribution.
  - The amount of credits that can be awarded in each fiscal year is limited to \$57.5 million per year.
- Modifies the current Florida Tax Credit Scholarship Program:
  - Allows a corporation to make a qualifying contribution up until the time the corporation files its corporate income tax return.
  - Extends from 5 years to 10 years, the period within which the corporations must use tax credits.
  - Authorizes corporations to use credits to reduce any estimated payment.
  - Allows a sales tax dealer to receive the collection allowance even though it did not remit any taxes due to the use of tax credits.
- Requires the Department of Revenue to provide, upon request, scholarship-funding organizations a list of the 200 taxpayers with the greatest total corporate income or franchise tax due as reported on the taxpayer's return during the previous calendar year. The report will not include tax information and the scholarship-funding organization may not further disclose the information in the report.
- Streamlines accountability provisions for private schools that participate in state school choice scholarship programs and applies such provisions consistently to participating private schools. Specifically, the bill:
  - Requires the DOE to conduct site visits to private schools entering a scholarship program for the first time and specifies that beginning with the 2019-2020 school year, a private school is not eligible to receive scholarship payments until a satisfactory site visit has been conducted and the school is in compliance with all other requirements of this section.
  - Authorizes the DOE to conduct site visits to any private school participating in a scholarship program, which has received a complaint about a violation of state law or State Board of Education rule, or has received a notice of noncompliance or a notice of proposed action within the previous 2 years.
  - Requires the DOE to coordinate with the entities conducting the health inspection for a private school to obtain copies of the inspection reports.
  - Requires the DOE to coordinate with the State Fire Marshal to obtain access to fire inspection reports for private schools; and specifies that the authority conducting the fire safety inspection must certify to the State Fire Marshal that the annual inspection has been completed and that the school is in full compliance. The certification must be made electronically or by other means as directed by the State Fire Marshal.
  - Requires private schools participating in a scholarship program to publish on the school's website, or provide in a written format, information for parents regarding the school including, but not limited to, programs, services, and the qualifications of classroom teachers.

- Requires private schools participating in a scholarship program to provide the parent of each scholarship student with a written explanation of the student's progress on a quarterly basis.
- Requires a private school that receives more than \$250,000 in funds from state school choice scholarships in a state fiscal year to provide a report from an independent certified public accountant who performs the agreed-upon procedures specified in law.
- Prohibits the owner or operator of a private school that has been deemed ineligible to participate in a state school choice scholarship program from transferring ownership or management authority of the school to a relative specified in law. Additionally, the bill requires that at least 30 days before a transfer of ownership of a private school, the owner or operator of such school must notify the parent of each scholarship student.
- Modifies the requirement for the State Board of Education to adopt rules to specify that such rules must include a deadline for private school applications for participation and timelines for the DOE to conduct site visits.

### **School District Flexibility**

- Establishes, as part of the Principal Autonomy Program Initiative (PAPI), innovation academies and zones to encourage innovation and expand the reach of highly effective principals by allowing district school boards to authorize such principals to manage multiple schools within a zone. A zone may include the school at which the principal is assigned, persistently low-performing schools, feeder pattern schools, or a group of schools identified by the school district. The principal may allocate resources and personnel between the schools under his or her administration.
- Expands the PAPI to a statewide program from a pilot that was initially authorized in 7 school districts for three 3 years, and specifies that a school retains the exemptions from law granted in the program, as long as the school maintains a grade of "B" or higher.
- Expands the available exceptions a district school board may adopt to include any other provisions in the State Requirements for Educational Facilities that limit the ability of a school to operate in a facility on the same basis as a charter school, as long as the regional planning council determines that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.
- Specifies that school districts may only use funds from the following sources for educational, auxiliary, and ancillary plant capital outlay purposes without needing a survey recommendation:
  - The local capital outlay improvement fund, consisting of funds that come from and are a part of the district's basic operating budget;
  - If a board decides to build an educational, auxiliary, or ancillary facility without a survey recommendation and the taxpayers approve a bond referendum, the voted bond referendum;
  - One-half cent sales surtax revenue;
  - One cent local governmental surtax revenue;
  - Impact fees; and
  - Private gifts or donations.
- Provides each district with Title I flexibility:

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- Provides that when school districts distribute Title I funds to schools above the 75 percent poverty threshold, the 75 percent threshold may include high schools above the 50 percent threshold as permitted by federal law.
- Increases the cap on withholding Title I funds for administration, which includes the school district's indirect cost rate, from 8 percent to 10 percent.
- Provides that a district may also withhold a necessary and reasonable amount of Title I funds, not to exceed 1 percent, for eligible schools to provide educational services in accordance with the approved Title I plan.
- Excludes from the cap on withholding of Title I funds any funds provided by an eligible school to participate in discretionary educational services provided by the school district and any funds carried forward by the school district.

### **Charter School Requirements**

- Revises the initial term of a charter contract from 4 or 5 years to 5 years, excluding 2 planning years.
- Allows a charter school to defer opening of the schools' operations from 2 years to 3 years.
- Modifies provisions relating to charter school contract nonrenewal or termination:
  - Establishes a standard of clear and convincing evidence of one of the grounds, specified in law, for nonrenewal or termination.
  - Requires a violation of law to be material in order to be a grounds for nonrenewal or termination.
  - Eliminates the opportunity for a charter school governing board to request a direct hearing conducted by the sponsor and instead, provides for a hearing before an administrative law judge.
  - Provides for reasonable attorney fees for the prevailing party in a final order.
- Eliminates the dispute resolution hearing before the Charter School Appeal Commission for a charter school to resolve disputes over contracted goods and services and instead, authorizes the charter school to appeal to an administrative law judge.
- Requires a school district that sponsors a charter school to annually report to the DOE, by September 15, the total amount of funding withheld for administrative fees from sponsored charter schools in the prior fiscal year.
- Revises eligibility for the high-performing charter school designation to include an option to meet the eligibility requirements through two consecutive grades of "A" in the most recent 2 school years and allows high-performing charter schools to replicate two schools within the state in any year.
- Authorizes a high-performing charter school that has expanded its original facility or has access to additional facilities, to increase student enrollment without being limited to the original facility's capacity.
- Allows charter schools and charter management organizations to submit application to the DOE, for approval to offer level I and level II school leader preparation programs.
- Requires a school district to reimburse a charter school the cost of background screening if the school district does not notify the charter school of the eligibility of the charter school's governing board members or instructional or noninstructional personnel within

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14 days after receipt of the background screening results from the Florida Department of Law Enforcement or within 30 days of submission of the fingerprints by the charter school governing board member or instructional or noninstructional personnel.

- Revises the ability of charter schools to modify their charter contract due to consolidation and provides that a charter school that is not subject to a school improvement plan and that closes as part of a consolidation must be reported by the school district as a consolidation.
- Requires any tangible personal property that has been properly classified as surplus, marked for disposal, or otherwise unused by a district school board to be provided for a charter school's use on the same basis as it is made available to other public schools in the district. The bill prohibits a charter school that receives such property from selling or disposing of the property without the written permission of the school district.
- Revises the instances in which a charter school can limit the enrollment process to allow a charter school to reserve up to 50 percent of student stations for students residing in a development when the school was built to mitigate the impacts of the development and the school facility and related property have an assessed value of at least \$5 million.

#### **Assessment, Instructional, and Curriculum Requirements**

- Requires each school district that has one or more of the 300 lowest-performing elementary schools, based on a 3-year average of the state reading assessment data, to use the school's portion of the supplemental academic instruction allocation to provide an additional hour of intensive reading instruction per day.
  - Authorizes the additional hour of reading instruction to be provided within the school day.
  - Makes participation in extra hour of reading optional for students in the 300 lowest-performing schools who earned a level 4 or level 5 score on the statewide, standardized ELA assessment. Currently, this optional participation applies to students in the 300 lowest-performing schools who earned a level 5 score on the ELA assessment.
- Requires integration of grade-level core curricula content from social studies into reading passages and writing prompts for ELA assessments.
- Requires assessments published by the DOE to be in a format that facilitates the sharing of assessment items.
- Exempts, for the 2017-2018 school year, students enrolled in Marjory Stoneman Douglas High School (MSDHS) from taking the statewide standardized assessments and the use of assessment results but requires MSDHS to administer industry certification assessments, national assessments, and statewide assessments for any student who chooses to take the assessment. Additionally, exempts students who are in the 2017-2018 graduating class from the minimum hours of instruction requirement and certain assessments to earn a standard high school diploma and a standard high school diploma designation.
- Requires industry certification examinations, national assessments, and statewide assessments offered by the school districts to be made available to all Florida Virtual School students.

- Prohibits a bonus associated with students' attainment of Career and Professional Education (CAPE) industry certifications from being awarded to a teacher who fails to maintain the security of any CAPE industry certification examination or who violates the security or administration protocol of any related assessment, and authorizes the State Board of Education to adopt the criteria under which a student's industry certification or grade may be rescinded.
- Requires that the instruction in the use of cardiopulmonary resuscitation (CPR), that school districts may provide, be based on a nationally recognized program that uses specified guidelines, and requires that students be allowed to practice psychomotor skills associated with performing CPR and the use of an automated external defibrillator when a school district has the equipment necessary to perform the instruction.
- Modifies dual enrollment provisions for home education program students and private schools in the following ways:
  - Specifies that a Florida College System institution dual enrollment articulation agreement may not limit the number of dual enrollment courses in which a student may enroll based solely upon enrollment by the student at an independent postsecondary education institution.
  - Specifies that any course or program limitations in the home education articulation agreement may not exceed the limitations for other dually enrolled students.
  - Removes from the home education program dual enrollment articulation agreement, the provision that requires a home education program student to be responsible for his or her own instructional materials.
  - Specifies that a high school grade point average (GPA) may not be required for home education program students, but a home education program student must meet the minimum GPA determined by the postsecondary institution for continued enrollment.
  - Removes from the dual enrollment articulation agreement between an eligible public postsecondary education institution and an eligible private secondary school the provision stating whether the private school will compensate the postsecondary education institution for each dual enrollment course taken by the private school's students.
  - Clarifies that a public postsecondary institution must enter into dual enrollment articulation agreements with home education program students and private schools in the institution's geographic service area.
- Requires the professional development resources disseminated by the DOE to include sample course-at-a-glance and unit overview templates that school districts may use when developing curriculum. Such templates must provide an organized structure for addressing the Florida Standards, grade-level expectations, evidence outcomes, and 21st century skills that build to student's mastery of the standards at each grade level. Each template must support teaching to greater intellectual depth and emphasize transfer and application of concepts, content, and skills. The template must, at least, provide courses or year-long sequencing on concept-based unit overviews based on Florida Standards, describe the knowledge and vocabulary necessary for comprehension, and promote the instructional shifts required within the Florida standards, and illustrate the interdependence of grade level expectations within and across content areas within a grade.

**Other Provisions**

- Authorizes the Commissioner of Education to coordinate with local school districts, Florida College System institutions, and satellite offices of the Division of Blind Services and the Division of Vocational Rehabilitation in the event of an emergency situation to assess the need for resources and assistance to enable each school, institution, or satellite office the ability to reopen as soon as possible after considering the health, safety, and welfare of students and clients.
- Deletes an obsolete July 1, 2007, deadline for the Florida Department of Education to develop and operate an electronic individual education plan (IEP) for statewide use.
- Clarifies that a home education program student, a charter school student, or a Florida Virtual School student must register his or her intent to participate in an interscholastic extracurricular activity before participating in the activity rather than before the beginning date of the season for the activity.
- Modifies the Florida Best and Brightest Teacher Scholarship Program award eligibility requirement to specify that a school district employee who is no longer a classroom teacher may receive the scholarship award if the employee was a classroom teacher in the prior school year, was rated highly effective, and met the eligibility requirements of the scholarship as a classroom teacher.
- Modifies provisions relating to collective bargaining between a school district and a collective bargaining unit for instructional personnel. Specifically, the bill:
  - Requires the school district and collective bargaining unit to negotiate a memorandum of understanding, before the start of the 2019-2020 school year, which addresses the selection, placement, and expectations of instructional personnel and provides certain school principals with autonomy specified in law.
  - Requires certain information in an application for renewal of registration by an employee organization that has been certified as the bargaining agent for a unit of instructional personnel.
  - Requires an employee organization whose dues paying membership is less than 50 percent of the employees eligible for representation in the unit, to petition the Public Employees Relations Commission for recertification as the exclusive representative of all employees in the unit within 1 month after the date on which the organization applies for renewal of registration.
- Authorizes early learning coalitions to refuse to contract with, or revoke the eligibility of, a school readiness program provider or a private provider of the Voluntary Prekindergarten Education Program to deliver the applicable program if the provider has been cited for a Class I violation.
- Requires each district school board to adopt rules to require, in all of the schools of the district and in each building used by the district school board, the display of the state motto, "In God We Trust," in a conspicuous place.

**Funding Provisions**

- Provides that revenue from the discretionary millage district school boards are authorized to levy must only be included in charter school capital outlay if the amount of state funds appropriated for charter school capital outlay in any fiscal year is less than the average

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charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, and adjusted by changes in the Consumer Price Index from the previous year.

- Authorizes the carryforward of Schools of Hope program funds for up to 5 years after the effective date of the original appropriation.
- Requires school districts to annually certify their debt service obligation incurred by March 1, 2017, that has not been subsequently retired.
- Prohibits any school district that has more than three-fourths of their capital outlay millage revenue committed to debt payments for lease-purchase agreements, from withholding the administrative fees authorized by law from any charter school operating in the district.
- Appropriates the sum of \$13,750,000 in recurring funds from the General Revenue Fund to the Department of Education to implement the following provisions of the bill:
  - \$9,700,000 to fund reading scholarship accounts;
  - \$300,000 as an administrative fee for the reading scholarship accounts;
  - \$2 million to implement the Hope Scholarship Fund;
  - \$950,000 to implement additional oversight requirements for state scholarship programs;
  - \$250,000 to issue a competitive grant award for a state university to review the performance of students participating in the Florida Tax Credit Scholarship;
  - \$550,000 to fund instructional materials for home education program students participating in dual enrollment.
- Appropriates the following nonrecurring funds from the General Revenue Fund to implement the bill:
  - \$100,000 to the Department of Education to implement provisions in HB 1279, contingent upon HB 1279 or similar legislation becoming law, for third party independent audit of a school district that experienced financial deficit conditions.
  - \$150,000 to the Department of Revenue to implement the Florida Sales Tax Credit Scholarship.

The provisions establishing the Hope Scholarship Program and requiring the Department of Revenue to share certain taxpayer information became law upon approval by the Governor on March 11, 2018; the remaining provisions in the bill take effect July 1, 2018.

*Vote: Senate 20-17; House 66-43*



## Committee on Environmental Preservation and Conservation

### HB 53 — Coral Reefs

by Rep. Jacobs and others (SB 232 by Senators Book and Farmer)

The bill (Chapter 2018-30) creates the Southeast Florida Coral Reef Ecosystem Conservation Area, which consists of the sovereignty submerged lands and state waters offshore of the following counties:

- Broward;
- Martin;
- Miami-Dade; and
- Palm Beach.

The area stretches from the St. Lucie Inlet in Martin County to the northern boundary of the Biscayne National Park in Miami-Dade County.

These provisions were approved by the Governor and take effect July 1, 2018.

*Vote: Senate 35-0; House 107-0*

## Committee on Environmental Preservation and Conservation

### **SB 168 — Nonnative Animals**

by Senator Steube

The bill requires the Fish and Wildlife Conservation Commission (FWC) to establish a pilot program to mitigate the impact of priority invasive species on public lands or waters of the state. The bill defines the term “priority invasive species” to include:

- Lizards of the genus *Tupinambis*, also known as tegu lizards;
- Species identified in s. 379.372(2)(a), F.S., relating to conditional or prohibited reptiles;
- *Pterois volitans*, also known as red lionfish; and
- *Pterois miles*, also known as the common lionfish or devil firefish.

The FWC is required to submit a report of findings and recommendations regarding its implementation of the pilot program to the Governor and the Legislature by January 1, 2021.

If approved by the Governor, these provisions take effect July 1, 2018

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

## Committee on Environmental Preservation and Conservation

### **SR 550 — Gulf of Mexico Range Complex**

by Senators Broxson, Rouson, Farmer, Taddeo, Steube, Gainer, Montford, Powell, Negron, Baxley, Benacquisto, Book, Bracy, Bradley, Brandes, Campbell, Flores, Galvano, Gibson, Grimsley, Hukill, Lee, Mayfield, Passidomo, Perry, Rader, Rodriguez, Simmons, Simpson, Stewart, and Torres

SR 550 pronounces that:

- The State of Florida must maintain a unified front in supporting an extension of the current moratorium on drilling in the Gulf of Mexico east of the Military Mission Line;
- Drilling east of the Military Mission Line would mean loss of range areas and possible relocation of aircraft and bases to other unrestricted range areas; and
- The Florida Senate supports an indefinite extension of the restriction, specified in the Gulf of Mexico Security Act (GOMESA), on oil and gas leasing in all areas east of the Military Mission Line established at 86°41' west longitude and an indefinite extension of the GOMESA's ban on oil and gas leasing within 125 miles of the Florida coastline in the Eastern Planning Area and in a portion of the Central Planning Area.

*Vote: Senate 24-0; House 0-0*

## Committee on Environmental Preservation and Conservation

### **CS/HB 703 — Water Management District Surplus Lands**

by Government Accountability Committee and Rep. Burgess (CS/SB 806 by Rules Committee and Senator Baxley)

The bill revises the procedures a water management district (WMD) must follow when selling surplus lands. Specifically, the bill:

- Provides that the first publication of the notice of intention to sell must occur at least 30 days, but not more than 360 days, before any sale is approved by a WMD.
- Requires a WMD to publish the notice of intention to sell on its website.
- Authorizes, rather than requires, a WMD to first offer surplus lands valued at \$25,000 or less to adjacent property owners.
- Authorizes a WMD to sell surplus land valued at \$25,000 or less at any time to the general public for the highest price obtainable, if the parcel is not sold to an adjacent property owner.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 35-1; House 114-0*

## Committee on Environmental Preservation and Conservation

### **CS/CS/CS/HB 705 — Public Records/Water Management District Surplus Lands**

by Government Accountability Committee; Oversight, Transparency, and Administration Subcommittee; Natural Resources and Public Lands Subcommittee; and Rep. Burgess (CS/SB 808 by Environmental Preservation and Conservation Committee and Senator Baxley)

The bill creates a public records exemption for certain records related to the sale of surplus lands by a water management district (WMD). Specifically, the bill provides that the following information is confidential and exempt from the disclosure requirements:

- A written valuation of land determined to be surplus by the governing board of a water management district (WMD);
- Related documents used to form, or which pertain to the valuation; and
- Written offers to purchase such surplus lands.

The bill provides that the exemption expires two weeks before the contract or agreement regarding the purchase, exchange, or disposal of the surplus land is first considered for approval by the WMD. Additionally, the bill authorizes a WMD to disclose the records before the exemption expires to potential purchasers to facilitate or expedite closure of the land sale:

- During the negotiations for the sale or exchange of the land;
- During the marketing effort or bidding process associated with the sale, disposal, or exchange of the land;
- When the passage of time has made the conclusions of value invalid; or
- When negotiations or marketing efforts concerning the land are concluded.

In accordance with the Open Government Sunset Review Act, the exemption automatically repeals on October 2, 2023, unless the Legislature reviews and saves the exemption from repeal before that date.

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

If approved by the Governor, these provisions take effect on the same date that HB 703 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 37-1; House 114-0*

## Committee on Environmental Preservation and Conservation

### **CS/SB 1132 — Vessel Safety Inspection Decal**

by Appropriations Committee and Senator Hutson

The bill (Chapter 2018-27) authorizes the Fish and Wildlife Conservation Commission (FWC) to designate by rule the timeframe for the expiration of, and the specific design for, the vessel safety inspection decal. The bill specifies that a decal may not be valid for less than 1 calendar year or more than 5 years, and, at a minimum, must meet the display standards specified in s. 327.70(2)(a), F.S.

The bill provides that all decals issued by the FWC on or before December 31, 2018, are no longer valid after that date.

These provisions were approved by the Governor and take effect January 1, 2019.

*Vote: Senate 38-0; House 115-2*

## Committee on Environmental Preservation and Conservation

### **CS/CS/HB 1149 — Environmental Regulation**

by Government Accountability Committee; Natural Resources and Public Lands Subcommittee; and Rep. Payne and others (CS/CS/CS/SB 1308 by Appropriations Committee; Community Affairs Committee; Environmental Preservation and Conservation Committee; and Senator Perry)

CS/CS/HB 1149 provides that when a water management district (WMD) evaluates a consumptive use permit (CUP), impact offsets may be created if the applicant proposes to use reclaimed water for one or more of several water supply development purposes. The bill requires the Department of Environmental Protection (DEP) to develop criteria for the application of an impact offset or a substitution credit to a CUP or to a recovery or prevention strategy and requires the DEP and the WMDs to enter into a memorandum of agreement providing for a coordinated review of any reclaimed water project requiring a reclaimed water facility permit, an underground injection control permit, and a CUP.

The bill requires a governing board or DEP to reissue the construction phase of an expired individual permit under Part IV of ch. 373 when certain conditions are met.

The bill provides criteria by which counties and municipalities must address the contamination of recyclable material in contracts for the collection, transportation, and processing of residential recyclable material, including that residential recycling collectors and materials recovery facilities may not be required to collect, transport, or process contaminated recyclable material. The criteria apply to contracts between a municipality or county and a residential recycling collector or materials recovery facility executed or renewed after July 1, 2018.

The bill revises the exemption from the requirement to obtain an environmental resource permit (ERP) for the replacement or repair of an existing dock or pier and prevents a local government from requiring that an individual claiming an exemption from an ERP provide further verification from the DEP for all of the activities and projects exempted from the ERP requirements.

The bill provides that the prohibition against a governmental entity creating or providing mitigation for a project does not apply to mitigation areas created by a local government which were awarded certain mitigation credits under a permit issued before December 31, 2011, when credits are not available at a permitted mitigation bank.

The bill makes minor changes to operational requirements of the C-51 reservoir project and authorizes the South Florida Water Management District to:

- Enter into a capacity allocation agreement with a water supply entity for a pro rata share of unreserved capacity in the water storage facility; and
- Request DEP to waive repayment of all or a portion of the loan issued through the water storage facility revolving loan fund.

The bill creates within DEP the blue star collection system assessment and maintenance program for domestic sewer systems. Certification under the program requires a utility to demonstrate:

- A rate of reinvestment in its collection system and pump station maintenance program;
- Periodic structural condition assessments, and as-needed maintenance and replacements;
- A program designed to limit fats, roots, oils, and grease in its collection system;
- For public utilities, a local requirement that the private pump stations and lateral lines connecting to the public system be free of defects and direct stormwater connections; and
- A power outage contingency plan.

Public and private utilities certified under the program could receive the following incentives:

- Publication on the DEP's website;
- Participation in the Clean Water State Revolving Loan Fund Program;
- Reduced penalties for a sanitary sewer overflow;
- Ten-year operating permits; and
- A presumption of compliance with state water quality standards for pathogens.

The bill expands the Small Community Sewer Construction Assistance Grant Program to include private utilities and expands the uses of the grants.

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

*Vote: Senate 27-10; House 86-21*



## Committee on Environmental Preservation and Conservation

### **CS/CS/HB 1173 — Lands Used for Governmental Purposes**

by Government Accountability Committee; Local, Federal, and Veterans Affairs Subcommittee; and Rep. Raschein and others (CS/CS/SB 1622 by Military and Veterans Affairs, Space, and Domestic Security Committee; Environmental Preservation and Conservation Committee; and Senator Flores)

The bill revises the process by which the Department of Economic Opportunity (DEO) and the Division of State Lands (DSL) acquire nonconservation lands for the purpose of military base buffering.

The bill revises the procedures by which the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) may direct the Department of Environmental Protection (DEP) to acquire lands on an immediate basis by:

- Adding lands that will prevent or satisfy private property rights claims resulting from the limitations imposed by the designation of an area of critical state concern to the list of qualified lands; and
- Authorizing the use of reasonably prudent procedures to estimate the value of such lands, if the parcel of land is estimated to be worth \$500,000 or less and the director of the DSL finds that the cost of an outside appraisal is not justified.

The bill requires the DEP to make recommendations to the Board of Trustees with respect to the purchase of lands that are used to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern if the parcel is within an area of critical state concern and is on one of the approved acquisition lists established pursuant to ch. 259, F.S., relating to conservation and recreation lands.

The bill authorizes a land authority to contribute tourist impact tax revenues to the county in which it is located for affordable housing and authorizes a land authority to pay certain costs related to affordable housing projects.

The bill adds a goal to the Florida Forever program relating to the mitigating the effects of natural disasters and flood developed areas and provides the criteria by which the goal is to be measured. The bill provides that the purpose of urban greenways and open space projects, within the Florida Communities Trust program, is to provide recreational opportunities, promote community interaction, and connect communities. And that such projects may also serve dual functions as flow ways or temporary water storage areas to mitigate natural disasters and floods in developed areas.

The bill provides legislative intent relating to the designation of the Apalachicola Bay Area as an area of critical state concern to include provision of affordable housing in close proximity to places of employment and to protect and improve the water quality, including construction and operation of wastewater management facilities.

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

*Vote: Senate 37-0; House 113-0*

## Committee on Environmental Preservation and Conservation

### **CS/CS/HB 1211 — Airboat Regulation**

by Commerce Committee; Careers and Competition Subcommittee; and Rep. Abruzzo and others (CS/CS/SB 1612 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senators Rader and Book)

The bill creates “Ellie’s Law” to prohibit, beginning July 1, 2019, a person from operating an airboat to carry passengers for hire on waters of the state unless he or she has all of the following onboard the airboat:

- A photographic identification card.
- Proof of completion of a boating safety education course, regardless of the established exemptions, except as otherwise provided.
- Proof of successful completion of a commission?approved airboat operator course that meets the minimum standards established by the Fish and Wildlife Conservation Commission (FWC) rule.
- Proof of successful course completion in cardiopulmonary resuscitation and first aid.

A person issued a captain’s license by the United States Coast Guard is not required to complete the boating safety education course. However, proof of such captain’s license is required to be onboard the airboat when carrying passengers for hire on waters of the state.

The bill provides that a person who violates these airboat operating provisions commits a second degree misdemeanor, punishable by up to 60 days imprisonment or a \$500 fine.

The bill requires the FWC to adopt rules to implement the airboat operating requirements no later than October 1, 2018.

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

*Vote: Senate 34-1; House 114-0*

## Committee on Environmental Preservation and Conservation

### **HB 7033 — Trust Funds/Re-creation/Land Acquisition Trust Fund/DOS**

by Transportation and Tourism Appropriations Subcommittee and Rep. Ingram (SB 1130 by Senator Powell)

The bill recreates, without modification, the Land Acquisition Trust Fund within the Department of State and repeals the scheduled termination of the trust fund.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 36-0; House 114-0*

## Committee on Environmental Preservation and Conservation

### **HB 7035 — Ratification of St. Johns River Water Management District Rules**

by Natural Resources and Public Lands Subcommittee and Rep. McClain (SB 670 by Senators Baxley, Bradley, and Perry)

The bill (Chapter 2018-41) ratifies Florida Administrative Code Rule 40C-2.101, which adds regulatory measures for Silver Springs to the Consumptive Use Permit Applicant's Handbook. These measures are a component of the Silver Springs prevention strategy to ensure that flows and levels within Silver Springs do not fall below the recently adopted minimum flows and levels during the next 20 years.

These provisions were approved by the Governor and take effect upon becoming law.

*Vote: Senate 36-0; House 113-0*

## Committee on Environmental Preservation and Conservation

### **HB 7043 — State Assumption of Federal Section 404 Dredge and Fill Permitting Authority**

by Natural Resources and Public Lands Subcommittee; and Rep. Raschein and others (SB 1402 by Senators Simmons, Galvano, and Grimsley)

HB 7043 provides the Department of Environmental Protection (DEP) with the power and authority to assume the dredge and fill permitting program established in section 404 of the federal Clean Water Act with the intent that the DEP assume and implement the program in conjunction with the state's environmental resource permitting program established in ch. 373, F.S. Specifically, the bill:

- Authorizes the DEP to adopt by rule any federal requirements, criteria, or regulations necessary to obtain assumption of the program and provides that any such rules adopted may not become effective or otherwise enforceable until the U.S. Environmental Protection Agency has approved the state's assumption application;
- Provides that state laws which conflict with the federal requirements necessary to obtain assumption of the section 404 permitting program do not apply to state-administered section 404 permits;
- Provides that a state-administered section 404 permit is not required for activities exempted from regulation in certain federal law and rule provisions and that certain state statutory exemptions from permitting requirements do not apply to state-administered section 404 permits;
- Provides that the DEP must grant or deny an application for a state-administered section 404 permit within the time allowed for permit review under federal rules and that the DEP is specifically exempted from the time limitations provided in state statute for its decisions on applications for state-administered section 404 permits;
- Requires that all state-administered section 404 permits be issued for a period of no more than five years and makes other provisions for the reissuance of permits, including the adoption by rule of an expedited permitting process, and the timeframes within which the DEP must make permitting decisions; and
- Authorizes the DEP to delegate administration of the section 404 permitting program if such delegation is in accordance with federal law.

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

*Vote: Senate 35-1; House 112-2*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Ethics and Elections**

**CS/HB 85 — Voter Registration List Maintenance**

by Public Integrity and Ethics Committee and Rep. Spano and others (CS/SB 276 by Appropriations Committee and Senators Hutson and Baxley)

The bill authorizes the Department of State (DOS) to join a nongovernmental entity for the purpose of verifying voter registration information. The bill requires the Department of Highway Safety and Motor Vehicles to provide driver license or identification information to the DOS for the purpose of sharing and exchanging voter registration information with the nongovernmental entity. The bill allows the DOS to share confidential and exempt information pursuant to participation in a nongovernmental entity as long as there is agreement or a requirement to keep the information confidential.

The bill allows Florida to join a nongovernmental entity, designed to help states improve the accuracy of their voter rolls through data match identification of problematic registrations and to increase access to voter registration for all eligible citizens. The bill requires the Secretary of State, or his or her designee, be on the board of directors of any entity the DOS joins.

If approved by the Governor, these provisions take effect January 1, 2019.

*Vote: Senate 36-0; House 113-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Ethics and Elections**

**CS/HB 87 — Public Records/Statewide Voter Registration System**

by Public Integrity and Ethics Committee and Rep. Spano and others (CS/SB 278 by Governmental Oversight and Accountability Committee and Senators Hutson and Baxley)

The bill creates a public records exemption for voter registration information received by the Department of State, pursuant to membership in a nongovernmental entity, from another state or the District of Columbia in which the information is confidential or exempt pursuant to the laws of those jurisdictions.

The bill provides that the exemption is subject to the Open Government Sunset Review Act, and stands repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature. The bill's effective date is contingent upon, and concurrent with, passage of CS/HB 85, which will take effect on January 1, 2019.

If approved by the Governor, these provisions take effect on the same date that CS/HB 85 takes effect and becomes law.

*Vote: Senate 37-0; House 111-0*



THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Ethics and Elections**

**SB 186 — Resign to Run**

by Senator Hutson

The bill requires a state or local officer seeking a federal public office to submit his or her resignation at least 10 days before the first day of qualifying for the federal office if the terms of the two offices overlap. Failure to submit the resignation constitutes an automatic, immediately-effective resignation from the current office. A similar “resign-to-run” law already applies to state or local officers who seek another state, district, county, or municipal public office where the terms overlap.

The bill specifically exempts an elected state or local officer running for federal office at the next primary/general election period if the electors will choose a successor to his or her office during the same election, since he or she will be out of office anyway. This exemption addresses a calendar glitch in some years where the federal-office term overlaps the current state or local officer’s term by a few days at the beginning of January in the year immediately following the election.

Other than the specific exemption discussed above, the only substantive difference between the current bill language and a pre-2008 resign-to-run law applicable to state or local officers seeking federal office is that under the current bill the resignation deadline is 10 days before qualifying. Under the prior law, an officer had until the time of qualifying to submit his or her resignation.

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

*Vote: Senate 27-7; House 87-27*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Ethics and Elections**

**HB 6009 — Write-In Candidate Qualifying Date**

by Rep. Geller and others (SB 582 by Senator Rader)

The bill codifies the 2016 Florida Supreme Court decision in *Brinkmann v. Francois*, 184 So.3d 504 (Fla. 2016); it repeals the statute that requires a write-in candidate to reside in the district that he or she seeks to represent at the time of qualifying.

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

*Vote: Senate 35-3; House 114-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Ethics and Elections**

**HB 7041 — OGSR/Ethics Complaints and Investigations**

by Oversight, Transparency and Administration Subcommittee and Rep. Williamson (SB 7020 by Ethics and Elections Committee)

The bill is based upon an Open Government Sunset Review (OGSR) of a public records and public meetings exemption for certain information relating to complaints of violations by public officers and public employees. The public records exemption upon which the OGSR is based makes confidential and exempt from public records disclosure a complaint and records relating to a complaint or to any preliminary investigation held by:

- The Commission on Ethics (commission) or its agents;
- A Commission on Ethics and Public Trust established by a county or municipality; or
- A county or municipality that has established a local investigatory process to enforce more stringent standards of conduct and disclosure requirements than those provided in the Code of Ethics.

The public records exemption additionally applies to written referrals and related records held by the commission, the Governor, the Department of Law Enforcement, or a state attorney, as well as records relating to a preliminary investigation of referrals held by the commission.

A proceeding, or any portion thereof, conducted by the commission, a Commission on Ethics and Public Trust, or a county or municipality that has established its own investigatory process, pursuant to a complaint or preliminary investigation, is exempt from public meeting requirements. Similarly, a proceeding of the commission in which a determination regarding a referral is discussed or acted upon is exempt from public meeting requirements.

The above records and meetings are exempt until:

- The complaint is dismissed;
- The alleged violator requests in writing that the records or proceedings be made public;
- The commission determines it will not investigate the referral; or
- The commission, a Commission on Ethics and Public Trust, or a county or municipality that has established its own investigatory process determines, based on the investigation, whether probable cause exists to believe that a violation has occurred.

If approved by the Governor, these provisions take effect October 1, 2018.

*Vote: Senate 35-0; House 111-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Ethics and Elections**

**HB 7077 — OGSR/Agency Employee Misconduct Complaints**

by Oversight, Transparency, and Administration Subcommittee and Rep. Davis and others (SB 7018 by Ethics and Elections Committee)

The bill is based on an Open Government Sunset Review of a public records exemption for complaints of misconduct filed with an agency against an agency employee and all information obtained from an investigation by the agency of the complaint of misconduct.

Current law requires that complaints of misconduct filed with an agency against an agency employee be kept confidential and exempt from public records requirements. If an agency investigates such a complaint, the information obtained from the investigation is also confidential and exempt. The complaint and the investigative information remain confidential and exempt until either the investigation ceases to be active or the agency provides written notice to the employee who is the subject of the complaint. The written notice may be delivered personally or by mail and must state that the agency has concluded the investigation with a finding to proceed with disciplinary action, file charges, or not to proceed.

The bill removes the scheduled October 2, 2018, repeal date.

If approved by the Governor, these provisions take effect October 1, 2018.

*Vote: Senate 36-0; House 113-1*

## Committee on Governmental Oversight and Accountability

### **HB 67 — Florida Slavery Memorial**

by Reps. McGee, Lee and others (SB 286 by Senators Rouson, Rodriguez, Campbell, Baxley, Bean, Benacquisto, Book, Bracy, Bradley, Brandes, Braynon, Broxson, Farmer, Flores, Gainer, Galvano, Garcia, Gibson, Grimsley, Hukill, Hutson, Mayfield, Montford, Negron, Passidomo, Perry, Powell, Rader, Simmons, Simpson, Stargel, Stewart, Taddeo, Thurston, Torres, and Young)

The bill establishes the Florida Slavery Memorial to be placed at the downtown Capitol Complex in Tallahassee. The memorial will serve as a reminder of the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the American Colonies and will honor the nameless and forgotten men, women, and children who have gone unrecognized for their undeniable and weighty contributions to this country.

The Department of Management Services (department) will administer the memorial. In consultation with the Division of Historical Resources of the Department of State, the department will develop a plan for the design, placement, and cost of the memorial and select an appropriate placement for the memorial.

The bill requires the department to submit the plan to 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, 2018.

*Vote: Senate 36-0; House 109-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Governmental Oversight and Accountability**

**HB 155 — State Symbols**

by Rep. Magar and others (SB 404 by Senators Grimsley and Montford)

This bill removes the repeal and makes permanent the designation of the:

- Loggerhead Turtle as the official state saltwater reptile; and
- Florida Cracker Horse (Marshackie) as the official Florida state horse.

The bill additionally designates the Florida Cracker Cattle as the official Florida heritage cattle breed.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 35-0; House 115-0*

## Committee on Governmental Oversight and Accountability

### **HB 359 — State Investments**

by Reps. Nunez, Diaz, M., and others (SB 538 by Senators Garcia, Rodriguez, Negron, Baxley, Bean, Benacquisto, Book, Bracy, Braynon, Campbell, Farmer, Flores, Galvano, Gibson, Grimsley, Hukill, Lee, Mayfield, Montford, Passidomo, Perry, Powell, Rader, Rouson, Simmons, Simpson, Stargel, Steube, Stewart, Taddeo, Thurston, Torres, and Young)

The bill requires the State Board of Administration to divest any investment in stocks, securities, or other obligations of any institution or company domiciled in the U.S., or foreign subsidiary of a company domiciled in the U.S., doing business in or with the government of Venezuela, or with agencies or instrumentalities thereof, in violation of federal law.

The bill also prohibits a state agency from investing in any financial institution or company domiciled in the U.S., or any foreign subsidiary of a company domiciled in the U.S. which, directly or through a U.S. or foreign subsidiary, makes any loan, extends credit of any kind or character, advances funds in any manner, or purchases or trades any goods or services with the government of Venezuela, or any company doing business in or with the government of Venezuela, in violation of federal law.

The bill authorizes the Governor to waive the bill's prohibitions if the government of Venezuela collapses and there is a need for immediate aid to Venezuela before the convening of the Legislature or for other humanitarian reasons as determined by the Governor.

The bill has no fiscal impact on state or local revenues.

If approved by the Governor, these provisions take effect July 1, 2018.

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

## Committee on Governmental Oversight and Accountability

### **CS/SB 394 — Fire Safety**

by Governmental Oversight and Accountability Committee and Senator Bracy

The bill requires the Division of the State Fire Marshal (Division) within the Department of Financial Services to establish courses that provide training related to cancer and mental health as a part of firefighter and volunteer firefighter training and certification. The bill authorizes the Division to adopt rules for the training requirements related to cancer and mental health risks within the fire service.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 36-0; House 114-0*



## Committee on Governmental Oversight and Accountability

### **HB 545 — Prohibition Against Contracting with Scrutinized Companies**

by Reps. Fine, Moskowitz and others (SB 780 by Senators Brandes and Campbell)

The bill prohibits a company that is on the Scrutinized Companies that Boycott Israel List or that is engaged in a boycott of Israel from bidding on, submitting a proposal for, or entering into or renewing a contract with an agency or local government entity for goods or services of any amount.

The bill also requires a contract with an agency or local governmental entity for goods or services of any amount entered into or renewed on or after July 1, 2018, to contain a provision that allows for the termination of the contract at the option of the awarding body if the company has been placed on the Scrutinized Companies that Boycott Israel List or is engaged in a boycott of Israel.

An agency or local governmental entity is authorized to make a case-by-case exception to the prohibition of contracting with companies that are on the Scrutinized Companies that Boycott Israel List or that is engaged in a boycott of Israel if certain conditions are met.

Additionally, the bill requires a company to provide certification that it is not engaging in a boycott of Israel before submitting a bid or entering into or renewing a contract with an agency or local governmental entity.

The bill provides for preemption of any ordinance or rule of any agency or local governmental entity involving public contracts for goods or services of any amount with a company that has been placed on the Scrutinized Companies that Boycott Israel List or is engaged in a boycott of Israel.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 35-1; House 109-3*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Governmental Oversight and Accountability**

**HB 651 — State Employment**

by Rep. Yarborough (SB 950 by Senator Mayfield)

The bill eliminates the Florida State Employees Charitable Contribution Campaign from law, and provides that an organization, entity, or person may not intentionally solicit a state employee through any means for fundraising or business purposes within work areas during work hours. However, the bill does not prohibit state-approved communications by entities with whom the state has contracted to provide employee benefits or services; non-coercive, voluntary communications between state employees in workplace areas; or activities at authorized public events occurring in non-work areas of state owned or leased facilities.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 36-0; House 100-13*

## Committee on Governmental Oversight and Accountability

### **CS/HB 755 — Public Records/Nationwide Public Safety Broadband Network**

by Oversight, Transparency, and Administration Subcommittee; and Reps. Williamson and others (SB 988 by Senator Perry)

This bill creates a public records exemption that makes confidential and exempt from disclosure information held by an agency which is related to the Nationwide Public Safety Broadband Network.

The exemption applies to information that would reveal:

- The design, development, construction, deployment, and operation of network facilities;
- Network coverage, including geographical maps showing actual or proposed locations of network infrastructure;
- The features, functions, and capabilities of network infrastructure and facilities, and network services provided to first responders;
- The design, features, functions, and capabilities of network devices provided to first responders and other network users; or
- Security, including cybersecurity, of the design, construction, and operation of the network and associated services and products.

The bill provides an Open Government Sunset Review that repeals the exemption October 2, 2023, unless the Legislature reviews and saves the exemption from repeal before that date.

In the required statement of public necessity, the bill provides that the exemption is needed to protect sensitive security information without which a security breach could occur. Moreover, the exemption will protect proprietary business information, release of which could otherwise compromise the ability of communications services providers to freely and fairly compete in the marketplace.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 110-0*

## Committee on Governmental Oversight and Accountability

### **HB 1437 — Employment Services for Persons with Disabilities**

by Reps. Abruzzo and others (SB 648 by Senators Baxley and Campbell)

The bill provides that participants in adult or youth work experience programs operated by the Department of Education's Division of Blind Services and Division of Vocational Rehabilitation are considered employees of the state for purposes of workers' compensation coverage.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 112-0*

## Committee on Governmental Oversight and Accountability

### **HB 5007 — State-Administered Retirement Systems**

by Appropriations Committee and Rep. Trujillo (SB 7014 by Governmental Oversight and Accountability Committee)

The bill establishes the contribution rates paid by employers participating in the Florida Retirement System (FRS) beginning July 1, 2018. These rates are intended to fund the full normal cost and the amortization of the unfunded actuarial liability of the FRS. With these modifications to employer contribution rates, the FRS Trust Fund will receive roughly \$178.5 million more in revenue on an annual basis beginning July 1, 2018. The public employers that will incur these additional costs are state agencies, state universities and colleges, school districts, counties, and certain municipalities and other governmental entities.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 32-0; House 111-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Governmental Oversight and Accountability**

**HB 6033 — Volunteer Florida, Inc.**  
by Rep. Ponder (SB 1500 by Senator Baxley)

The bill removes the scheduled repeal date of October 1, 2018, for the Florida Commission on Community Service's direct support organization, the Volunteer Florida Foundation.

If approved by the Governor, these provisions take effect July 1, 2018.  
*Vote: Senate 35-0; House 111-0*

## Committee on Governmental Oversight and Accountability

### **HB 7053 — Public Records/United States Census Bureau**

by Oversight, Transparency and Administration Subcommittee and Rep. McClure (SB 1078 by Senator Perry)

The bill creates a public records exemption that makes confidential and exempt address information required during the census to be kept confidential by the federal Local Update of Census Addresses Program (LUCA). LUCA requires the following information to be kept confidential: United States Census Bureau address information, including maps showing structure location points; agency records that verify addresses; and agency records that identify address errors and omissions.

Without the exemption, agencies would be denied participation in the program, which could result in a negative fiscal impact for the state.

The exemption is subject to the Open Government Sunset Review Act and will repeal October 2, 2023, unless the Legislature reviews and reenacts the exemption by that date.

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

*Vote: Senate 37-0; House 111-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/CS/HB 21 — Controlled Substances**

by Health and Human Services Committee; Health Quality Subcommittee; and Rep. Boyd and others (CS/SB 8 by Health Policy Committee; and Senators Benacquisto, Perry, Stargel, Bean, Passidomo, and Young)

CS/CS/HB 21 amends various sections of law to increase the regulation, training, and reporting required when controlled substances are prescribed and dispensed. The bill:

- Requires all prescribing practitioners who are authorized to prescribe controlled substances to complete a two-hour training course prior to biennial licensure renewal on the safe and effective prescribing of controlled substances, unless such practitioner is already required to take such a course by his or her practice act.
- Defines “acute pain” as the normal, predicted, physiological, and time-limited response to an adverse chemical, thermal, or mechanical stimulus associated with surgery, trauma, or acute illness. The term specifically does not include pain related to:
  - Cancer;
  - A terminal condition;
  - Palliative care to provide relief of symptoms related to an incurable, progressive illness or injury; or
  - A serious traumatic injury with an Injury Severity Score of 9 or greater.
- Provides restrictions on certain prescriptions written to treat acute pain by:
  - Requiring applicable health care regulatory boards to create guidelines for prescribing controlled substances for the treatment of acute pain.
  - Limiting a prescription for an opioid listed in Schedule II to no more than three days if prescribed to treat acute pain as defined. This limit is increased to seven days if determined to be medically necessary by the prescribing practitioner and with proper documentation.
  - Requiring a prescriber to co-prescribe an opioid antagonist when prescribing controlled substances for serious traumatic injury.
- Requires clinics that are exempt from the requirement to register as a pain management clinic to obtain and maintain a certificate of exemption from the Department of Health (DOH). These provisions take effect January 1, 2019.
- Requires pharmacists and dispensing practitioners to verify a patient’s identity prior to dispensing controlled substances.
- Confirms an exemption allowing health care practitioners to dispense controlled substances in connection with a surgical procedure to the limits on prescribing established for Schedule II opioid medications.
- Creates an exemption to allow a physician to dispense Schedule II and III controlled substances approved by the United States Food and Drug Administration (FDA) for the medication-assisted treatment (MAT) of his or her own patients.
- Explicitly authorizes electronic prescriptions for controlled substances.
- Adds and reschedules substances to the various schedules of controlled substances.



- Substantially rewords the Prescription Drug Monitoring Program (PDMP) with changes including, but not limited to:
  - Including Schedule V controlled substances in the list of drugs that must be reported to the PDMP;
  - Requiring prescribing practitioners to consult the PDMP before prescribing controlled substances with certain exceptions;
  - Allowing the DOH to coordinate and share Florida's PDMP data with other states' PDMPs and to enter into contracts to establish secure connections between the PDMP and prescribing or dispensing health care practitioner's electronic health records; and
  - Allowing prescribers and dispensers with Veterans' Affairs, the military, and the Indian Health Services, and Florida medical examiners access to data in the PDMP.
- Increases the penalty from a 3rd degree felony to a 2nd degree felony for a patient or health care practitioner who knowingly obtains or provides a controlled substance that is not medically necessary.
- Creates a new 3rd degree felony for unlawfully possessing and using tableting or encapsulation machines.

The bill also provides appropriations for the Fiscal Year 2018-2019 as follows:

- \$27,035,532 in nonrecurring funds is appropriated from the Federal Grants Trust Fund to the Department of Children and Families (DCF) for expenditures related to the second year of the State Targeted Response to the Opioid Crisis grant.
- \$14,626,911 in recurring general revenue funds is appropriated to the DCF for community-based services to address the opioid crisis, including, but not limited to MAT.
- \$5,000,000 in recurring general revenue funds is appropriated to the DOH for the purchase of emergency opioid antagonists to be made available to first responders.
- \$6,000,000 in recurring general revenue is appropriated to the Office of State Court Administrator for MAT of substance abuse disorders related to the criminal justice system.
- \$873,089 in recurring and \$117,700 in nonrecurring general revenue funds are appropriated to the DOH for improvements to the PDMP.

If approved by the Governor, and except as otherwise provided in the act, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 99-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/HB 41 — Pregnancy Support and Wellness Services**

by Health and Human Services Committee; and Rep. Toledo and others (CS/SB 444 by Health Policy Committee; and Senators Bean, Steube, Baxley, and Mayfield)

The bill codifies a program to provide pregnancy support and wellness services, such as direct client services, program awareness activities, and communication activities, through a statewide alliance of community organizations. The bill directs the Department of Health to contract with the Florida Pregnancy Care Network, Inc., (network) and specifies contract deliverables for the program, including financial reports, staffing requirements, and timeframes for achieving obligations. At least 90 percent of the contract funds must be used for pregnancy support and wellness services.

The network is to subcontract only with providers that exclusively promote and support childbirth. The network must monitor services provided by subcontractors and impose sanctions as appropriate for noncompliance with the terms of the subcontract. Informational materials provided to a client must be current and accurate and must cite the reference source of any medical statements included in the materials. Services must be provided in a noncoercive manner and may not include any religious content.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 21-12; House 73-29*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**HB 283 — Cardiac Programs**

by Rep. Raschein (SB 408 by Senator Flores)

HB 283 exempts from certain patient volume requirements a hospital seeking to establish a Level 1 adult cardiovascular services program if that hospital is located more than 100 road miles from the closest Level II adult cardiovascular services program. The hospital must demonstrate that it has, for the most recent 12-month period, provided a minimum of 100 adult inpatient and outpatient diagnostic cardiac catheterizations or that, for the most recent 12-month period, it has discharged or transferred at least 300 patients with the principal diagnosis of ischemic heart disease. A Level 1 adult cardiovascular services program provides diagnostic and therapeutic cardiac catheterization procedures, but does not perform open heart surgery.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 35-0; House 114-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/CS/HB 351 — Prescription Drug Pricing Transparency**

by Health and Human Services Committee; Health Innovation Subcommittee; and Rep. Santiago and others (CS/CS/CS/SB 1494 by Appropriations Committee; Banking and Insurance Committee; Health Policy Committee; and Senators Montford, Grimsley, Powell, Broxson, and Gainer)

The bill requires a pharmacist, or his or her employee, to inform customers of a less expensive generically equivalent prescription drug and if the customer's cost sharing obligation exceeds the retail price of the drug in the absence of prescription drug coverage.

Effective January 1, 2019, the bill requires pharmacy benefit managers (PBMs) to register with the Office of Insurance Regulation (OIR). The bill defines a PBM as a person or entity doing business in this state which contracts to administer prescription drug benefits on behalf of a health insurer or a health maintenance organization to residents of this state. The registration process requires a nonrefundable fee not to exceed \$500, submission of a copy of certain corporate documents, and a completed registration form. Registration and registration renewal certificates are valid for two years and are nontransferable. Registrants must report any change in the registration information within 60 days of the change to the OIR. Total fees may not exceed the cost of administering the program. The Financial Services Commission is authorized to adopt rules to implement these requirements.

The bill repeals s. 465.1862, F.S., relating to pharmacy benefit manager contracts under the Florida Pharmacy Act and moves these provisions to the insurance code under the jurisdiction of the OIR. The bill also defines maximum allowable costs (MAC) and requires contracts between health insurers or health maintenance organizations (HMOs) and PBMs to require the PBM to:

- Update MAC pricing at least every seven calendar days;
- Maintain a process that will eliminate drugs from the MAC lists or modify drug prices in a timely manner to remain consistent with changes in pricing data; and
- Prohibit the PBM from limiting a pharmacist's ability to disclose whether the cost-sharing obligation exceeds the retail price for a covered prescription drug, and the availability of a more affordable alternative drug, pursuant to state law.

The contract between a health insurer or HMO and a PBM must also prohibit the PBM from requiring an insured to pay for a prescription drug at the point of sale in an amount that exceeds the lesser of:

- The applicable cost sharing amount; or
- The retail price of the drug in the absence of prescription drug coverage.

The changes to the contracts between the health insurer or HMO and the PBM are applicable to contracts entered into or renewed on or after July 1, 2018.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 115-0*

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.
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THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/CS/HB 429 — Donation and Transfer of Human Tissue**

by Health and Human Services Committee; Health Quality Subcommittee; and Rep. Pigman  
(CS/SB 514 by Health Policy Committee and Senator Young)

The bill requires the Department of Health to develop and publish on its website an educational pamphlet on the risks and benefits of the transplantation of human cells, tissue, and cellular and tissue-based products. At a minimum, the pamphlet must include:

- An overview of the risk of infectious disease transmission;
- An overview of the standards for donor testing and screening;
- An overview of processing methods intended to reduce the risk of disease or bacterial transmission in donated human cells, tissue, or cellular or tissue-based products;
- The importance of providing limited recipient transplant information to the supplier of the human cells, tissue, or cellular or tissue-based products; and
- Information about the generosity of the donor who provided the human cells, tissue, or cellular or tissue-based products.

The department must electronically notify physicians when the pamphlet is available.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 36-0; House 114-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/CS/SB 510 — Reporting of Adverse Incidents in Planned out-of-hospital Births**

by Rules Committee; Health Policy Committee; and Senators Young and Mayfield

The bill requires, beginning July 1, 2018, physicians, certified advanced registered nurse midwives (ARNP-CNMs), and licensed midwives (LMs) to report to the Department of Health (department) adverse incidents occurring as a result of an attempted or completed, planned birthing center or out-of-hospital birth. The bill defines an adverse incident and requires the reporting of the adverse incident, along with a medical summary of the events, within 15 days after the occurrence of the adverse incident.

The bill defines the term “adverse incident” to mean an event:

- Over which a physician, ARNP-CNM, or LM could exercise control; and
- Which is associated with a planned out-of-hospital birth, whether completed or attempted, that results in:
  - A maternal death that occurs during delivery or within 42 days after delivery;
  - The transfer of a maternal patient to a hospital intensive care unit;
  - A maternal patient who experiences hemorrhagic shock or who requires a transfusion of more than 4 units of blood or blood products;
  - A fetal or newborn death, including a stillbirth, associated with an obstetrical delivery;
  - A transfer of a newborn to a neonatal intensive care unit due to a traumatic physical or neurological birth injury, including any degree of a brachial plexus injury;
  - A transfer of a newborn to a neonatal intensive care unit within the first 72 hours after birth if the newborn remains in such unit for more than 72 hours; or
  - Any other injury as determined by department rule.

The bill requires the department to review each incident report to determine whether the incident involves conduct by a practitioner which subjects the practitioner to disciplinary action by the appropriate board or, if there is no board, the department. The applicable board, or the department if no such board exists, is required to take disciplinary action, if appropriate. The department must adopt rules to implement the law and develop a form for the reporting of adverse incidents.

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

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

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**HB 513 — Distributing Pharmaceutical Drugs and Devices**

by Rep. Rommel (CS/SB 1252 by Health Policy Committee and Senator Passidomo)

HB 513 exempts the third-party logistics providers of prescription drug manufacturers from the requirements of ch. 465, F.S., (related to pharmacy) to the extent the third-party logistics provider is engaged in the manufacture or distribution of certain dialysate, drugs, or devices necessary to perform home renal dialysis on patients with chronic kidney failure.

The bill also clarifies that the current law exemption applies to a prescription drug manufacturer to the extent the manufacturer is engaged in the manufacture or distribution of such dialysate, drugs, or devices and no longer requires that the manufacturer be solely engaged in such activity in order to qualify for the exemption.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 36-0; House 114-0*



THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/CS/HB 551 — Public Records/Health Care Facilities**

by Health Innovation Subcommittee; Oversight, Transparency, and Administration Subcommittee; and Rep. Burton and others (CS/SB 906 by Health Policy Committee and Senator Young)

This bill expands the public record exemption for building plans, blue prints, schematic drawings, and diagrams for certain facilities to include health care facilities and provides that the public record exemption applies to building plans and the related documents held by an agency before, on, or after the effective date of this bill.

For purposes of the public record exemption, the term “health care facility” means a hospital, ambulatory surgical center, nursing home, hospice, or intermediate care facility for the developmentally disabled.

The bill provides that the public record exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2023, unless saved from repeal through reenactment by the Legislature.

This bill provides a public necessity statement to justify the exemption as required by the Florida Constitution, which states the building plans could be used by criminals or terrorists to examine the physical plant for vulnerabilities. In addition, information contained in the documents could aid in the planning, training, and execution of criminal actions including infant abduction, cyber-crime, arson, and terrorism.

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

*Vote: Senate 36-0; House 110-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/CS/SB 622 — Health Care Facility Regulation**

by Rules Committee; Appropriations Committee; and Senators Grimsley, Bean, and Campbell

The bill amends numerous provisions related to the regulation of health care facilities by the Agency for Health Care Administration (AHCA or agency). The bill's substantive provisions include:

- Specifying that any facility owned or operated by a public health trust and located within the boundaries of a municipality is under the exclusive jurisdiction of the county creating the public health trust and not within the municipality's jurisdiction. (*Section 2*).
- Allowing a cancer center to participate in Tier 3 of the Florida Consortium of National Cancer Institute Centers Program for six years, rather than five years. (*Section 10*).
- Requiring that any birthing center that performs laboratory tests on its patients must be federally certified by the federal Centers for Medicare & Medicaid Services (CMS) (*Section 17*), and repealing s. 383.335, F.S., which provides obsolete exemptions (*Section 18*).
- Repealing obsolete provisions related to mobile surgical facilities and rural hospitals. (*Sections 23, 24, 25, 28, 29, 38, 41, 61, and 124*).
- Allowing hospitals to perform "alternate-site testing" defined as any laboratory testing done under the administrative control of a hospital, but performed out of the physical or administrative confines of the hospital's central laboratory. (*Section 27*).
- Eliminating the requirement that health care facility risk managers be licensed by the state. Risk managers are still required and must still demonstrate competence in specified areas, but competence will be determined by each health care facility individually. (*Sections 30, 33, 34, 35, 37, 94, and 117*).
- Repealing redundant complaint investigation procedures related to the Emergency Medical Treatment and Labor Act. (*Section 31*).
- Requiring the AHCA to adopt rules to ensure that all hospitals providing organ transplantation, neonatal intensive care services, inpatient psychiatric services, inpatient substance abuse services, or comprehensive medical rehabilitation meet the minimum licensure requirements adopted by the agency. (*Section 32*).
- Amending the pediatric cardiovascular technical advisory panel to add nonvoting members and to require additional reports. The bill also requires hospitals providing pediatric cardiology services to abide by certain guidelines. (*Section 32*).
- Requiring the AHCA to contract with the Society of Thoracic Surgeons and the American college of Cardiology to obtain certain data for publication on the AHCA's website in a manner that will allow consumers to be informed of the aggregate data and to compare pediatric cardiac programs. (*Section 63*).
- Expanding an exemption for certain hospital assessments to hospitals operated by the Department of Children and Families. (*Sections 42 and 66*).
- Preventing nursing homes from accepting clinical laboratory tests in lieu of routine examinations and requiring the AHCA to post certain nursing home survey information in its nursing home guide. (*Section 44 and 45*).

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.
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- Revising provisions related to home health agencies (HHA) to:
  - Require that any license issued for a home health agency on or after July 1, 2018, must specify the services that the home health agency is authorized to perform and eliminate a grace period for ceasing unlicensed HHA activity. (*Section 46*).
  - Require application for a change of ownership or for the addition of skilled services. (*Section 47*).
  - Clarify that a licensed HHA must provide the services specified in the written agreement with the patient except in emergency situations that are beyond the provider's control that make it impossible to provide the services. (*Sections 47 and 48*).
  - Require a home health agency that provides skilled nursing care to have a director of nursing. (*Section 49*).
  - Tying HHA violations to the general licensing provisions for health care facilities in part II of ch. 408, F.S. (*Section 50*).
- Revising provisions related to nurse registries to:
  - Eliminate a 10-day grace period for the cessation of unlicensed activity after receiving notification of such from the AHCA.
  - Remove the prohibitions on a nurse registry providing remuneration to a case manager, discharge planner, facility based staff member, third party vendor, physician, member of the physician's office staff, or an immediate family member of a physician for referrals.
  - Clarify that a nurse registry may not monitor, supervise, manage or train a caregiver or a registered nurse, licensed practical nurse, certified nursing assistant, companion or homemaker, or home health aide referred for contract under ch. 400, F.S.
  - Restrict nurse registries from monitoring, supervising, managing, or training a caregiver and specify that a caregiver referred by a nurse registry is not considered an employee of the nurse registry under any chapter. (*Section 52*).
- Eliminating a duplicative requirement that applicants for hospice licensure that are existing health care providers submit a profit-loss statement and the most recent licensure inspection report. (*Section 53*).
- Requiring home medical equipment providers to provide certain notifications to the AHCA within timeframes under the general licensing provisions. (*Section 55*).
- Making a certificate of exemption from licensure as a health care clinic valid for up to two years, instead of indefinitely. (*Section 59*).
- Eliminating obsolete provisions related to obtaining a certificate of need for adult cardiovascular services and exempting certain hospitals from patient volume requirements necessary to be licensed to provide Level I adult cardiovascular services. (*Sections 61 and 62*).
- Repealing the subscriber assistance program. (*Section 67*).
- Revising certain general licensure provisions for all health care facilities. (*Sections 69-73*).
- Revising certain provisions related to background screening. (*Sections 76 and 89*).
- Revising provisions related to Assisted Living Facilities (ALF) to:
  - Exempt certain facilities from licensure as an ALF. (*Section 80*).

- Create a 3rd degree felony for renting or maintaining a building or property that operated or maintains an unlicensed ALF. (*Section 81*).
- Prohibit an ALF from operating for more than 120 consecutive days without an administrator who has completed the core educational requirements. (*Section 82*).
- Specify that new services added to a resident's contract for which the resident was not previously charged do not require a 30-day written notice of rate increase. (*Section 84*).
- Clarify and revise certain resident bill of rights provisions. (*Sections 85 and 87*).
- Conform the requirement that ALFs provide copies of medical records to the provisions requiring nursing homes to provide such records. (*Section 86*).
- Specify that an ALF administrator must complete staff training, including passing the competency test, within 90 days of the date of employment. (*Section 88*).
- Repealing state licensure of clinical laboratories in favor of deferring to federal requirements. (*Sections 91, 97, and 99 with numerous other conforming changes made throughout the bill*).
- Eliminating statewide and district Managed Care Ombudsman Committees. (*Sections 118-123*).

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 36-0; House 112-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/HB 675 — Pharmacies**

by Health and Human Services Committee and Rep. Brodeur (CS/SB 1128 by Health Policy Committee and Senator Stargel)

The bill establishes a Class III institutional pharmacy permit. A Class III institutional pharmacy may dispense, distribute, compound, fill prescriptions, and prepare prepackaged drug products, for an affiliated hospital and entities under common control that hold permits issued under the Florida Pharmacy Act or the Florida Drug and Cosmetic Act. A Class III institutional pharmacy is exempt from permitting under the Florida Drug and Cosmetic Act.

The bill exempts from the definition of wholesale distribution under the Florida Drug and Cosmetic Act:

- A hospital arranging for a prescription drug wholesale distributor to distribute prescription drugs that were purchased by the hospital under s. 340B of the Public Health Services Act directly to a contract pharmacy; and
- The dispensing or distribution of a medicinal (prescription) drug by a Class III institutional pharmacy.

The bill expands the pharmacists eligible for two seats on the Board of Pharmacy to include pharmacists engaged in the practice of pharmacy in a Class III institutional pharmacy.

If approved by the Governor, these provisions take effect July 1, 2018.

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

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/CS/HB 735 — Mammography**

by Health and Human Services Committee; Health Innovation Subcommittee; and Rep. Harrell and others (CS/CS/SB 164 by Rules Committee; Health Policy Committee; and Senator Grimsley)

The bill codifies federal definitions of facility and mammography and requires that each facility that performs mammography must send a summary of a patient's mammography report to each patient.

If a facility determines that a patient has dense breasts, the facility has the additional requirement to include a specific notice to the patient that the mammogram shows that the patient's breast tissue is dense, which makes it more difficult to detect some abnormalities in the breast, and dense breasts may also be associated with an increased risk of breast cancer. This information is provided to raise the patient's awareness. The notice also advises the patient that additional screenings may not be covered by the patient's insurance.

The bill provides that no additional duty, standard of care, or other legal obligation is created beyond the duty to provide the notice under this act.

This act is repealed June 30, 2023.

If approved by the Governor, these provisions take effect July 1, 2018.

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

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/CS/HB 937 — Perinatal Mental Health**

by Health Care Appropriations Subcommittee; Health Innovation Subcommittee; and Rep. Nunez and others (CS/SB 138 by Appropriations Committee; and Senators Book, Hutson, Perry, and Young)

The bill creates the Florida Families First Act, which requires the Department of Health (department), by January 1, 2019, to provide perinatal mental health information through its toll-free hot line, the Family Health Line. The bill requires the hotline to provide basic information on postpartum depression, and may:

- Recommend that a caller be further evaluated by a qualified health care provider; and
- Refer a caller to an appropriate health care provider in the caller's local area.

The bill expands the components of a birth center's postpartum evaluation and follow-up care, to include:

- A mental health screening;
- Information on postpartum depression; and
- The telephone number of the Family Health Line.

The bill appropriates \$104,320 recurring General Revenue funds and \$21,600 nonrecurring General Revenue funds to the department to implement the provisions in the bill.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 36-0; House 113-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**HB 1009 — Closing the Gap Grant Program**

by Rep. Brown and others (SB 1184 by Senator Gibson)

The bill expands the current list of nine priority health areas that are eligible for funding under the “Closing the Gap” grant program to include lupus.

Lupus is a chronic, autoimmune disease that triggers inflammation in bodily tissues. The body’s immune system attacks its own tissues and organs and the resulting inflammation can impact a person’s joints, skin, kidneys, blood cells, brain, heart, and lungs. Symptoms of lupus include fatigue, fever, stiff, swollen and painful joints, skin lesions, rash, chest pain, headaches, and memory loss. Certain ethnic groups have a greater chance of developing lupus than others. Lupus affects one in 537 young African American women and African American women are more likely to have organ involvement, develop lupus at a younger age, have more serious complications, and have a higher mortality rate due to lupus.

The “Closing the Gap” program provides state grants for activities designed to reduce racial and ethnic health disparities in the designated priority areas. Grants are provided to community and neighborhood-based projects to improve the health outcomes of racial and ethnic populations within Florida counties. The program is administered by the Florida Department of Health.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 112-0*



THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/HB 1055 — Public Records/Addiction Treatment Facility Personnel**

by Oversight, Transparency and Administration Subcommittee; and Rep. DuBose and others  
(CS/SB 1364 by Health Policy Committee and Senator Rader)

The bill exempts from public record requirements personal identifying information about certain persons who work in addiction treatment facilities and their families. It exempts home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of addiction treatment facilities. The bill also exempts from public record requirements the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of the above persons. Additionally, the bill exempts from public record requirements the names and locations of schools and day care facilities attended by the children of those persons.

The bill defines an addiction treatment facility as a county government, or agency thereof, which is licensed pursuant to s. 397.401, F.S., as a substance abuse service provider and provides substance abuse prevention, intervention, or clinical treatment.

The statement of public necessity, required by the Florida Constitution, provides that some clients of addiction treatment facilities may become disgruntled with the assistance provided or the recommendations or decisions of such personnel and may seek revenge against these personnel or family members. Accordingly, the harm that may result from the release of such identifying and location information outweighs the public benefit that may be derived from the disclosure of such information.

The bill also provides for repeal of the exemption on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 36-0; House 105-9*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/CS/HB 1165 — Trauma Services**

by Health and Human Services Committee; Health Quality Subcommittee; and Rep. Trumbull and others (CS/CS/CS/SB 1876 by Rules Committee; Appropriations Committee; Health Policy Committee; and Senator Young)

The bill redesigns the state's trauma system. The bill reduces the number of Trauma Service Areas (TSA) from 19 to 18, by revising the composition of certain TSAs and limits the number of trauma centers in each TSA and the total number of trauma centers in the state to 35.

The bill revises the process for selecting and approving new trauma centers. If need is established, as determined by the Department of Health (DOH), the DOH will accept applications, which will be assessed in an initial review and approval process. A successful applicant may proceed with preparation to operate and must be ready to operate within one year. However, the applicant may not begin operating until the DOH approves the applicant through the initial and in-depth review stages. Within the next year, a team of out-of-state experts will assess the operations of the provisional trauma center for compliance with applicable trauma center standards. Based on the recommendation of the review team, the DOH must approve for designation a trauma center that is in compliance with trauma center standards.

The bill restricts the DOH from designating a Level II trauma center as a pediatric trauma center or Level I trauma center in a TSA that already has a Level I trauma center or pediatric trauma center and restricts who may bring a legal challenge to a DOH decision related to the trauma system to trauma center applicants and existing trauma centers in the same TSA or a contiguous TSA.

The bill provides a process for approving trauma centers in excess of the individual statutory cap in each TSA and the statewide cap based upon current population, trauma caseload, and expected population growth in the TSA. The DOH is required to analyze the trauma system every three years beginning August 31, 2020, to determine if additional trauma centers are needed.

The bill grandfathers into the new system all currently verified and certain provisionally approved trauma centers.

The bill eliminates the state's trauma registry under the DOH and requires trauma centers to participate in the National Trauma Data Bank. Trauma centers and acute care hospitals must continue to report all transfers and outcomes of trauma patients to the DOH. The bill requires hospital discharge data reported to the Agency for Health Care Administration to be used instead of trauma registry data, when required by statute.

The bill creates a 12-member Florida Trauma System Advisory Council (FTSAC), with all members appointed by the Governor. The council must hold its first meeting by June 1, 2018, and is authorized to submit recommendations to the DOH on how to maximize existing resources

to achieve an inclusive trauma system. Members must serve without compensation or reimbursement for per diem or travel expenses.

The bill also requires the FTSAC to study and evaluate the laws, rules, regulations, standards, and guidelines for the designation of pediatric trauma centers in this state, as compared to the requirements, rules, regulations, standards, and guidelines for verification of pediatric trauma centers by a national trauma center accreditation body that certifies compliance with published standards for the administration of trauma care and the treatment of injured patients. The bill specifies areas that the study must consider and requires the FTSAC to report its findings and recommendations to the Governor and the Legislature by December 31, 2018. The section establishing the study expires on January 31, 2019.

The bill contains a non-severability clause that if the provisions related to the grandfathering of certain trauma centers is determined to be invalid, then the remaining provisions of the act are deemed to be void.

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

*Vote: Senate 34-0; House 110-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/CS/HB 1337 — Nursing**

by Health and Human Services Committee; Health Quality Subcommittee; and Rep. Pigman (CS/SB 1594 by Health Policy Committee; and Senators Brandes and Campbell)

The bill changes the title of “advanced registered nurse practitioner” (ARNP) to “advanced practice registered nurse” (APRN) throughout the Florida Statutes. Instead of being certified to practice in this state as currently required for ARNPs, the bill requires APRNs to be licensed.

The bill repeals the clinical nurse specialist (CNS) certification as a separate license and incorporates the CNS specialty certification into APRN licensure. All authorizations granted to, and requirements of, APRNs will be applicable to a CNS, including but not limited to, the authority to prescribe controlled substances under certain conditions and to maintain medical malpractice insurance.

One of the requirements for licensure and licensure renewal is certification by an appropriate specialty board. The bill identifies the acceptable categories of certifications to include certified nurse midwife (CNM), certified nurse practitioner (CNP), certified registered nurse anesthetist (CRNA), CNS, or psychiatric nurse. The bill authorizes the Board of Nursing (board), by rule, to provide for provisional state licensure of all five categories of specialization to allow for passing the national certification examination. The bill specifies practice parameters for each category of APRN.

The bill adds a new requirement for the initial licensure of a CNM or CNS as an APRN. Proof of graduation from a master’s degree program is required if the applicant graduated on or after October 1, 1998, and is seeking licensure as a CNM or if the applicant graduated on or after July 1, 2007, and is seeking licensure as a CNS.

The bill requires the Department of Health and the board to establish a transition plan for converting a certificate holder in good standing to a licensee. The bill authorizes an ARNP or a CNS holding a certificate to practice that is in good standing on September 30, 2018, to continue practicing with all rights, authorizations, and responsibilities under the bill for licensure as an APRN and to use the new title after September 30, 2018, (the effective date of the act) while the transition is completed. Applicable departmental or board disciplinary authority or enforcement responsibilities for ensuring safe nursing practice are preserved. This subsection of law relating to the transition expires on October 1, 2020.

If approved by the Governor, these provisions take effect October 1, 2018.

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

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**HB 6049 — Medical Marijuana Growers**

by Reps. Jones, Newton, and others (CS/CS/CS/SB 1134 by Rules Committee; Appropriations Committee; Health Policy Committee; and Senators Rouson, Bradley, and Young)

Under s. 381.986, F.S., preexisting law requires one medical marijuana treatment center license to be awarded to an applicant that is:

- A recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999) or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011) and;
- A member of the Black Farmers and Agriculturalists Association, Florida Chapter.

HB 6049 repeals the requirement that the applicant be a member of the Black Farmers and Agriculturalists Association, Florida Chapter. The bill also requires that such an applicant be a registered Florida business for five consecutive years prior to applying and repeals an obsolete date.

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

*Vote: Senate 34-1; House 113-1*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**HB 7059 — Optometry**

by Health and Human Services Committee and Rep. Cummings (CS/CS/SB 520 by Rules Committee; Health Policy Committee; and Senators Young and Campbell)

The bill authorizes the Department of Health to accept proof of a passing score on a licensure examination within three years before or after the submission of an application for an optometrist license. This process applies to a new licensee in the practice of optometry as well as to a person who is licensed to practice optometry in another state who seeks licensure in Florida.

The bill eliminates the requirement in current law that any person seeking an optometry license in Florida must file an application for licensure and subsequently take and successfully pass the licensure exam.

The bill requires the Board of Optometry to approve the licensure examination and clarifies that the board may, by rule, offer a practical examination in addition to a written examination. The bill also makes a conforming change to optometric faculty certificate requirements.

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

*Vote: Senate 34-0; House 110-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Judiciary**

**CS/HB 55 — Sale of Firearms**

by Oversight, Transparency and Administration Subcommittee and Rep. White and others  
(CS/SB 152 by Judiciary Committee and Senators Steube, Grimsley, Simpson and Perry)

The bill requires the Florida Department of Law Enforcement (FDLE) to provide additional payment options to licensed firearm dealers, importers, and manufactures when paying for criminal history record checks. Currently, the only payment methods authorized by administrative rule are personal checks, money orders, or cashier's checks. The bill requires FDLE to establish, by rule, procedures that permit electronic payment or transmittal by debit cards, credit cards, or electronic funds transfers, but the payment methods are not limited solely to those options.

The bill also expands how firearms dealers may submit requests to FDLE for criminal history record checks. Currently, the law allows a licensed importer, manufacturer or dealer to submit requests by a toll-free telephone call. The bill allows a licensed importer, manufacturer or dealer to submit requests to FDLE by electronic means.

If approved by the Governor, these provisions take effect October 1, 2018.

*Vote: Senate 36-0; House 110-2*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Judiciary**

**CS/CS/SB 140 — Marriage Licenses**

by Rules Committee; Judiciary Committee; and Senators Benacquisto, Simpson, Book, Hutson, Perry, Bracy, Torres, Rodriguez, Campbell, Taddeo, Baxley, Farmer, Negron, Bean, Braynon, Broxson, Flores, Gainer, Galvano, Garcia, Gibson, Hukill, Mayfield, Montford, Passidomo, Powell, Rader, Rouson, Simmons, Steube, Stewart, Thurston, and Young

Current law vests the authority to issue a marriage license solely in a county court judge or clerk of the circuit court and no one may marry without a valid license. An applicant for a license generally must be at least 18 years old. However, there are exceptions for minors who have the consent of their parents, minors who have been married previously, minors who are expecting a child, and minors who are the parents of a child.

The bill prohibits a county court judge or the clerk of the circuit court from issuing a marriage license to any person under the age of 18 except that a marriage license may be issued to someone who is 17 years old if:

- The parents or legal guardian of a 17 year old provide written consent; and
- The older person to the proposed marriage is no more than 2 years older than the younger person.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 38-0; House 109-1*



## Committee on Judiciary

### **SB 146 — Appointment of Attorneys for Dependent Children with Special Needs**

by Senators Bean, Bradley, and Young

The bill authorizes the payment of certain “due process costs” when a court-appointed pro bono attorney represents a dependent child with special needs. These due process costs are the costs of court reporting and transcriptions, expert witnesses, mental health professionals, reasonable pretrial consultation fees and costs, and certain travel expenses.

Currently, a court-appointed pro bono attorney is not entitled to funds for due process costs. In contrast, a private court-appointed attorney who is paid for his or her services in these cases is permitted to access funds for due process costs. Under the bill, the Justice Administrative Commission will review and pay due process costs for pro bono attorneys as it does for compensated attorneys under current law.

The bill is expected to increase the need for funding for due process costs associated with children with special needs represented by pro bono attorneys. Indirectly, this bill may reduce funding needs for private attorneys if more pro bono attorneys are willing to represent children with special needs when due process costs are borne by the state.

These provisions became law upon approval by the Governor on March 19, 2018.

*Vote: Senate 38-0; House 109-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Judiciary**

**HB 413 — Trusts**

by Rep. Moraitis (SB 478 by Senators Hukill and Young)

HB 413 amends the Florida Trust Code to:

- Ensure that the intent of the trust settlor (creator) is paramount in trust interpretation;
- Increase certain trustees' authority to place the principal of the "first trust" into one or more second trusts in order to protect and maximize the beneficiaries' interests;
- Further regulate the practice of electronically providing important trust documents; and
- Counter what some regard as problematic case law relating to the time period for bringing an action based on a trustee's failure to provide an accounting.

The bill deletes statutory provisions stating that a trust must be created "for the benefit of the trust's beneficiaries." There is concern that courts may begin to use this core requirement of trusts also as a principle for interpreting trusts. Common law recognizes the settlor's intent as the "polestar" of trust interpretation, and the bill's removal of the benefit-of-the-beneficiaries language from the statutes helps ensure that a benefit-of-the-beneficiaries principle will not rival the settlor's-intent principle for judicial interpretation of trusts.

Additionally, the bill provides that a beneficiary's actual knowledge that he or she has not received a trust accounting is not sufficient to begin the running of any limitations or laches period for an action based on the failure of the trustee to provide the accounting. Thus, the bill provides a longer period during which a beneficiary may hold a trustee responsible for a past-due accounting. This change is a response to a district court of appeal opinion which addressed the issue.

Finally, the bill includes several provisions to further regulate a trustee's providing documents to a beneficiary solely by posting them to a website or electronic account. These provisions include a requirement that the authorization signed by the recipient allowing documents to be electronically delivered specifically indicate whether a trust accounting, trust disclosure statement, or limitation notice will be posted in this way. Also, the bill lengthens the timeframe during which a document provided solely through electronic posting must remain accessible to the recipient at the website or electronic account.

If approved by the Governor, these provisions take effect July 1, 2018, except where otherwise provided in the bill.

*Vote: Senate 35-0; House 107-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Judiciary**

**HB 623 — Out-of-Country Foreign Money Judgments**

by Rep. Byrd and others (SB 760 by Senator Bean)

This bill amends Florida’s Uniform Out-Of-Country Foreign Money-Judgment Recognition Act in ch. 55 F.S., to add two permissive grounds under which Florida courts may decline to recognize and enforce money judgments rendered by tribunals of foreign countries. The two additional permissive grounds permit a Florida court to decline to recognize and enforce a foreign judgment if:

- There is “substantial doubt” about the “integrity” of the particular foreign court that rendered the judgment; or
- There was a lack of due process afforded by the particular foreign court that rendered the judgment.

The Act currently provides a similar mandatory ground for nonrecognition if a foreign country’s court system is systematically unfair and fails to provide an impartial court system or compatible due process of law. The key difference between the current mandatory provision of the Act and the new permissive grounds is that the Act currently addresses only “systematic unfairness” in a foreign country’s court system; whereas, the two additional grounds address “specific unfairness” in a proceeding in a particular foreign court.

These provisions became law upon approval by the Governor on March 19, 2018.

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

## Committee on Judiciary

### **CS/HB 631 — Possession of Real Property**

by Civil Justice and Claims Subcommittee and Rep. Edwards-Walpole and others (CS/SB 804 by Rules Committee and Senator Passidomo)

The bill amends and modernizes real property provisions controlling ejectment, unlawful and forcible entry, and unlawful detainer actions. These actions all involve a person entitled to possession of real property who is wrongfully removed but seeks to recover possession of the property. The relevant statutes are amended to create new definitions, clarify that circuit courts have jurisdiction over these actions, modernize statutory pleading requirements, and provide remedies.

The final section of the bill creates a new statute governing the “customary use” of private property for public use. The language details the process by which a governmental entity may seek the judicial determination of a recreational customary use of private beach property.

The new process requires a governmental entity, at a public hearing, to adopt a formal notice of intent to affirm the existence of a recreational customary use. The parcel owner must be notified of the intent at least 30 days before the public meeting. Within 60 days after adopting the notice of intent, the governmental entity must file a Complaint for Declaration of Recreational Customary Use with the circuit court and provide each parcel owner with the option to intervene. The court must then make a determination if the recreational customary use exists.

The section does not apply to a governmental entity that had an ordinance or rule adopted and in effect on or before January 1, 2016. However, a governmental entity may raise the customary use as an affirmative defense in a proceeding challenging an ordinance or rule adopted before July 1, 2018.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 29-7; House 95-17*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Judiciary**

**HB 639 — Equitable Distribution of Marital Assets and Liabilities**

by Rep. Perez (CS/SB 676 by Rules Committee and Senator Passidomo)

In response to the Florida Supreme Court’s 2010 decision in *Kaaa v. Kaaa*, the bill changes the way courts are to determine the passive appreciation of nonmarital property which is subject to equitable distribution in divorce proceedings. By way of background, “equitable distribution” refers to the method a court must use in dividing up the assets (i.e., property) and liabilities (i.e., debts) acquired by a divorcing couple during their marriage. Florida has a dual-property system, meaning the property of the divorcing couple is either categorized as marital property, which is acquired during the marriage and can be divided equitably or equally by the court; or the property is categorized as separate property, which is not subject to being divided by a court. Florida law refers to separate property as “nonmarital assets and liabilities,” and the best example of separate property is a home purchased and owned by one of the parties before the marriage.

The Florida Supreme Court’s *Kaaa* decision concerned this type of separate property: a home purchased by the husband a few months prior to the marriage and held only in his name during the couple’s 27-year marriage. However, marital income was used to pay the mortgage on the property, and the property passively appreciated during those 27 years as a result of market forces. The *Kaaa* decision held that the use of marital funds to pay down the principle on the mortgage caused the passive appreciation of the property to become a marital asset. As a result, the passive appreciation was subject to equitable distribution.

The bill partially adopts the holding in the *Kaaa* decision and partially overrules the *Kaaa* decision. It partially adopts it by including the passive appreciation of real property owned by only one spouse as a marital asset that may be distributed between the spouses, but *only if* marital funds are used to pay down the property’s mortgage principal. The bill overrules *Kaaa* primarily by replacing the calculation method for determining passive appreciation set out in *Kaaa* with a three-step formula incorporating a “coverture fraction.” This coverture fraction is intended to more closely measure the parties’ actual marital contributions in paying down the mortgage so that the nonowner spouse does not end up with a windfall.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 31-0; House 112-1*

## Committee on Judiciary

### **CS/CS/HB 875 — Limitations of Actions Other Than for the Recovery of Real Property**

by Judiciary Committee; Civil Justice and Claims Subcommittee; and Rep. Leek (CS/CS/SB 536 by Community Affairs Committee; Judiciary Committee; and Senators Passidomo and Campbell)

The bill addresses two issues regarding the timeframes for bringing a lawsuit based on a defect in the design, planning, or construction of a building or other improvement to real property. First, the bill specifies that a person who is served with a pleading may file a related counterclaim, cross-claim, or third-party claim within 1 year, regardless of whether the filing of the claim would otherwise be time barred.

Second, the bill causes the timeframes for filing a construction-defect lawsuit to begin and end sooner in some circumstances than under current law. Both under the bill and current law, the timeframes in which a property owner may file a construction-defect lawsuit begin to run at the latest of four events set forth in statute. One of these events is the completion of the construction contract.

Recent case law suggests that such a contract is not complete, and thus the timeframes for bringing a lawsuit cannot begin to run, until all punch-list or other follow-up work is complete. The bill substantially counters this case law by effectively providing that a construction contract performed pursuant to a building permit is complete when a final certificate of occupancy or certificate of completion is issued. After that point, the correction or repair of completed work that is within the scope of the building permit and final certificate does not delay the running of the timeframes in which a construction-defect action may be filed.

If approved by the Governor, these provisions take effect July 1, 2018.

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

## Committee on Judiciary

### **CS/HB 1187 — Guardianship**

by Health and Human Services Committee and Rep. Spano (CS/SB 1002 by Appropriations Committee and Senators Passidomo and Bean)

Clerks of the circuit courts serve as the custodian of guardianship files. In that capacity, they are responsible for reviewing guardianship reports to ensure that guardians are correctly performing their responsibilities. The bill identifies several specific actions that circuit court clerks may take when reviewing guardianships.

The bill authorizes clerks, when conducting a further review of inventories and accountings, to conduct audits and cause initial and annual guardianship reports to be audited. The clerk must advise the court of the results of the audit. If a fee or cost is incurred by the guardian when he or she responds to the review or audit, it may not be paid or reimbursed using the ward's assets if the court finds an act of wrongdoing on the part of the guardian.

The bill provides that the clerk may disclose confidential information to the Department of Children and Families or law enforcement agencies "for other purposes," as provided by a court order. The confidential information is a court record pertaining to the settlement of a ward's or minor's claim, including a petition for approval of a settlement, a report of a guardian ad litem relating to a pending settlement, or an order approving a settlement on behalf of a ward or a minor.

With respect to the Office of Public and Professional Guardians, the bill expressly authorizes designees of the office to receive documents that are otherwise confidential when investigating guardianships. Additionally, the office may appoint certain types of guardians and investigate and, when appropriate, discipline guardians who violate their statutory duties.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 34-1; House 115-0*

## Committee on Judiciary

### **CS/CS/HB 1217 — Deployed Parent Custody and Visitation**

by Judiciary Committee; Civil Justice and Claims Subcommittee; and Rep. Metz and others  
(CS/CS/SB 1598 by Rules Committee; Judiciary Committee; and Senator Passidomo)

The bill creates the Uniform Deployed Parents Custody and Visitation Act. The act establishes a framework for resolving child custody and visitation issues when a parent is deployed in military or other forms of national service. In addition to providing definitions for the act, the bill:

- Requires parents to communicate about custody and visitation issues upon learning of an upcoming deployment.
- Addresses custody issues that arise when someone receives notice of deployment and during deployment by permitting an out-of-court agreement. If the parents do not reach an agreement, an expedited resolution of custody arrangement is available in court.
- Provides that no permanent custody order can be issued before or during deployment unless the servicemember consents.
- Governs termination of a temporary custody arrangement by written agreement between the parents or by court order.

The bill repeals s. 61.13002, F.S., pertaining to temporary time-sharing modification and child support modification due to military service. Repealing the current statute prevents any conflicts between the existing section and the new act.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 36-0; House 109-0*



THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Judiciary**

**HB 7013 — OGSR/False Claims**

by Oversight, Transparency and Administration Subcommittee and Rep. Yarborough (SB 7006 by Judiciary Committee)

The bill continues a public records exemption that is contained in the Florida False Claims Act. Maintaining the exemption encourages a private citizen to report fraud and facilitates the recovery of state funds and property that are taken by false claims or fraud.

The exemption places under seal and protects from public disclosure the legal complaint filed in circuit court by a private citizen who initiates a false claim proceeding. The exemption also protects from disclosure the detailed information and documents that the private citizen provides to the Department of Legal Affairs which support the claim that a violation of the acts has occurred.

This exemption helps the state recover monies and property by:

- Protecting the identity of a person who initiates a false claim action;
- Allowing the Department of Legal Affairs to privately investigate the merits of a claim to determine if the government should intervene; and
- Maintaining the confidentiality of state information that is similarly shielded under a federal public records exemption, which, if disclosed in Florida, would compromise the confidentiality of the federal investigation.

The original exemption was enacted in 2013 and is scheduled for repeal on October 2, 2018, unless continued by the Legislature.

If approved by the Governor, these provisions take effect October 1, 2018.

*Vote: Senate 37-0; House 108-0*

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### **CS/HB 29 — Military and Veterans Affairs**

by Commerce Committee and Reps. Ponder, Renner, and others (CS/SB 1884 by Appropriations Committee and Senators Broxson, Passidomo, Baxley, Bean, Benacquisto, Book, Bracy, Bradley, Brandes, Campbell, Flores, Gainer, Galvano, Garcia, Gibson, Grimsley, Hukill, Hutson, Lee, Mayfield, Montford, Negron, Perry, Powell, Rader, Rodriguez, Rouson, Simmons, Simpson, Stargel, Steube, Stewart, Taddeo, Thurston, Torres, and Young)

The bill (Chapter 2018-7, L.O.F.) amends various sections of law related to education and employment opportunities for current and former military personnel and their families.

#### ***Department of Health***

The bill allows the spouse of a military member who holds an active license to practice dentistry in another state or jurisdiction to qualify for expedited licensure in Florida and receive the associated licensure fee waivers. Current law offers expedited licensing and fee waivers to a military spouse who holds an active license to practice a health care profession, *excluding dentistry*, in another state or jurisdiction.

The bill also removes the requirement that a military spouse who holds a temporary license to practice dentistry must practice under the indirect supervision of a dentist who holds an active license to practice in Florida.

The bill provides an affirmative defense to administrative, civil, and criminal causes of action for the unlicensed practice of a health care profession. The affirmative defense is available to a spouse of an active duty military member if:

- The spouse is licensed in another state or jurisdiction to provide health care services for which there is no equivalent in this state;
- The spouse is providing health care services within the scope of the out-of-state license; and
- The training or experience required for the out-of-state license is substantially similar to the licensure requirements for a similar health care profession in this state.

#### ***Department of Business and Professional Regulation***

The bill waives license renewal fees for military members, veterans, and their spouses or surviving spouses who hold a professional license regulated by the Department of Business and Professional Regulation (DBPR). Specifically, the bill grants a license renewal fee waiver to a DBPR licensee who is:

- An active duty military member, while on active duty and for two years following discharge from active duty;

- The spouse of an active duty military member who is present in Florida because of the member's active duty service; and
- The surviving spouse of a military member who died while on active duty and died within two years preceding the spouse's license renewal date.

Current law waives the initial application fee for military members, veterans, and their spouses or surviving spouses who apply for a DBPR license.

### ***Department of Agriculture and Consumer Services***

Current law waives the initial application fee for honorably discharged veterans and their spouses applying for a professional license regulated by the Department of Agriculture and Consumer Services (DACS). The bill expands eligibility for the fee waiver to include the surviving spouse of an honorably discharged veteran, a current military member with active duty service, and such member's spouse. The bill also removes the requirement that a veteran must apply for licensure within 60 months of discharge to qualify for the fee waiver.

Additionally, the bill grants a license renewal fee waiver to a DACS licensee who is an active duty military member or spouse, a current or former military member who served on active duty within 2 years preceding the renewal date, or the surviving spouse of a military member who died while serving on active duty within the 2 years preceding the surviving spouse's renewal date.

### ***Office of Financial Regulation***

The bill waives the initial application, assessment, and renewal fees for current and former military members and their spouses or surviving spouses who apply for or renew a mortgage loan originator license or register as an associated person of a securities dealer or investment advisor.

### ***Department of Financial Services***

The bill waives the initial application and licensing fees associated with licensure in the funeral and cemetery service industry for a military member, the member's spouse, and a veteran who was honorably discharged within 24 months. The bill also requires the Board of Funeral, Cemetery, and Consumer Services to recognize applicable military-issued credentials for purposes of licensure as an embalmer, funeral director, or direct disposer.

The bill eliminates the pre-licensure course requirements for insurance profession licenses for a military member, an honorably discharged veteran, or the spouse of such member or veteran. The bill also expands the existing application fee waiver for insurance profession licenses to include veterans who have "separated" from the military within 2 years before application. Currently, the waiver applies to veterans who "retired" within 2 years. The change allows veterans who have less than 20 years of military service to receive the allowance.

The bill allows the Department of Financial Services to extend the four-year period in which certified firefighters must meet specified conditions to retain a firefighter certificate for an honorably discharged veteran or the spouse of a veteran. The bill also waives all living and incidental expenses associated with attending the Florida State Fire College for a military member, an honorably discharged veteran, and the spouse or surviving spouse of such member or veteran.

### ***Department of Education***

The bill allows the Governor to issue a proclamation designating March 25th as “Medal of Honor Day” and requires public schools to incorporate the value of recipients of the Congressional Medal of Honor in the school’s character development program.

The bill allows children of military personnel stationed outside of Florida to enroll in Florida Virtual School if their home of record or state of legal residence is Florida, and provides such students enrollment priority.

The bill creates a pathway for veterans to become school principals. An honorably discharged veteran who served as a commissioned or non-commissioned officer in the U.S. military for at least three years may be issued a three-year temporary certificate in educational leadership if the veteran has earned a passing score on the Florida Educational Leadership Exam and is employed fulltime in a position for which a Florida educators’ certificate is required in a Florida school. The temporary certificate will allow a veteran to be accepted into a Level II program (principal training program) and receive a professional school principal certificate upon completion of the Level II program.

The bill requires the State Board of Education to adopt rules to allow the Department of Education (DOE) to extend the validity period of a temporary teaching certificate for two additional years if the requirements for the professional certificate have not been fulfilled due to the military service of an applicant’s spouse. The extension does not apply to the general knowledge requirement, which must be completed within one year of obtaining the temporary certificate, pursuant s. 1015.56(2)(g), F.S.

The bill allows Junior Reserve Officers’ Training Corps (JROTC) instructors to be eligible to receive funding through the Florida Teachers Classroom Supply Assistance Program. Currently, JROTC instructors who do not meet the definition of “classroom teacher” are not eligible to receive the program funding.

The bill waives the initial Florida Teacher Certification Examination fees and the initial teacher certification fee for current and former military members and their spouses or surviving spouses.

The bill requires the DOE to lead and coordinate outreach effort to educate veterans about apprenticeship and career opportunities. The bill also allows apprenticeship programs to provide

special consideration to veterans, minority persons and women, unless otherwise prohibited by law, rule, or regulation.

The bill provides that if a member of the Florida National Guard or U.S. Armed Forces Reserves seeking licensure or qualification for a trade, occupation, or profession is ordered into active duty, the boards of examiners or other qualification boards must accept such periods of training and practical experience in place of the interrupted or delayed periods of training, study, apprenticeship, or practical experience for a professional license. The board must determine that the standard and type of work or training performed in the Florida National Guard or the U.S. Armed Forces Reserves is substantially the same as the standard and type required under Florida law.

***Florida Is For Veterans, Inc.***

The bill broadens the purpose of the training grant program administered by Veterans Florida. The bill allows Veterans Florida to issue grants to businesses to fund training to promote or generally improve specialized skills of veterans already employed by a business. Currently, grants are limited to fund training for *newly hired* veterans. Additionally, the bill provides that a veteran's training funded by the program may not exceed 12 months and specifies that a business must cover the entire cost of a veteran's training before receiving the 50-percent reimbursement of the training costs.

As it relates to Veterans Florida's entrepreneurship initiative program, the bill allows Veterans Florida to contract not only with universities, but with any entity that meets the specified requirements to administer an entrepreneurship program.

Finally, the bill allows a member of the Veterans Florida board of directors to be reappointed to the board and serve two terms of four years each.

These provisions were approved by the Governor and take effect July 1, 2018.

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

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### **HB 75 — Postsecondary Fee Waivers**

by Rep. Ponder and others (SB 460 by Senators Gainer, Broxson, and Taddeo)

The bill (Chapter 2018-8, L.O.F.) authorizes Florida College System (FCS) institutions to waive certain fees for active duty servicemembers utilizing the U.S. Department of Defense Military Tuition Assistance (MTA) program. The MTA program is a benefit paid to eligible servicemembers for tuition expenses at postsecondary education institutions. Previously, the MTA program covered both tuition and fees, but in 2014, the MTA program instructions were modified to limit coverage of the benefit to tuition only.

Specifically, the bill allows a FCS institution to waive any portion of the following fees for an active duty servicemember using MTA:

- Student activity and service fee;
- Financial aid fee;
- Technology fee;
- Capital improvement fee; and
- Any other fees authorized in s. 1009.23, F.S.

Each FCS institution must report the number and value of all fee waivers granted annually to the State Board of Education.

These provisions were approved by the Governor and take effect July 1, 2018.

*Vote: Senate 35-0; House 113-0*

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### **SB 100 — Taxes and Fees for Veterans and Low Income Persons**

by Senator Steube

The bill creates an exemption from local business taxes for the following individuals:

- Honorably discharged veterans and their spouses;
- Unremarried surviving spouses of honorably discharged veterans;
- Active duty military servicemembers' spouses who relocate to the county or municipality pursuant to a permanent change of station order;
- Low-income individuals receiving public assistance, as defined in s. 403.2554, F.S.; and
- Low-income individuals with a household income less than 130 percent of the federal poverty level based on the current year's federal poverty guidelines.

To receive the exemption, an individual must complete and sign, under penalty of perjury, a Request for Fee Exemption, furnished by the local governing authority, and provide written documentation in support of the request for the exemption.

The bill allows any municipality that imposes a business tax on merchants measured by gross receipts from the sale of merchandise, services, or both, to continue imposing such tax. As authorized in the bill, a municipality may change, by ordinance, the definition of the term "merchant," which may allow a municipality to grant an exemption to an eligible individual, if the governing body chooses to do so.

Additionally, the bill eliminates the \$1 and \$2 fee a veteran must pay to have the word "Veteran" displayed on an identification card or driver license issued by the Department of Highway Safety and Motor Vehicles (DHSMV). The bill also expands the forms of identification a veteran may present to the DHSMV to obtain the "Veteran" designation on an identification card or driver license.

Lastly, the bill prohibits tax collectors from charging a veteran the \$6.25 service fee for driver license services rendered pursuant to ch. 322, F.S., upon presentation of specified documentation proving an individual is a veteran.

If approved by the Governor, these provisions take effect July 1, 2018.

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

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### **CS/HB 333 — Minimum Officer Qualifications**

by Criminal Justice Subcommittee and Rep. Burgess and others (CS/CS/SB 470 by Appropriations Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Stargel)

The bill exempts individuals who served in the special operations forces of the U.S. military from completing the basic recruit training program for law enforcement, correctional, or correctional probation officers. To qualify for the exemption, an applicant must have served in the special operations forces for a minimum of five years and must apply for the exemption within four years of separating from the special operations forces.

The bill defines “special operations forces” to include servicemembers of the Army Special Forces and Army 75th Ranger Regiment; the Navy SEALs and Special Warfare Combatant-Craft Crewmen; the Air Force Combat Control, Pararescue, and Tactical Air Control Party specialists; the Marine Corps Critical Skills Operators; and any other component of the U.S. Special Operations Command approved by the Criminal Justice Standards and Training Commission (Commission).

An applicant who served in the special operations forces and is exempt from completing a basic recruit training program must also meet the minimum officer qualifications prescribed in s. 943.13, F.S., such as passing a physical examination and having good moral character. Additionally, an exempt applicant must demonstrate proficiency in high-liability areas and pass the officer certification examination within 1 year of receiving the exemption, and complete any additional training required by the Commission, based on the applicant’s prior training and experience.

The bill directs the Commission to adopt rules that establish the criteria and procedures to determine if an applicant is exempt from completing a basic recruit training program.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 109-1*



THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**HB 193 — Mortgage Brokering**

by Rep. Stark (SB 314 by Senator Baxley)

This bill exempts a securities dealer, investment advisor, or associated person registered under ch. 517, F.S., from regulation as a loan originator or mortgage broker under ch. 494, F.S., if the person in the normal course of conducting securities business with corporate or individual clients:

- Solicits or offers to solicit a mortgage loan from a securities client, or refers a securities client to an entity exempt from regulation under parts I or II of ch. 494, F.S., pursuant to s. 494.00115, F.S., a licensed mortgage broker, a licensed mortgage lender, or a registered loan originator; and
- Does not accept or offer to accept a mortgage loan application, negotiate or offer to negotiate the terms or conditions of a new or existing mortgage loan on behalf of a borrower or lender, or negotiate or offer to negotiate the sale of an existing mortgage loan to a noninstitutional investor for compensation or gain.

Any referral or solicitation made under this exemption must comply with the provisions of ch. 517, F.S., the federal Real Estate Settlement Procedures Act, and any applicable federal law or general law of this state.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 106-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/HB 539 — Alarm Confirmation**

by Careers and Competition Subcommittee and Rep. Cortes, B. (CS/SB 876 by Regulated Industries Committee and Senators Bean and Brandes)

CS/HB 539 revises s. 489.529, F.S., to require, in most circumstances, two attempts to confirm alarm signals generated by residential or commercial intrusion and burglary alarms systems with central monitoring, before law enforcement may be contacted for response to the premises generating the alarm.

The bill requires the first attempt to confirm an active alarm signal be made by the central monitoring station, via communication by telephone call, text message, or other electronic means, with a person associated with the premises generating the alarm signal. If the first attempt to confirm the alarm signal is unsuccessful, then the central monitoring station must attempt to confirm the alarm signal a second time, via communication by telephone call, text message, or other electronic means, with the premises owner, an occupant, or an authorized designee.

Under current law, contact with law enforcement for a response to an alarm may not be made unless a central monitoring verification call is made to a telephone number associated with the premises, and if the call is not answered, then other, undefined “call-verification methods” for the premises must be employed.

Verification calling is not required, however, if the intrusion/burglary alarm:

- Has a properly operating visual or auditory sensor enabling monitoring personnel to verify the alarm signal; or

Is installed on a premises used for the storage of firearms or ammunition by an alarm company customer who holds a valid federal firearms license as a manufacturer, importer, or dealer of firearms or ammunition, who has notified the alarm monitoring company the customer would like to bypass the two-call verification protocol.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 36-0; House 114-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/HB 667 — Beverage Law**

by Commerce Committee; and Rep. Perez and others (CS/CS/CS/SB 1020 by Rules Committee; Commerce and Tourism Committee; Regulated Industries Committee; and Senators Young, Hutson, and Brandes)

The bill permits an alcoholic beverage vendor to make deliveries away from its licensed place of business for electronic orders received at the vendor's licensed place of business. An electronic order received at a licensed place of business is construed as a sale actually made at a vendor's licensed place of business. Current law permits only telephone or mail orders received at a vendor's licensed place of business to be construed as a sale actually made at the vendor's licensed place of business.

Additionally, the bill permits an alcoholic beverage vendor to make deliveries away from its licensed place of business in third-party vehicles pursuant to a contract with a third party with whom the licensee has contracted to make deliveries, including, but not limited to, a common carrier. Current law permits an alcoholic beverage manufacturer, distributor, or a vendor to make deliveries away from its place of business only in vehicles owned or leased by the vendor.

Under current law and the bill, an alcoholic beverage vendor, by acceptance of an alcoholic beverage license, is presumed to agree to the inspection of its delivery vehicle without a search warrant by employees of the division or law enforcement officers to ascertain compliance with all provisions of the alcoholic beverage laws. This presumption does not extend to a third party, who is not an alcoholic beverage licensee, making deliveries of alcoholic beverages as authorized by the bill.

The bill also requires the identity and age of the recipient to be confirmed upon delivery of an alcoholic beverage.

A craft brewery licensed as an alcoholic beverage vendor under s. 561.221(2), F.S., is prohibited from making deliveries.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 35-1; House 110-4*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/CS/CS/HB 841 — Community Associations**

by Judiciary Committee; Civil Justice and Claims Subcommittee; Careers and Competition Subcommittee; and Rep. Moraitis and others (CS/SB 1274 by Regulated Industries Committee; and Senators Passidomo, Mayfield, and Campbell)

The bill revises requirements related to the governance and operation of condominium, cooperative, and homeowners' associations.

Regarding condominium, cooperative, and homeowners' associations, the bill revises the:

- Notice requirements for board and owner meetings at which an assessment will be considered to require specific information in notices.
- Process for and membership of committees reviewing a recommended fine or suspension related to use of association property, the notice requirements associated with imposing fines and suspensions, and the time for payment of fines.

Regarding condominium and cooperative associations, the bill:

- Requires the minutes of meetings and accounting records be maintained for seven years instead of one year.
- Makes condominium unit owners and cooperative shareholders consenting to receive association emails responsible for removing or bypassing filters blocking receipt of mass e-mails sent by an association.

Regarding cooperative and homeowners' associations, the bill permits members of the board to use e-mail as a means of communication, but not to cast a vote by e-mail.

Regarding condominium associations, the bill:

- Revises the period of time specified official records must be maintained by an association.
- Extends the deadline to post specified documents on an association's website to January 1, 2019, from July 1, 2018.
- Revises the information related to contracts, bids, and financial reports an association with 150 or more units must post on its website.
- Exempts, with conditions, an association from liability for disclosure of protected or restricted information on its website.
- Prohibits an association from waiving financial reporting requirements for two fiscal years after a failure to comply with a request by the Division of Florida Condominiums, Timeshares, and Mobile Homes (within the Department of Business and Professional Regulation) to provide an owner with a copy of the most recent financial report. Provides when the recall of a board member is effective.
- Provides attorney's fees and costs for a recalled board member or an association prevailing in an arbitration proceeding concerning a recall, in certain circumstances.

- Allows a unit owner to install an electric vehicle charging station within the boundaries of the unit owner's limited common element, with conditions.
- Requires a vote before substantial addition or alteration to a common element.
- Repeals the July 1, 2018, deadline for classification as a bulk buyer, extending indefinitely the applicability of bulk buyer provisions.

Regarding cooperative associations, the bill:

- Prohibits co-owners of a unit in a residential cooperative association of more than 10 units from serving simultaneously on the board, unless the co-owners own more than one unit or there are not enough eligible candidates.
- Provides for the removal from office of an officer or director who is more than 90 days delinquent in any monetary obligation owed to the association.
- Allows the cost of communication services, information services, or Internet services obtained under a bulk contract to be a common expense of the association.

Regarding homeowners' associations, the bill:

- Permits an association to provide electronic notices of a meeting to any member who has provided a facsimile number or e-mail address for such purpose, and consented to receipt of electronic notices.
- Revises the process for amending governing documents to require an amendment to the governing documents contain the full text of the provision to be amended, with the new language underlined and proposed deleted language stricken with hyphens. However, an association may reference the governing documents in the event an amendment is too extensive and the inclusion of the full text with stricken and underlined text would hinder understanding of the proposed amendment.
- Provides if an election is not required because there are either an equal number or fewer qualified candidates than vacancies exist, and if nominations from the floor are not required pursuant to s. 720.306, F.S., or the bylaws, then write-in nominations are not permitted and such candidates shall commence service on the board of directors, regardless of whether a quorum is attained at the annual meeting.
- Provides a clarification of existing law for the accrual of interest on unpaid assessments, and the application of payments to interest, late fees, collection costs and associated reasonable attorney fees, and the delinquent assessment, in such order of priority, controls over any restrictive endorsement, designation, or instruction placed on or accompanying a payment, including any purported accord and satisfaction (the parcel owner paid a lesser amount claiming full satisfaction of the amount due) pursuant to s. 673.3111, F.S.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 35-1; House 100-1*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/HB 961 — Beverage Law**

by Commerce Committee; and Rep. Gruters and others (CS/SB 1224 by Appropriations Committee; and Senator Bradley)

The bill creates an exception to the alcoholic beverage “tied-house evil” prohibitions to permit a malt beverage distributor to give, without charge, malt beverage branded glassware to a vendor licensed to sell beer or malt beverages for on-premises consumption. The bill prohibits a distributor from giving more than 10 cases that include up to 24 pieces per case of single-service glassware per brand, per licensed premises, per calendar year, and prohibits a vendor from selling the glassware or returning it to the distributor for cash or credit. Each single-service glass container may hold no more than 23 ounces of liquid volume.

Under the bill, manufacturers, importers, distributors, and vendors must maintain records for any glassware sold, gifted, or received. The records must be maintained in an accessible and readable format and may not be in an electronic format requiring proprietary software. Additionally, the bill specifies the information required to be maintained in the record of the sale or gift of glassware, including a description of the glassware, date of the sale or gift, and license numbers. The records must be maintained for three years.

The “tied house evil” prohibition in current law prohibits a licensed member of the alcoholic beverage industry, including a manufacturer, distributor, or importer, from having a financial interest, directly or indirectly, in the establishment or business of a licensed vendor, and prohibits a manufacturer, distributor, or importer from giving gifts, loans or property, or rebates to retail vendors. Under current law, a distributor may sell glassware and other expendable retailer advertising specialties to any vendor, but must sell the items at a price not less than the actual cost to the industry member who initially purchased them, with no limit in total dollar value of the items sold to the vendor.

If approved by the Governor, these provisions take effect October 1, 2018

*Vote: Senate 38-0; House 101-13*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Regulated Industries**

**CS/HB 1265 — Alcoholic Beverages**

by Commerce Committee; and Rep. Miller, M. and others (SB 922 by Senators Bean and Brandes)

The bill allows an operator of intrastate railroads or sleeping cars to purchase or sell liquor without the limitation in current law permitting such licensee to only purchase and sell liquor in miniature bottles of not more than two ounces.

An operator of interstate railroads or sleeping cars remains subject to the limitation in current law limiting the purchase and sale of liquor in miniature bottles of not more than two ounces.

The bill also limits, to an operator of interstate railroads or sleeping cars, the requirement in current law to keep alcoholic beverages intended for sale on passenger trains separate from alcoholic beverages intended for sale in a railroad transit station.

In current law, an alcoholic beverage license issued to an operator of railroads and sleeping cars is good throughout the state for the sale of beer, wine, or liquor for consumption on any dining, club, parlor, buffet, or observation car of a passenger train operated by the licensee.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-1; House 112-2*

## Committee on Rules

### **CS/HM 147 — Status of Puerto Rico**

by Local, Federal and Veterans Affairs Subcommittee; and Rep. Cortes, B. and others (SM 940 by Senators Rodriguez, Torres, and Campbell)

The memorial urges Congress to incorporate the territory and resident United States citizens of Puerto Rico into the United States and apply, without discrimination or inequality, all law and policy in Puerto Rico on the same basis as in a state of the Union.

Puerto Rico is currently classified as an “unincorporated territory.” An unincorporated territory is an area where Congress has not expressly and fully extended all of the United States Constitution within the meaning of Article IV, Section 3. In contrast, an “incorporated territory” is a territory to which the United States Constitution fully applies. Although Puerto Rico has been a possession of the United States since 1898, it has never been incorporated into the United States as other territories have been.

The memorial recounts the historical and legal relationship of the United States and Puerto Rico since 1898. It concludes by urging Congress to incorporate the territory and United States resident citizens of Puerto Rico into the United States.

*Vote: Senate Adopted; House Adopted*



## Committee on Rules

### **SB 1940 — Public Records and Public Meetings/School Safety**

by Senators Galvano and Benacquisto

This bill creates three new public records exemptions. Each of these exemptions is related to legislation on school safety. The School Safety legislation provides for, among other things, enhancement of the School Safety Awareness Program (FortifyFL) through implementation of a new mobile suspicious activity reporting tool, the designation of school guardians and other safe-school officers, and the creation of the Marjory Stoneman Douglas High School Public Safety Commission.

First, the bill makes confidential and exempt from disclosure the identity of a reporting party received through the mobile suspicious activity reporting tool which is held by the Department of Law Enforcement, law enforcement agencies, or school officials. Without the exemption, a person may be fearful of reporting suspicious activity which could otherwise be used by law enforcement as a lead in preventing an incident of mass violence.

Another public records exemption is created to make exempt from disclosure information held by a law enforcement agency, school district, or charter school which would identify whether a particular individual has been appointed as a safe-school officer. The exemption is needed to maximize the effectiveness of safe-school officers, including adequately responding to an active assailant situation.

Finally, the bill makes exempt from disclosure a portion of a meeting of the Marjory Stoneman Douglas High School Public Safety Commission (commission) at which exempt or confidential and exempt information is discussed. In investigating failures in the Marjory Stoneman Douglas High School shooting and other mass violence incidents in the state, the commission will have for its review sensitive information that may already be protected from public records disclosure. Without the exemption provided in this bill, existing public records exemptions would be negated.

Each of these public records exemptions is subject to the Open Government Sunset Review and stands repealed October 2, 2023, unless the Legislature reviews the exemptions and saves them from repeal before that date.

If approved by the Governor, these provisions take effect on the same date that SB 7026 takes effect, which is upon becoming law.

*Vote: Senate 36-0; House 114-2*

## Committee on Rules

### **SB 7024 — Public Records/Victim of an Incident of Mass Violence**

by Rules Committee

This bill makes exempt from public records disclosure the address of a victim of an incident of mass violence. An incident of mass violence is defined as an incident in which four or more people, not including the perpetrator, are severely injured or killed by an intentional and indiscriminate violent act. A victim is defined as a person killed or injured during the incident of mass violence.

Without the exemption, the media or others could invade the privacy of the victim or the victim's family and subject them to harassment and additional pain and suffering.

In the Open Government Sunset Review, the bill provides that the public records exemption stands repealed on October 2, 2023, unless the Legislature reviews and saves the exemption from repeal before that date.

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

*Vote: Senate 35-1; House 117-0*

## Committee on Rules

### CS/SB 7026 — Public Safety

by Appropriations Committee and Rules Committee

The bill (Chapter 2018-3, L.O.F.) comprehensively addresses the crisis of gun violence, including but not limited to, gun violence on school campuses. The Legislature intends to address this crisis by providing law enforcement and the courts with the tools to enhance public safety by temporarily restricting firearm possession by a person who is undergoing a mental health crisis and when there is evidence of a threat of violence, and by promoting school safety and enhanced coordination between education and law enforcement entities at the state and local level.

In the area of mental health, the bill:

- Authorizes a law enforcement officer who is taking a person into custody for an involuntary examination under the Baker Act to seize and hold a firearm or ammunition in the person's possession and to seek the voluntary surrender of other firearms or ammunition kept in the residence.
- Provides that the firearms or ammunition seized or voluntarily surrendered must be available for return no longer than 24 hours after the person taken into custody can document that he or she is no longer subject to involuntary examination and has been released or discharged or discharged from any inpatient or involuntary outpatient treatment provided or ordered and does not have a risk protection order against them or is the subject of a firearm disability.
- Prohibits a person who has been adjudicated mentally defective or who has been committed to a mental institution from owning or possessing a firearm until a court orders otherwise.
- Creates a process for a law enforcement officer or law enforcement agency to petition a court for a risk protection order to temporarily prevent persons who are at high risk of harming themselves or others from possessing firearms or ammunition when a person poses a significant danger to himself or herself or others, including significant danger as a result of a mental health crisis or violent behavior.
- Allows a court to issue a risk protection order for up to 12 months and requires the surrender of all firearms and ammunition if a risk protection order is issued.
- Provides a process for a risk protection order to be vacated or extended by the court.

The bill provides the following in the area of gun safety:

- Requires a three-day waiting period between the purchase and delivery of a firearm or until the background check is completed, whichever is later.
- Provides exceptions of the three-day waiting period for concealed weapons permit holder, and for the purchase of firearms other than handguns, an exception for:
  - Individuals who have completed a 16-hour hunter safety course and possess a hunter safety certification card;
  - Persons who are exempt from the hunter safety course requirements and hold a valid Florida hunting license; or

- Law enforcement officers, correctional officers, and servicemembers.
- Prohibits a person under 21 years of age from purchasing a firearm and a licensed firearm dealer, importer, and manufacturer, from selling a firearm, except in the case of a member of the military, or a law enforcement or correctional officer when purchasing a rifle or shotgun.
- Prohibits a bump-fire stock from being imported, transferred, distributed, sold, keeping for sale, offering for sale, possessing, or giving away within the state beginning October 1, 2018.

The bill improves school safety through the following provisions:

- Establishes the Marjory Stoneman Douglas High School Public Safety Commission (commission) to investigate system failures in the Parkland school shooting and prior mass violence incidents, and develop recommendations for system improvements. An initial report from the commission is due to the Governor and the Legislature by January 1, 2019; and the commission is scheduled to repeal on July 1, 2023.
- Codifies the Office of Safe Schools within the Florida Department of Education (DOE) which will serve as a central repository for the best practices, training standards, and compliance regarding school safety and security.
- Permits a sheriff to establish a Coach Aaron Feis Guardian Program to aid in the prevention or abatement of active assailant incidents on school premises. The bill allows school districts to decide whether to participate in the school guardian program if it is available in their county. A school guardian must complete 132 hours of comprehensive firearm safety and proficiency training, 12 hours of diversity training, pass a psychological evaluation, and initial drug test and subsequent random drug tests. No teacher will be required to participate. In fact, the legislation provides that personnel that are strictly classroom teachers with no other responsibilities cannot participate, with specified exceptions.
- Requires each district school board and school district superintendent to cooperate with law enforcement agencies to assign one or more safe-school officers at each school facility.
- Requires each district school board to:
  - Designate a school administrator who completes the required training within the specified timeframe as the school safety specialist for the district to serve as the district's primary point of public contact for public school safety functions.
  - Designate a threat assessment team at each school, and requires the team to operate under the district school safety specialist's direction. The bill requires the threat assessment team to consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act that would pose a threat to school safety.
  - Formulate and prescribe policies and procedures, in consultation with the appropriate public safety agencies, for emergency drills for hostage and active shooter situations and incorporate procedures to address active shooter situations in the model emergency management and emergency preparedness procedures.

- Requires each school safety specialist to coordinate with appropriate public safety agencies that are designated as the first responders to a school's campus to tour such campus once every 3 years and provide recommendations related to school safety.
- Requires the DOE to contract for the development of a Florida Safe School Assessment Tool to be used by each school district and public school in conducting security assessments to identify threats and vulnerabilities.
- Requires the DOE to establish evidence-based youth mental health awareness and assistance training program to help school personnel identify and understand the signs of emotional disturbance, mental illness, and substance use disorders and provide such personnel with the skills to help a person who is experiencing or developing an emotional disturbance, mental health, or substance abuse problem.
- Creates the mental health assistance allocation within the Florida Education Finance Program to provide funding to assist school districts in establishing or expanding school-based mental health care.
- Clarifies that the cost per student station does not include specified costs related to improving school safety.

The bill also:

- Prohibits a person from making, posting, or transmitting a threat to conduct a mass shooting or an act of terrorism.
- Requires the Department of Children and Families (DCF) to contract for community action treatment teams to provide behavioral health and support services.
- Requires the Florida Department of Law Enforcement to procure a mobile app that would allow students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities or threats. The students of Marjory Stoneman Douglas High School recommended that the program be named "FortifyFL."

The bill includes, but is not limited to, the following appropriations for the proposals discussed above:

- Over \$69 million to the DOE to fund the mental health assistance allocation;
- \$1 million for the design and construction of a memorial honoring those who lost their lives on February 14, 2018, at Marjory Stoneman Douglas High School.
- Over \$25 million for replacing building 12 at Marjory Stoneman Douglas High School.
- Over \$67 million for sheriff's offices who decide to establish a school guardian program.
- Over \$97 million to aid for the safe school allocation.
- Over \$98 million to implement a grant program for improving the physical security of school buildings.
- \$400,000 for the "FortifyFL" mobile app.
- \$18.3 million to the DCF for additional mobile crisis teams to ensure reasonable access among all counties.

These provisions were approved by the Governor and take effect on March 9, 2018, unless otherwise provided.

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.
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*Vote: Senate 20-18; House 67-50*

## Committee on Rules

### **SB 7028 — Ratification of Department of Elderly Affairs Rules**

by Rules Committee

SB 7028 ratifies a Department of Elderly Affairs rule to ensure that assisted living facilities have an alternative power source. The rule was developed in response to the death of 12 nursing home residents in Hollywood, Florida, from heat exposure due to power outages resulting from Hurricane Irma in September, 2017. Assisted living facilities are licensed by the state to provide custodial care for residents who cannot live independently but do not need skilled nursing care.

The Department of Elderly Affairs wrote Rule 58A-5.036, Florida Administrative Code, entitled “Emergency Environmental Control for Assisted Living Facilities” to require all such facilities to have an alternative power source by June 1, 2018. The power source must ensure that the temperature in a portion of the facility large enough to accommodate all of the facility’s residents is maintained at 81 degrees Fahrenheit or cooler. Assisted living facilities must have access to sufficient fuel to run the alternative power source for a minimum of 96 hours in the event of the loss of primary electrical power. The rule was published February 13, 2018.

Section 120.541, Florida Statutes, requires any rule that increases regulatory costs on the private sector by more than \$1 million over 5 years be ratified by the Legislature before it may take effect. The Department of Elderly Affairs determined that the proposed rule will likely increase regulatory costs by more than this amount with the implementation of the rule.

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

*Vote: Senate 37-0; House 108-1*

## Committee on Rules

### **HB 7045 — The Legislature/Date for Convening 2020 Regular Session**

by Rules and Policy Committee and Representative Nuñez

The bill provides that the 2020 Regular Session of the Legislature will convene on January 14, 2020.

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

*Vote: Senate 34-3; House 110-4*



## Committee on Rules

### **HB 7099 — Ratification of Agency for Health Care Administration Rules**

by Health and Human Services Committee and Rep. Magar (SB 7030 by Rules Committee)

HB 7099 ratifies Agency for Health Care Administration (AHCA) Rule 59A-4.1265, F.A.C., entitled “Emergency Environmental Control for Nursing Homes.” This rule requires, by June 1, 2018, each nursing home to acquire an alternative power source to ensure that temperatures are maintained at 81 degrees Fahrenheit or cooler in a sufficient portion of the facility to accommodate all of the facility’s residents. The rule also requires each facility to implement certain policies and procedures to ensure that residents do not suffer complications from heat exposure.

The Statement of Estimated Regulatory Costs developed by the AHCA determined that the proposed rule will likely increase regulatory costs in excess of \$1 million in the aggregate within five years after implementation of the rule. Accordingly, the rule must be ratified by the Legislature before it may go into effect.

The bill also:

- Directs that the act shall not be codified in the Florida Statutes;
- Requires that after the act becomes law, its enactment and effective date shall be noted in the Florida Administrative Code, the F.A.R., or both, as appropriate;
- Provides that the act does not alter rulemaking authority or constitute a legislative preemption of, or exception to, any other provision of law regarding adoption or enforcement of the rule and is intended to preserve the status of the rule; and
- Does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of requirements governing adoption of the rule.

The Statement of Estimated Regulatory Costs developed by the AHCA determined that the proposed rule will likely increase regulatory costs in excess of \$1 million in the aggregate within five years after implementation of the rule. Accordingly, the rule must be ratified by the Legislature before it may go into effect.

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

*Vote: Senate 35-0; House 113-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**HB 6505 — Relief/Vonshelle Brothers/Department of Health**

by Rep. Jenne (SB 42 by Senator Rodriguez)

This bill provides \$1 million for the benefit of Iyonna Hughey. She was diagnosed with herpes meningoencephalitis shortly after her birth. Her condition was attributed to failures of the Brevard County Health Department to diagnose and treat Iyonna's mother for herpes simplex type 2.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 37-1; House 108-4*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**CS/HB 6509 — Relief/C.M.H./Department of Children and Familie**

by Civil Justice and Claims Subcommittee and Rep. Grant, J. (CS/SB 18 by Appropriations Committee and Senator Braynon)

This bill provides \$5,076,543.08 for the relief of C.M.H. He suffered injuries after the Department of Children and Families placed J.W., an older, sexually aggressive child in his home.

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 111-4*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**CS/HB 6515 — Relief/Cathleen Smiley/Brevard County**

by Civil Justice and Claims Subcommittee and Rep. Altman (CS/SB 52 by Judiciary Committee and Senator Mayfield)

This bill provides \$25,000 for the relief of Cathleen Smiley. Ms. Smiley was injured in a multi-vehicle accident that was caused by the negligence of the driver of a bus owned and operated by Brevard County.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 34-1; House 111-4*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**CS/HB 6523 — Relief/Ashraf Kamel & Marguerite Dimitri/Palm Beach  
County School Board**

by Civil Justice and Claims Subcommittee and Rep. Raburn (SB 48 by Senator Gibson)

This bill provides \$360,000 for the relief of Ashraf Kamel and Marguerite Dimitri. Their handicapped, 14-year old son, Jean, was a student at Conniston Middle School. The school failed to protect him from another student who shot and killed him while he was on the sidewalk in front of the school.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 34-1; House 112-3*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**CS/HB 6527 — Relief/Christopher Cannon/City of Tallahassee**

by Civil Justice and Claims Subcommittee and Rep. Alexander (CS/SB 28 by Judiciary Committee and Senators Montford and Stewart)

This bill provides \$500,000 for the relief of Christopher Cannon. He was injured in a motor vehicle accident caused by the negligence of the driver of a City of Tallahassee vehicle.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 34-1; House 110-4*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Special Master on Claim Bills**

**CS/HB 6545 — Relief/Ramiro Companioni, Jr./City of Tampa**

by Civil Justice and Claims Subcommittee and Rep. Santiago (SB 46 by Judiciary Committee and Senator Galvano)

This bill provides \$5 million for the relief of Ramiro Companioni, Jr. He was injured when the motorcycle he was operating collided with a City of Tampa Water Department truck.

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 109-2*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**CS/HB 135 — Motor Vehicle Registration Applications**

by Transportation and Infrastructure Subcommittee; and Rep. Ausley and others (CS/SB 290 by Appropriations Committee; and Senators Rouson and Rader)

The bill requires the Department of Highway Safety and Motor Vehicles to include language on the motor vehicle registration application form that allows a deaf or hard of hearing applicant to indicate voluntarily that he or she is deaf or hard of hearing. This notation will be included through the Driver and Vehicle Information Database and available through the Florida Crime Information Center system. The bill enables a law enforcement officer to access this information upon searching a license plate prior to approaching the motor vehicle during a traffic stop.

The bill also updates the name of an organization to receive a voluntary \$1 contribution per applicant on the motor vehicle registration application form, from Prevent Blindness Florida to Preserve Vision Florida, to correctly reference the organization's name change.

Finally, the bill makes a cross-reference change to conform to changes made by the bill.

If approved by the Governor, these provisions take effect October 1, 2018.

*Vote: Senate 36-0; House 113-0*



THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**CS/CS/HB 141 — Transportation**

by Government Accountability Committee; Transportation and Infrastructure Subcommittee; and Rep. Harrison and others (CS/SB 1012 by Appropriations Committee and Senators Passidomo and Young)

The bill revises provisions currently related to contracting and negotiation between the Florida Department of Transportation (FDOT) and local governmental entities for the design, right-of-way acquisition, and construction of legislatively approved turnpike projects. The bill authorizes, but does not require, the FDOT to contract with local entities for the transfer, purchase, sale, acquisition, or other conveyance of the ownership, operation, or maintenance of any turnpike project approved by the Legislature. Local entities are authorized to negotiate and contract with the FDOT for the same purposes.

In addition, the bill exempts law enforcement officers operating an official vehicle while on official law enforcement business from payment of tolls for the use of toll facilities. The bill also extends by one year the FDOT's existing obligation to reimburse Collier County or another local governmental entity for the direct actual costs of operating the fire station at mile marker 63 on Alligator Alley, by interlocal agreement, through no later than June 30, 2019.

Lastly, by October 1, 2018, the bill requires the Miami-Dade County Expressway Authority (MDX) to submit to the Governor information regarding its compliance with an existing provision of law. The MDX is currently required to provide a minimum five-percent reduction in tolls charged for SunPass users of MDX facilities at the time the toll is incurred. Effective October 31, 2018, if the required toll reduction has not taken place, the bill dissolves the existing MDX board and requires a new board to be appointed by the same date, except that the FDOT's district secretary continues as an ex officio voting member of the new board. All new board members must be residents of Miami-Dade County, except for the FDOT's district secretary. Miami-Dade County must appoint five voting members, up to two of which may be elected officials. The Governor must appoint three voting members.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 35-2; House 114-0*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**HB 185 — Redirection of Fees to Tax Collectors**

by Rep. Mariano and others (SB 322 by Senators Book and Baxley)

The bill authorizes tax collectors to retain a portion of fees currently deposited in the Highway Safety Operating Trust Fund when the tax collectors administer subsequent driver license examinations or reinstate driver licenses. Specifically, tax collectors would retain:

- \$10, less the general revenue (GR) service charge, for administering a subsequent knowledge test as part of the driver license examination;
- \$20, less the GR service charge, for administering a subsequent skills test as part of the driver license examination;
- \$15, less the GR service charge, of the \$45 fee for processing a reinstatement of a suspended driver license; and
- \$20, less the GR service charge, of the \$75 fee for processing a reinstatement of a disqualified or revoked driver license.

The GR service charge is provided in s. 215.20, F.S., and is currently eight percent.

If approved by the Governor, these provisions take effect July 1, 2018.

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

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**HB 215 — Motor Vehicles**

by Rep. Payne and others (CS/SB 504 by Appropriations Committee and Senator Perry)

***Autocycles***

The bill defines the term “autocycle,” includes an autocycle under the statutory definitions of a motorcycle, and requires occupants of autocycles wear safety belts. The bill also exempts drivers of autocycles from motorcycle endorsement or motorcycle license requirements, meaning drivers are not required to complete motorcycle knowledge and skills testing to operate an autocycle.

***Mobile Carriers***

The bill defines the term “mobile carrier” and provides regulations for such devices. The bill provides a mobile carrier is not considered a vehicle, motor vehicle, or a personal delivery device, and is not required to be registered or insured to operate within the state pursuant to s. 320.02, F.S. The bill authorizes a mobile carrier to be operated on sidewalks and crosswalks within a county or municipality when such use is permissible under federal law, but does not restrict a county or municipality from adopting regulations for the safe operation of mobile carriers.

The bill provides a mobile carrier:

- Operating on a sidewalk or crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, except the mobile carrier may not unreasonably interfere with pedestrians or traffic and must yield the right-of-way to pedestrians;
- Must obey all official traffic and pedestrian control signals and devices;
- Must be equipped with a braking system that, when active or engaged, enables the mobile carrier to come to a controlled stop;
- May not operate on a public highway except to cross a crosswalk;
- May not operate on a sidewalk or crosswalk unless the property owner remains within 25 feet of the mobile carrier; and
- May not transport persons, animals, or hazardous materials.

***State University Ingress and Egress***

The bill prohibits a local governmental entity from preventing motor vehicle use on or access to an existing transportation facility or corridor if that facility or corridor is the only point, or only one of two points, of ingress to and egress from a state university as defined in s. 1000.21, F.S. However, this section does not apply when motor vehicle use or access is prevented by a law enforcement agency in an emergency situation, or for a temporary closure necessary for road maintenance or repair.

The bill also makes changes to cross-references to conform to changes made by the bill.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 33-3; House 91-10*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**CS/SB 382 — Transportation Facility Designations**

by Appropriations Committee and Senators Book, Campbell, Stewart, and Broxson

The bill creates a number of honorary designations of transportation facilities around the state and directs the Florida Department of Transportation to erect suitable markers for each designation. Designations are as follows:

- I-95 between S.W. 136th Avenue and S.R. 823/Flamingo Road in Broward County is designated as “Deputy Ryan Seguin Memorial Highway.”
- I-75/Alligator Alley between mile marker 24 and mile marker 26 in Broward County is designated as “Trooper Stephen G. Rouse Memorial Highway.”
- The Minneola interchange on S.R. 91/Florida’s Turnpike at N. Hancock road in Lake County is designated as “Tera Ross Memorial Interchange.”
- U.S. 90/S.R. 10 between Chaires Cross Road and S.R. 59 in Leon County and Jefferson County is designated as “Deputy Christopher Smith Memorial Highway.”
- The pedestrian bridge over S.R. 436/Semorán Boulevard at Abercorn Drive in Orange County is designated as “Elias ‘Rico’ Piccard Memorial Overpass.”
- Bridge number 105503 on W. Laurel Street over the Hillsborough River in Hillsborough County is designated as “Fortune Taylor Bridge.”
- N.W. 133rd Avenue between N.W. 11th Street and N.W. 12th Street in Broward County is designated as “Patricia Angella Barrett Lewis and Charlton Pernell Lewis Avenue.”
- 5th Street between Euclid Avenue and Lenox Avenue in Miami-Dade County is designated as “Joseph Emmanuel ‘Manno’ Charlemagne Street.”
- The bridge on Peninsula Corp Drive over I-95 in Palm Beach County is designated as “Richard Jason Randolph Memorial Bridge.”
- I-75/S.R. 93 between mile marker 110 and the Broward County line in Collier County is designated as “Submarine Veterans Memorial Highway.”
- S.R. 4 between Munson Highway and S.R. 189 in Santa Rosa and Okaloosa Counties is designated as “Senator Greg Evers Memorial Highway.”
- U.S. 90/S.R. 10 between S.R. 285 and N. 9th Street/S.R. 83 in Walton County is designated as “Lieutenant Ewart T. Sconiers Highway.”
- S.R. 9336/S.W. 344th Street/W. Palm Drive between S.W. 192nd Avenue/Tower Road and S.W. 177th Avenue/S. Krome Avenue in Miami-Dade County is designated as “Steve Mainster Memorial Drive.”
- Upon completion of construction, the pedestrian bridge over S.R. 390 at Kentucky Avenue and Mowat School Road in Bay County is designated as “Harold Haynes Memorial Pedestrian Bridge.”
- S.R. 109/University Boulevard between Clifton Avenue and Fort Caroline Road in Duval County is designated as “Jim Tullis memorial Boulevard.”
- S.R. 46 between International Parkway and S.R. 431/Orange Boulevard in Seminole County is designated as “Dr. R.C. Sproul Way.”

- S.R. 190/Valparaiso Parkway between S.R. 85/Government Avenue and S.R. 397/John Sims Parkway in Okaloosa County is designated as “John B. Arnold, Jr., Memorial Highway.”

The bill also revises a previously enacted designation of U.S. 1 between Broward Boulevard and Sunrise Boulevard in Broward County as “The Hope and Healing Highway,” to remove applicability of the provisions of s. 334.071(3), F.S., allowing installation of designation markers without a local government resolution in support of the designation.

If approved by the Governor, these provisions take effect July 1, 2018.

*Vote: Senate 37-0; House 100-1*

THE FLORIDA SENATE  
2018 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**CS/CS/HB 1361 — Clerks of Court**

by Judiciary Committee; Civil Justice and Claims Subcommittee; and Rep. Clemons (CS/CS/SB 918 by Rules Committee; Judiciary Committee; and Senator Grimsley)

The bill modifies how the clerks of the circuit courts will dispose of surplus funds and how they will receive course completion information from driver improvement schools.

***Remission of Unclaimed or Surplus Funds from Courts to the Department of Financial Services (DFS)***

The bill repeals s. 43.19, F.S., which requires courts to retain unclaimed funds in their possession for 5 years and requires a court order for payment of an unclaimed fund. This will require courts to turn unclaimed funds over to the DFS 1 year after they become payable or distributable as provided in s. 717.113, F.S. A surplus of less than \$10 escheats to the clerk.

The bill provides any surplus fund remaining 1 year after the judicial sale of property are presumed unclaimed, and the clerk of court is required to report (in accordance with s. 717.117, F.S.) and remit (in accordance with s. 717.119, F.S.) the surplus funds to the DFS. However, the time for remitting funds is extended if the owner of the funds has not been determined by the court or if entitlement to the funds is being litigated.

***Termination of the Surplus Trustee Program and Related Fees***

The bill repeals statutory provisions regarding the use of surplus trustees to locate the owners of surplus funds from judicial sales. Such trustees receive 2 percent of the surplus funds upon appointment and an additional 10 percent of the funds if the trustee locates and disburses the funds to the owner. By terminating this program, no surplus trustee will be appointed and the full amount of unclaimed surplus funds will be transferred to the DFS, which is obligated under current law to attempt to locate the owners of the funds at no cost to the owners. Additionally, the bill repeals related clerk's fees for trustee appointment.

***Submission of Claims by Subordinate Lienholders***

The bill increases the time period in which subordinate lienholders may claim surplus funds resulting from the judicial sale of property, to any time prior to when the clerk reports the surplus as unclaimed to the DFS (at least one year after the sale) instead of within the 60-day period after the sale. The bill retains the provisions of existing law requiring a court to hold an evidentiary hearing to determine entitlement if the record owner claims the funds during the time period for subordinate lienholders to assert claims to the funds. If entitlement to the funds is being litigated, the clerk of court must retain the funds until conclusion of the litigation. Once a clerk remits the surplus funds to DFS, only the owner of record of the property sold at a judicial sale or the beneficiary of the deceased owner is entitled to the surplus.

The bill makes cross-reference changes to conform to the repeal of the surplus trustee program and the transfer of surplus funds to the DFS.

***Transmission of Course Completion Information by Driver Improvement Schools***

The bill requires driver improvement schools to transmit student course completion certificates through the Florida Courts E-Filing Portal, within three days after a person successfully completes the course. The certificate must be transmitted to the clerk of the circuit court for the county in which the citation was issued which resulted in the student's attendance at the driver improvement school. The requirement for the electronic submission of driver improvement school completion certificates is intended to eliminate the need for students to obtain and submit the certificate to a clerk's office.

If approved by the Governor, these provisions take effect July 1, 2019.

*Vote: Senate 36-0; House 114-0*