

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

CS/SB 628 — Urban Agriculture

by Rules Committee and Senator Rouson

CS/SB 628 exempts propelled equipment used on a farm or used to transport farm products for the purpose of urban agriculture from the requirement that that farm equipment be stored, maintained, or repaired within the boundaries of the owner's farm and be located at least 50 feet away from a public road. The bill does not exempt nonresidential farm buildings, fences, or signs located on lands used for urban agriculture from the Florida Building Code or local governmental regulations.

The bill defines “urban agriculture” and provides applicability.

The bill authorizes the Department of Agriculture and Consumer Services (Department) to approve five urban agricultural pilot project programs in municipalities throughout the state. The bill sets forth requirements by which the Department may approve such projects, outlines eligibility and application requirements, and provides project length periods. The bill requires that municipalities submit a report to the Department outlining outcome and impact of their pilot projects by a specified date. The Department is then required to submit a report on the outcomes and impacts of the pilot projects to the President of the Senate and the Speaker of the House of Representatives.

The bill expressly preserves local governmental authority to regulate urban agriculture under certain circumstances.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

CS/CS/SB 1018 — Largemouth Bass

by Rules Committee; Environment and Natural Resources Committee; and Senators Boyd and Perry

CS/CS/SB 1018 allows for Florida largemouth bass to be sold by an aquaculture producer or a dealer with a nonrecreational license from the Fish and Wildlife Conservation Commission. Florida largemouth bass may be sold without restriction, including for human consumption, so long as the product origin can be identified.

?AUTOTEXTLIST?? \s "SS Effective Date" \t "Right-click to drop down list, left-click to select" If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-1; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

SB 1634 — Public Records/Aquaculture/Department of Agriculture and Consumer Services

by Senators Brodeur and Ausley

SB 1634 makes confidential and exempt from public inspection and copying requirements certain aquaculture records held by the Department of Agriculture and Consumer Service. The confidential and exempt records include shellfish receiving and production records generated by shellfish processing facilities, audit records and supporting documentation required for submerged land leases, and aquaculture production records and receipts generated by aquaculture facilities. A record may be disclosed to another governmental entity in the performance of its duties and responsibilities. This exemption applies to aquaculture records held before, on, or after July 1, 2021.

This exemption is subject to the Open Government Sunset Review Act and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

HB 7007 — OGSR/Department of Agriculture and Consumer Services
by Government Operations Subcommittee and Rep. Chambliss (SB 7036 by Agriculture Committee)

The Open Government Sunset Review Act requires the Legislature to review each public record and each public meeting exemption five years after enactment. If the Legislature does not reenact the exemption, it automatically repeals on October 2nd of the fifth year after enactment.

The Department of Agriculture and Consumer Services (DACS) investigates and regulates several professions and organizations in the State of Florida, including the regulation of charitable organizations. DACS receives examination and investigation data from agencies in other states and federal agencies. Many charitable organizations operate both inside and outside of Florida making coordination with other state and federal agencies critical. The data from these partner agencies helps DACS carry out its mission to provide, among other duties, oversight of charitable organizations. In order to receive and share certain investigatory information, DACS must enter into agreements to maintain the confidentiality of the information.

In 2016, the Legislature created a public record exemption for criminal or civil intelligence or investigative information or any other information held by DACS as part of a joint or multi-agency examination or investigation with another state or federal regulatory, administrative, or criminal justice agency when the information shared is confidential or exempt under the laws or regulations of that state or federal agency. The public records exemption does not apply to information held by DACS as part of an independent examination or investigation conducted by DACS.

The bill saves from repeal the public record exemption, which will repeal on October 2, 2021, if this bill does not become law.

If approved by the Governor, these provisions take effect October 1, 2021.
Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2500 — General Appropriations Act

by Appropriations Committee

SB 2500, the General Appropriations Act for Fiscal Year 2021-2022, provides for a total budget of \$101.5 billion, including:

- \$36.3 billion from the General Revenue Fund (GR)
- \$2.4 billion from the Education Enhancement Trust Fund
- \$1.1 billion from the Public Education Capital Outlay Trust Fund (PECO TF)
- \$61.7 billion from other trust funds (TF)
- 113,742.76 full time equivalent positions (FTE)

Reserves

Total: \$6 billion

Major Issues

Education Capital Outlay

Total: \$272.8 million [\$29.1 million GR, \$243.7 million PECO TF]

- Charter School Repairs and Maintenance - \$182.9 million [PECO TF]
- Developmental Research School Repairs and Maintenance - \$7.7 million [PECO TF]
- Other Public School Projects - \$9.4 million [PECO TF]
- Florida College System Projects - \$26 million [\$10.6 million GR, \$15.4 million PECO TF]
- State University System Projects - \$37.8 million [\$18.5 million GR, \$19.3 million PECO TF]
- School for the Deaf and Blind Repairs and Maintenance - \$2.7 million [PECO TF]
- Public Broadcasting - Health and Safety Issues - \$6 million [PECO TF]
- Division of Blind Services Repairs and Maintenance - \$315,000 [PECO TF]

In addition: \$46 million in authorization for State University System (SUS) Capital Improvement Student Fee Projects

Compensation and Benefits

- Minimum Wage Increase to \$13 per hour for State Employees - \$43 million [\$26 million GR; \$17 million TF]
- State Attorney and Public Defender 10% Pay Increase - \$1.3 million GR
- DCA Judges 10% Pay Increase - \$1.6 million GR
- Florida Retirement System (State Agencies) - \$59 million [\$33 million GR; \$26 million TF]

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

Federal Coronavirus State Fiscal Recovery Funds

- \$6.7 billion total - contingent on receipt of Federal Coronavirus State Fiscal Recovery Funds
- Budget Stabilization Fund: \$350 million

Emergency Response

- Emergency Preparedness and Response Fund - \$1 billion
- First Responders \$1,000 Bonus Payment - \$208.4 million
 - A first responder is defined as an essential frontline worker who is a sworn law enforcement officer, emergency medical technician, firefighter, paramedic, Institutional Security Officer, Chief, Specialist, or Supervisor of the Department of Children and Families or Agency for Persons with Disabilities, or Department of Corrections' Certified Correctional Officer, Certified Correctional Probation Officer, or IG Inspector.
- Child care and early learning instructors \$1,000 Bonus Payment - \$166 million*
 - Authority is provided for the Department of Education to utilize additional federal funds to provide these bonuses.
- Classrooms teachers and principals \$1,000 Bonus Payment - \$215.7 million**
 - Authority is provided for the Department of Education to utilize additional federal funds to provide these bonuses.
- Child care assistance for essential workers including health care sector employees, emergency responders, and sanitation workers - \$950.4 million***

Infrastructure Improvements and Enhancements

- State Highway System and Florida Ports - \$2 billion
 - State Highway System - \$1.8 billion
 - Port Operations Grants - \$250 million
- Deferred Building Maintenance - \$350 million
- State Emergency Operations Center - \$100 million
- Florida National Guard New Armories / Immokalee and Zephyrhills - \$50 million

Water Quality and Environmental Protection

- Resilient Florida Grants - \$500 million
- Wastewater Grant Program - \$500 million
- Wildlife Corridor (DEP Land Acquisition) - \$300 million
- Piney Point - \$100 million
- Coastal Mapping Services - \$100 million
- Everglades Restoration - \$59 million
- Beach Management Funding Assistance Program - \$50 million
- Petroleum Underground Storage Cleanup Program - \$50 million
- C-51 Reservoir - \$48 million
- Alternative Water Supply - \$40 million
- Springs Restoration - \$25 million
- Small Community Wastewater Grants - \$25 million

- Derelict Vessel Removal Program - \$25 million
- Total Maximum Daily Loads - \$20 million
- FWC Enhanced Aviation Support - 8.4 million

Economic Development and Workforce Support

- Workforce Information Technology System - \$100 million
- Reemployment Assistance System - \$56.4 million
- Jobs Growth Grant Fund - \$50 million
- African American Cultural and Historic Grant Program - \$30 million
- Visit Florida - \$25 million

Education Initiatives and Facility Improvements

- Education Capital Outlay / PreK-12 Special Facilities - \$210.3 million
- Education Capital Outlay / Higher Education - \$190.9 million
- New Worlds Reading Initiative - \$125 million

** From Coronavirus Response and Relief Supplemental Appropriations Act – Child Care Specific Funds*

*** From American Rescue Plan Act – Education Specific Funds*

**** From American Rescue Plan Act – Child Care Specific Funds*

Education Appropriations

Total Appropriations: \$26.7 billion [\$17.7 billion GR; \$9 billion TF, excludes tuition]

Total Funding - Including Local Revenues: \$39.3 billion [\$26.7 billion state funds; \$12.6 billion local funds][\[1\]](#)

Major Issues

Early Learning Services

Total: \$1.9 billion [\$565.6 million GR; \$1.3 billion TF]

- Voluntary Prekindergarten Program - \$408.6 million GR; including \$3.6 million decrease for 1,277 fewer students
- Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) Funds for Child Care - \$348.3 million TF - one-time emergency relief funds to meet the child care needs of essential workers and to stabilize child care programs by covering a range of expenses such as personnel costs, rent, facility maintenance and improvements, personal protective equipment (PPE) and COVID-related supplies
- CRRSA - Funds for Early Learning Instructor Bonuses - \$166 million TF – Two \$1,000 bonuses for early learning instructors across the state

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

- School Readiness Program - \$932.8 million [\$144.5 million GR; \$788.3 million TF]
 - Targeted Provider Rate Increases - \$100 million TF
 - Additional Waitlist Funding - \$12 million TF

Early Learning /Back of the Bill

Total: \$2.5 billion TF

- American Rescue Plan (ARP) Act Funding:
 - Child Care Program Stabilization Funds - \$1.5 billion TF – one-time emergency relief funds to help stabilize child care programs by covering a range of expenses such as personnel costs, rent, facility maintenance and improvements, personal protective equipment (PPE) and COVID-related supplies
 - Essential Workers Child Care Support - \$950 million TF

Public Schools/K12 FEFP

Total Funding: \$22.8 billion [\$12.9 billion state funds; \$9.9 billion local funds]

- FEFP Total Funds decrease is \$149.1 million (due to the 2020-21 pandemic-related enrollment decline)
- Increases the Total Funds per Student from \$7,756 to \$7,795 after adjusting for the one-time hold harmless funding provided to school districts in Fiscal Year 2020-21
- Increases the Base Student Allocation (BSA) by \$53 or 1.2 percent
- FEFP Base Funds (flexible \$) increase of \$473 million or 3.5 percent
- Required Local Effort (RLE) increase of \$201.4 million; RLE millage maintained at prior year level of 3.720 mills
- Teacher Salary Increase Allocation - \$550 million - funds that school districts must use to increase the minimum salaries of classroom teachers (\$440 million) to at least \$47,500, and to increase salaries for other instructional personnel (\$110 million)
- Safe Schools Allocation - \$180 million for School Safety Officers and school safety initiatives
- Mental Health Assistance Allocation - \$120 million to help school districts and charter schools address youth mental health issues
- Turnaround School Supplemental Services Allocation - \$24.4 million - additional funds for services designed to improve the overall academic and community welfare of students and their families at designated lower performing schools
- Funding Compression & Hold Harmless Allocation - \$50.2 million - compression funds for districts with total funds per FTE that are less than the statewide average and hold harmless funds for districts that have a reduction in the District Cost Differential
- Student Reserve Allocation - \$464.3 million GR set-aside to provide additional funds to school districts for students who return to public schools during pandemic recovery and for students who participate in school choice scholarship programs.

Public Schools/K12 Non-FEFP & Ed Media

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

Total: \$313.7 million [\$306.6 million GR; \$7.1 million TF]

- Coach Aaron Feis Guardian Program - \$6.5 million GR
- Community School Grant Program - \$7.1 million GR
- Mentoring Programs - \$16.3 million GR
- Schools of Hope - \$60 million GR
- Computer Science and Teacher Bonuses - \$10 million GR
- School District Foundation Matching Grants - \$6 million GR
- Florida Association of District School Superintendents Training - \$500,000 GR
- School and Instructional Enhancement Grants - \$34.9 million GR
- Exceptional Education Grants - \$8 million [\$5.7 million GR; \$2.3 million TF]
- Florida School for the Deaf & Blind - \$57.4 million [\$52.6 million GR; \$4.8 million TF]
- Reading Scholarship Accounts - \$7.6 million
- School District Intensive Reading Initiative Pilot - \$6 million GR
- School Hardening Grants - \$42 million GR
- Capital Projects - \$7.9 million

Public Schools/Federal Grants

Total: \$4.3 billion TF

- Federal Grants Funding - increase of \$417.3 million TF
- CRRSA funds for School Districts - \$2 billion TF – one-time emergency relief funds for K-12 education to help offset the costs of education related to the pandemic and to reopening schools.

Public Schools/K12 Back of the Bill

Total: \$7 billion TF

- American Rescue Plan Act Funding:
 - Funds for School Districts - \$6.3 billion TF – one-time emergency relief for K-12 education to help offset the costs of education related to the pandemic and to reopening schools
 - \$1,000 Bonus for Full-Time Public School Teachers and Principals - \$216 million TF
 - State Level Discretionary Funds for K-12 Education - \$488 million TF

State Board of Education

Total: \$545.1 million [\$76.9 million GR; \$468.2 million TF]

- Assessment and Evaluation - \$134.7 million [\$48.2 million GR; \$86.5million TF]
 - VPK and Student Literacy Program Monitoring Systems - \$15.5 million TF in Assessment and Evaluation and \$6.5 million TF in Contracted Services
- Number One Standards Teacher Professional Development - \$1.5 million GR
- Federal Elementary and Secondary School Emergency Relief Funds for state education agency reserve \$255 million TF.

School District Workforce

Total: \$569.8 million [\$284.3 million GR; \$242.2 million TF; \$43.3 million tuition/fees]

- Workforce Development for career and technical education and adult education - \$372.3 million [\$265.7 million GR, \$106.6 million TF]
- Perkins Career and Technical Education grants and Adult Education and Literacy funds - \$120.6 million TF
- CAPE Incentive Funds for students who earn Industry Certifications - \$6.5 million
- Open Door Grant Program - \$15 million TF
- School and Instructional Enhancement Grants - \$1.7 million GR
- Pathways to Career Opportunities Grant Program for apprenticeships - \$10 million GR
- No tuition increase

Florida College System

Total: \$2 billion [\$1.14 billion GR; \$216.9 million TF; \$719.1 million tuition/fees]

- Florida Integrated Library System and Distance Learning Student Services - \$9.1 million GR
- CAPE Incentive Funds for students who earn Industry Certifications - \$14 million GR
- Open Door Grant Program - \$20 million TF
- Student Success Incentive Funds - \$30 million in prior performance earnings rolled into the base of each college, and \$25 million in additional funds for new performance earnings
- College Operational Enhancements - \$24.5 million TF
- No tuition increase

State University System

Total: \$5.3 billion [\$2.8 billion GR; \$508.3 million TF; \$2 billion tuition/fees]

- Performance Based Funding - \$560 million
 - State Investment - \$265 million GR
 - Institutional Investment - \$295 million
- Reduction of University Faculty Salaries (state funded) in Excess of \$200,000 - (\$18.5) million GR
- Incentives for Programs of Strategic Emphasis - \$25 million
- New Worlds Reading Initiative - \$75 million GR
- IFAS Workload - \$4 million GR
- Florida Integrated Library System and Distance Learning Student Services - \$11.8 million GR
- No tuition increase

Private Colleges

Total: \$186.5 million GR

- EASE Grants - \$114.8 million GR - funds workload for all eligible institutions at the current year student award level of \$2,841
- ABLE Grants - (\$5) million GR reduction – eliminates funding for the program

Student Financial Aid

Total: \$982.6 billion [\$273.3 million GR, \$709.3 million TF]

- Bright Futures - \$623.3 million TF (maintains student awards at levels consistent with current law but eliminates funding for the textbook stipend)
- Benacquisto Scholarship Program - \$34.3 million GR
 - \$7.7 million workload increase
- Children/Spouses of Deceased or Disabled Veterans - \$11 million GR
 - \$2.6 million workload increase
- Dual Enrollment Scholarship - \$15.5 million GR - funds to reimburse eligible postsecondary institutions for tuition and related costs for dual enrollment courses taken by certain high school students
- Randolph Bracy Ocoee Scholarship Program - \$305,000 GR - funds to provide up to 50 scholarships for students who are direct descendants of victims of the Ocoee Election Day Riots in November 1920 and for current African-American residents of Ocoee

Health and Human Services Appropriations

Total Budget: \$44.6 billion [\$12.1 billion GR; \$32.5 billion TF]; 31,031.25 positions

Major Issues

Agency for Health Care Administration

Total: \$35.4 billion [\$8.6 billion GR; \$26.8 billion TF]; 1,529.5 positions

- Medicaid Price Level and Workload - \$4,293.7 million [\$1,215.7 million GR; \$3,078.0 million TF]
- KidCare Workload (Due to Caseload Shift to Medicaid) - (\$106.7) million [(\$11.3) million GR; (\$95.4) million TF]
- Medicaid Post-Partum Care Extension - \$239.8 million [\$89.2 million GR; \$150.6 million TF]
- Healthy Start MomCare Network Increase - \$22.0 million [\$8.2 million GR; \$13.8 million TF]
- New Reimbursement Rate Level for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) - \$18.3 million [\$6.8 million GR; \$11.5 million TF]
- Hospital Rate Enhancements Moved to Nonrecurring Funding
- Directed Payment Program for Hospitals (Authorization Subject to Federal Approval)
- Indirect Medical Education Program for Teaching Hospitals (Authorization Subject to Federal Approval)

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

- Medicaid Reimbursement for Florida Assertive Community Treatment (FACT) Team Services - \$25.0 million TF (Authorization Subject to Federal Approval)
- Prescribed Pediatric Extended Care Center (PPEC) Rate Increase - \$5.4 million [\$2.0 million GR; \$3.4 million TF]
- Graduate Medical Education Program Increase - \$9.4 million [\$1.2 million GR; \$2.3 million IGTs; \$5.9 million TF]
- Physician Supplemental Payments - \$89 million TF [\$33.1 million IGTs; \$55.9 million TF]
- Certified Public Expenditure for Emergency Medical Services Care - \$46.3 million TF
- Florida Cancer Hospitals - \$154.0 million TF [\$57.3 million IGTs; \$96.7 million TF]
- Florida Medicaid Management Information System (FMMIS) - \$48.1 million TF
- Reduce Optional Over the Counter Drug Benefits Medicaid Services for Adults - (\$22.6) million [(\$8.4) million GR; (\$14.2) million TF]

Agency for Persons with Disabilities

Total: \$1.7 billion [\$665 million GR; \$988.2 million TF]; 2,700.5 positions

- Home and Community Based Services Waiver Waitlist - \$95.7 million [\$35.6 million GR; \$60.1 million TF]
- Employment and Internship Supports - \$1.0 million TF
- iConnect System - \$1.4 million TF
- Fixed Capital Outlay for Developmental Disability Facilities - \$23.1 million [\$14.1 million GR; \$9.0 million TF]

Department of Children and Families

Total: \$3.8 billion [\$2.0 billion GR; \$1.7 billion TF]; 12,230.75 positions

- Child Welfare Services:
 - Child Welfare Best Practices - \$42.4 million [\$30.0 million GR; \$12.4 million TF]
 - Multidisciplinary Staffing Teams and Case Consultation - 45 positions; \$8.3 million GR
 - Title IV-E Earnings Shortfall - \$10.0 million GR; (\$10.0) million TF
 - Maintenance Adoption Subsidies - \$12.0 million [\$5.8 million GR; \$6.2 million TF]
 - Community-Based Care Risk Pool - \$10.0 million GR
 - Transfer Hillsborough and Broward Children's Legal Services Units from the Office of Attorney General - 109 positions; \$9.5 million TF
 - Guardianship Assistance Program Growth - \$5.2 million [\$3.0 million GR; \$2.2 million TF]
 - Healthy Families Program IV-E Funding Maximization - (\$3.1) million GR; \$3.1 million TF
 - Restore Child Welfare Performance Incentive Pilots - \$8.2 million GR
 - Foster Parent Cost of Living Rate Adjustment - \$0.6 million [\$0.4 million; \$0.2 million TF]
 - State Employee Adoption Incentive Benefits Program - \$0.5 million GR

- Foster Care Independent Living Program Chafee Grant - \$20.0 million TF
- Promoting Safe and Stable Families Program Grant - \$5.0 million TF
- Child Abuse Prevention and Treatment Act Grant - \$3.9 million TF
- Pass-Through to Regional Conflict Counsels for Legal Representation - \$2.3 million TF
- Domestic Violence Program Administration - 24 positions
- Temporary Assistance for Needy Families Workload - \$12.1 million GR
- Adult Protection Services Grant - \$6.9 million TF
- Community Mental Health/Substance Abuse Services:
 - Opioid Response Grant - \$117.1 million TF
 - Legal Settlement Funds for Abatement of the Opioid Epidemic - \$11.3 million GR
 - Mental Health and Substance Abuse Prevention Block Grants - \$112.5 million TF
 - Medicaid Savings for Florida Assertive Community Treatment (FACT) Teams - (\$7.2) million GR; \$7.2 million TF
 - 2-1-1 Call Volume and Coordination Expansion - \$3.0 million GR
 - Employment Opportunities for Individuals with Mental Illnesses - \$1.1 million GR
- State Mental Health Facilities:
 - Medical Care Costs - \$2.9 million GR
 - Food Products Costs - \$1.1 million [\$0.6 million GR; \$0.5 million TF]
 - Fixed Capital Outlay Repairs and Maintenance - \$10.6 million [\$10.4 million GR; \$0.2 million TF]

Department of Elder Affairs

Total: \$405.1 million [\$205.8 million GR; \$199.3 million TF]; 407 positions

- Electronic Client Information and Registration Tracking System (eCIRTS) Project Implementation - \$2.7 million [\$0.9 million GR; \$1.8 million TF]
- Alzheimer's Disease Initiative - \$6.8 million GR
- Community Care for the Elderly - \$7.3 million GR
- USDA Adult Food Program - \$0.2 million TF and 3 positions
- Program of All-Inclusive Care for the Elderly (PACE) - \$17.6 million [\$6.5 million GR; \$11.1 million TF]

Department of Health

Total: \$3.2 billion [\$528.9 million GR; \$2.6 billion TF]; 12,681 positions

- Medical Quality Assurance Artificial Intelligence Customer Service Solution - \$4.0 million TF
- Pharmaceuticals for Department of Correction's Sexually Transmitted Disease Specialty Care Program - \$7.9 million TF
- Office of Medical Marijuana Use - \$14.9 million TF and 21 positions (transferred from the County Health Departments)

- Medical Marijuana Use Minority Education Campaign - \$2.3 million TF
- Minority Health and Health Equity Infrastructure - 4 positions; \$9.0 million [\$4.7 million GR; \$4.3 million TF]
- Hormonal Long-acting Reversible Contraception (HLARC) Program - \$2.0 million GR
- Children's Medical Services (CMS) Early Steps Program Improvements - \$2.4 million TF
- Community Health Promotion Grants - \$3.0 million TF
- Local Health Planning Council Grants - \$2.4 million TF
- Transfer Environmental Health Programs to the Department of Environmental Protection - 14 positions; \$1.8 million TF
- Health Care Education Reimbursement and Loan Repayment Program Reduction - (\$5.0) million GR
- CMS Administrative Reductions - (40) positions; (\$3.5) million GR
- Emergency Disease Threat Response Reduction - (\$8.6) million [(\$8.2) million GR; (\$0.4) million TF]

Department of Veterans Affairs

Total: \$153.0 million [\$34.7 million GR; \$118.3 million TF]; 1,482.5 positions

- Nonrecurring Trust Fund Shift to General Revenue Due to Trust Fund Deficit as a result of the New Homes Delayed Opening, and Decreased Occupancy Rates Due to COVID-19 - \$19.3 million GR
- Additional Medical and Nonmedical Equipment, and Recreational Equipment and Furniture in State Veterans' Nursing Homes - \$0.8 million GR
- Nursing Home Contracted Services Increase - \$4.2 million TF
- Initial Staffing and Startup for New State Veterans' Nursing Homes - 3 FTE; \$0.2 million TF
- Florida is For Veterans Training Grants - \$1.3 million GR

Criminal and Civil Justice Appropriations

Total Budget: \$5.9 billion [\$4.9 billion GR; \$950.8 million TF]; 47,013 positions

Major Issues

- 8.5 Hour Shift - \$17.4 million GR and 220 positions
- Staffing to Support Statutory Changes - \$4.6 million GR and 47 positions
- Career and Technical Education Expansion - \$1.0 million GR
- Replacement of Critical Transport Vehicles - \$1.0 million TF
- DOC Fixed Capital Outlay Maintenance and Repairs - \$23.3 million GR
- Re-Procurement of Detention Medical Contract - \$4.5 million [\$2.25 million GR; \$2.25 million TF]
- Florida Trial Courts Pandemic Recovery Plan - \$9.5 million TF
- Appellate Case Management Solutions - \$4.7 million TF

- Second DCA New Courthouse Building - \$50.0 million GR
- Approved Judgeships for FY 2020-2021 and FY 2021-2022 - \$5.2 million GR and 32 positions
- Florida Incident Based Reporting System (FIBRS) - \$11.5 million GR
- Criminal Justice Data Transparency - \$4.3 million [\$1.3 million GR; \$3.1 million TF]
- Florida Uniform Arrest Affidavit - \$9.3 million GR
- Increase Federal Victims of Crime Act Assistance Grant Program - \$74.2 million TF

Department of Corrections

Total: \$2.9 billion [\$2.83 billion GR; \$65.0 million TF]; 25,418 positions

- Staffing to Support Statutory Changes - \$4.6 million GR and 47 positions
- Basic Recruit Academy Redesign - \$0.8 million GR and 10 positions
- Career and Technical Education Expansion - \$1.0 million GR
- Replacement of Critical Transport Vehicles - \$1.0 million TF
- Fixed Capital Outlay Maintenance and Repairs - \$23.3 million GR
- Operational and Administrative Reductions - (\$3.1) million GR and (18.00) positions

Attorney General/ Legal Affairs

Total: \$367.6 million [\$70.4 million GR; \$297.3 million TF]; 1,269.5 positions

- IT Modernization Program Cloud Services - \$2.0 million [\$0.9 million GR, \$1.1 million TF]
- Consumer Data Privacy Staffing - \$1.5 million GR and 12 positions
- Increase Federal Victims of Crime Act Assistance Grant Program - \$74.2 million TF
- Awards to Claimants Reserve to Shore Up Victims Assistance Program - \$1.0 million GR
- Increase Authority for Antitrust and Complex Litigation Costs - \$4.0 million TF
- Operational and Administrative Reductions – (\$1.2) million [(\$0.4) million GR; (\$0.9) million TF] and (18.00) positions

Florida Department of Law Enforcement (FDLE)

Total: \$313.7 million [\$159.5 million GR; \$154.2 million TF]; 1,930 positions

- Florida Incident Based Reporting System (FIBRS) - \$11.5 million GR
- Criminal Justice Data Transparency - \$4.3 million [\$1.3 million GR; \$3.1 million TF]
- Florida Uniform Arrest Affidavit - \$9.3 million GR
- Address Growing Workload for Firearm Eligibility Bureau - \$0.7 million TF
- Pensacola Regional Operations Center Facility - \$1.4 million TF
- Tampa Bay Regional Operations Center Maintenance and Repair - \$4.5 million GR
- Fund Shift General Revenue to Operating Trust Fund - (\$0.6) million GR; \$0.6 million TF
- Operational and Administrative Reductions - (\$3.9) million [(\$1.6) million GR; (\$2.3) million TF] and (3.00) positions

- Reduce Vacant Positions - (16) positions

Department of Juvenile Justice

Total: \$586.1 million [\$439.4 million GR; \$146.7 million TF]; 3,239.5 positions

- Re-Procurement of Detention Medical Contract - \$4.5 million [\$2.25 million GR; \$2.25 million TF]
- Fixed Capital Outlay Maintenance and Repairs - \$5.6 million [\$3.0 million GR; \$2.6 million TF]
- Retention Bonuses for Direct-Care Staff in Residential Programs - \$1.0 million GR
- Reduce Residential Commitment Excess Capacity - (\$15.5) million GR
- Operational and Administrative Reductions - (\$2.9) million GR and (46.00) positions

State Court System

Total: \$667.2 million [\$552.3 million GR; \$114.9 million TF]; 4,430.50 positions

- Florida Trial Courts Pandemic Recovery Plan - \$9.5 million TF
- Appellate Case Management Solutions - \$4.7 million TF
- Second DCA New Courthouse Building - \$50 million GR
- Approved Judgeships for FY 2020-2021 and FY 2021-2022 - \$5.2 million GR and 32 positions

Justice Administrative Commission (JAC)

Total: \$1.04 billion [\$869.7 million GR; \$172.5 million TF]; 10,593.5 positions

- Increase Trust Fund Authority for Title IV-E Funding - \$10.7 million TF and 47 positions
- Replacement of Motor Vehicles - \$1.6 million TF
- Building Rental for Privately Owned Office Space (Capital Collateral Regional Counsels & Criminal Conflict Regional Counsels) - \$0.2 million GR
- Clerk of Court Pandemic Recovery Plan - \$6.3 million GR
- Operational and Administrative Reductions for the Criminal Conflict and Civil Regional Counsels - (\$0.9) million GR and (7.75) positions

Florida Commission on Offender Review

Total: \$12.4 million [\$12.3 million GR; \$0.1 million TF]; 132 positions

- Information Technology Services (provided by the Department of Corrections) - \$0.4 million GR

Transportation, Tourism, and Economic Development Appropriations

Total Budget: \$13.7 billion [\$273.9 million GR; \$13.5 billion TF]; 13,060 positions

Major Issues

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

- Transportation Work Program - \$9.2 billion TF
- Affordable Housing Programs - \$209.2 million TF
- Reemployment Assistance Operational Assistance - \$56.6 million GR
- Reemployment Assistance System Modernization - \$36 million GR
- Library Grants and Initiatives - \$26.3 million GR
- Cultural, Museum, and Historic Preservation Grants and Initiatives - \$36.7 million GR and TF
- Motorist Modernization Project - \$10.5 million TF
- National Guard Tuition Assistance - \$4.2 million GR

Department of Economic Opportunity

Total: \$1.1 billion [\$140.9 million GR; \$965.9 million TF]; 1,509 positions

- Economic Development Toolkit Payments (existing contracts) - \$20.5 million GR and TF
- Economic Development Partners (VISIT Florida, Space Florida, Enterprise Florida, Florida Sports Foundation) - \$81.6 million TF; \$6 million GR.
- Affordable Housing Programs - \$209.2 million TF
 - State Housing Initiatives Partnership (SHIP) - \$146.7 million TF (allocated to local governments)
 - State Apartment Incentive Loan (SAIL) Programs - \$62.5 million TF
- Administration of Federal Grants (Hurricane Recovery, Community Development, and Others) - \$14 million TF; 40 positions
- Economic Development Projects - \$1.56 million GR
- Housing and Community Development Projects - \$24.5 million GR
- Workforce Projects - \$5.2 million GR

Department of Highway Safety and Motor Vehicles

Total: \$506.1 million TF; 4,334 positions

- Motorist Modernization Project - Phase II - \$10.5 million TF
- Application Cloud Environment - \$5.6 million TF
- Maintenance and Repair - Kirkman Building - \$1.1 million TF
- Operational and Administrative Reductions - (\$11) million; (5) vacant positions

Department of Military Affairs

Total: \$70.1 million [\$29.7 million GR; \$40.4 million TF]; 453 positions

- Tuition Assistance for Florida National Guard - \$4.2 million GR
- Facility Maintenance and Repair - \$6.8 million GR (matched by \$6.8 million federal funds)
- Facility Security Enhancement - \$2 million GR

Department of State

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

Total: \$120 million [\$88.1 million GR; \$31.9 million TF]; 414 positions

- Maintenance of Effort for Libraries - \$23.9 million GR
- Grants to Library Cooperatives - \$2 million GR
- Cultural and Museum Program Support and Facilities Grants and Initiatives - \$31.1 million GR
 - Cultural & Museum Program Support Grants - \$26.7 million GR
 - Cultural and Museum Ranked List - \$23.2 million (funds distributed proportionally to all 515 projects)
 - Culture Builds Florida Ranked List - \$3.5 million (funds all 153 projects)
 - Cultural and Museum Projects - \$4.4 million GR
- Historical Resources Preservation Projects - \$5.65 million GR and TF
 - Historic Preservation Grants - Historic Preservation Small Matching Grants Ranked List - \$750,005 GR and \$1.5 million TF (funds all 58 projects)
 - Historic Preservation Projects - \$3.4 million GR
- Elections – \$7.6 million TF
 - Cyber Security and Election Activity Grants to Supervisors of Elections - \$3 million
 - Florida Voter Registration System Hardware Refresh - \$1.5 million
 - Elections Hardware Refresh - \$2 million
 - Voter Registration Activities - \$1.1 million

Department of Transportation

Total: \$10.3 billion TF; 6,175 positions

- Transportation Work Program - \$9.2 billion TF
 - County Transportation Programs:
 - Small County Road Resurface Assistance Program (SCRAP) - \$38.2 million
 - Small County Outreach Program (SCOP) - \$88.8 million
 - Local Transportation Initiatives (Road Fund) Projects - \$89.5 million
- Transportation Disadvantaged Program - \$65.9 million TF

Division of Emergency Management

Total: \$1.7 billion [\$15.2 million GR; \$1.7 billion TF]; 175 positions

- Federally Declared Disaster Funding - \$1.6 billion
 - Funding to Communities - \$1.5 billion TF
 - State Operations - \$124 million TF
- Community Recovery and Preparedness Projects - \$5.5 million GR

Agriculture, Environment, and General Government Appropriations

Total Budget: \$6.7 billion [\$768.2 million GR; \$1.3 billion LATF; \$4.6 billion Other TF]; 20,089 positions

Major Issues

Department of Agriculture & Consumer Services

Total: \$1.8 billion [\$116.7 million GR; \$155.2 million LATF; \$1.5 billion TF]; 3,726 positions

- Wildfire Suppression Equipment/Aircraft - \$12.2 million LATF
- Florida Forest Service Road/Bridge and Facility Maintenance - \$7 million LATF
- Citrus Protection and Research - \$15.2 million TF
- Citrus Canker Claims/Orange County - \$43.9 million GR
- Water Supply Planning - \$1.5 million LATF
- Lake Okeechobee Agriculture Projects - \$5 million LATF
- Florida Agriculture Promotion Campaign - \$0.8 million GR
- State Industrial Hemp Program - \$0.8 million TF
- African Snail Eradication Program - \$1.4 million TF
- Office of Energy Grants - \$1.3 million TF
- USDA Hurricane Block Grant \$1.5 million TF
- Feeding Programs/Farm Share/Feeding Florida - \$11 million GR
- Agriculture Education and Promotion Facilities - \$10.5 million GR
- Eliminate Obsolete Egg and Poultry Program - (\$1.2) million TF; (14) vacant positions

Department of Business & Professional Regulation

Total: \$165.2 million [\$1.5 million GR; \$163.8 million TF]; 1,653 positions

- Computer/Network Security Enhancement - \$0.3 million TF
- Law Enforcement Training and Equipment - \$0.2 million TF

Department of Citrus

Total: \$38.6 million [\$17.5 million GR, \$21.1 million TF]; 27 positions

- Citrus Recovery Program - \$12 million GR

Department of Environmental Protection

Total: \$2.2 billion [\$214.7 million GR; \$1.0 billion LATF; \$1.0 billion TF]; 2,989 positions

- DEP Everglades Restoration - \$517.1 million
- Water Quality Improvements - \$854.5 million
 - Wastewater Grant Program - 7 positions and \$616.7 million TF
 - Staffing for Reclaimed Water Program and Environmental Resource Permitting - 26 positions and \$2.0 million TF [\$0.8 million LATF; \$1.3 million TF]
 - Biscayne Bay Water Quality Improvements - \$20 million [\$10 million GR; \$10 million LATF]
 - Springs Coast Watershed and Peace River Watershed - \$20 million [\$10 million GR; \$10 million LATF]

- Water Projects - \$116.6 million GR
- Septic Upgrade Incentive Program - \$10 million LATF
- Non-Point Source Planning Grants - \$17 million [\$5 million GR; \$12 million TF]
- Okeechobee and Suwannee River Basins WQI - \$1.3 million GR
- Reclaimed Water Program - 9 positions and \$0.8 million LATF
- Water Quality Improvements - Blue Green Algae Task Force - \$10.8 million GR
- Resilient Florida Program - 25 positions and \$539 million TF
- Innovative Technology Grants for Harmful Algal Blooms - \$10 million [\$1.2 million GR; \$8.8 million LATF]
- Springs Restoration - \$75 million
- Florida Forever - \$102 million
- Division of State Lands - \$100 million LATF
- Florida Recreational Development Assistance Grants - \$2 million TF
- Petroleum Tanks Cleanup Program - \$125 million
- Volkswagen Settlement - \$30 million TF
- Hazardous Waste and Dry Clean Site Cleanup - \$9 million TF
- Beach Management Funding Assistance - \$150 million
- Drinking Water Revolving Loan Program - \$136.6 million [\$8.6 million GR; \$128 million TF]
- Wastewater Revolving Loan Program - \$211.2 million [\$10.7 million GR; \$200.5 million TF]
- Small County Solid Waste Management Grants - \$3 million TF
- Small County Wastewater Treatment Grants - \$11 million TF
- Reef Protection Tire Abatement - \$2.5 million TF
- Land and Water Conservation Grants - \$13.8 million TF
- Local Parks - \$4.7 million GR
- Florida Keys Area of Critical State Concern - \$20 million GR
- State Parks Maintenance and Repairs - \$50 million TF [\$43 million LATF; \$7 million TF]

Department of Financial Services

Total: \$412.6 million [\$24.6 million GR; \$388 million TF]; 2,567 positions

- Florida Planning, Accounting & Ledger Management (PALM) Project - \$29.5 million TF
- Transition of Information Technology Systems from FLAIR to PALM - \$1.8 million TF
- Fire College Repairs, Maintenance and Rehabilitation Structure - \$0.5 million TF
- Local Government Fire Services - \$11.3 million TF
- Firefighter Cancer Initiative - \$2 million GR
- Law Enforcement Training and Equipment - \$1.2 million TF
- Information Technology Upgrades to Software, Hardware, and Equipment - \$1.2 million TF
- Contracted Services Increase - \$1 million TF
- Insurance Fraud Pilot Program - 13 positions and \$1.9 million TF

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

Fish & Wildlife Conservation Commission

Total: \$429.5 million [\$62.4 million GR; \$103.8 million LATF; \$263.3 million TF]; 2,114 positions

- Marine Fisheries Recovery Grant Program - \$3.9 million TF
- Law Enforcement Vehicle and Vessel Replacement - \$5.3 million [\$3 million GR; 2.3 million TF]
- FWRI Building Repairs - \$1.8 million TF
- Boating Infrastructure and Improvement Program - \$5.8 million TF
- Derelict Vessel Removal - \$3.6 million TF
- Land Acquisition for the Protection of Endangered Species - \$4.6 million TF
- Deepwater Horizon Restoration Projects - \$12.9 million TF
- Apollo Beach Marine Sportfish Facility - \$4.6 million TF
- Apalachicola Bay Oyster Restoration - \$1.2 million TF
- Manatee Habitat Restoration - \$8 million GR

Department of the Lottery

Total: \$198.1 million TF; 418 positions

- Increase to Instant Ticket Purchase - \$5.4 million TF
- Increase to Gaming System Contract - \$4.3 million TF
- Increase in Contracted Services for Biannual Security Audit - \$0.3 million TF
- Information Technology, Security, Support, & Enhancements - \$0.5 million TF
- Lease Increases - \$0.1 million TF

Department of Management Services

Total Budget: \$756.5 million [\$107.7 million GR; \$648.8 million TF]; 1,059 positions

- Florida Facilities Pool (FFP) Fixed Capital Outlay - \$45.8 million [\$29 million GR; \$16.8 million TF]
- Non-FRS Pension Benefits - \$0.2 million GR
- Next Generation MyFloridaMarketPlace (MFMP) and Independent Verification and Validation Services - \$12.4 million TF
- Statewide Law Enforcement Radio System (SLERS) Contract Payment - \$19 million TF
- Statewide Law Enforcement Radio System (SLERS) Contract Services and Staff Augmentation - \$5 million TF
- Statewide Law Enforcement Radio System (SLERS) Tower Leases - \$12.5 million [\$10 million GR; \$2.5 million TF]
- Statewide Law Enforcement Radio Equipment Replacement - \$1 million GR
- Florida Interoperability Network and Mutual Aid - \$1.7 million GR
- Robotic Processing Automation Systems - \$2 million TF
- Enterprise Cybersecurity Resiliency - \$30 million GR
- State Data Center Managed Service Provider Transition - \$4 million GR

- SUNCOM Communications Services Migration Staff Augmentation - \$0.7 million TF
- Social Security Disability Income Contract - \$0.4 million TF
- Integrated Retirement Information System - \$1.2 million TF
- E911 Next Generation Grant - \$1.8 million TF
- Emergency 911 Call Routing System - \$13 million TF
- Text to 911 Services Distributions - \$9.1 million TF
- Public Employee Relations Commission Additional Resources Related to Implementation of HB 835 and HB 947/SB 1014 - \$0.4 million TF and 3 positions

Division of Administrative Hearings

Total Budget: \$28.2 million TF; 240 positions

Public Service Commission

Total: \$27.9 million TF; 274 positions

- Implementation of SB 1944, HB 1567 or similar legislation relating to pole attachments - 13 positions, \$0.9 million TF

Department of Revenue

Total: \$611.8 million [\$223.1 million GR; \$388.7 million TF]; 5,019 positions

- Aerial Photography - \$1.4 million GR
- Fiscally Constrained Counties - \$32.2 million GR
- Property Tax Appraisers - \$0.5 million GR and 6 positions
- Child Support IT Issues - \$3.1 million TF
- Cybersecurity Enhancements - \$0.6 million TF
- Operational and Administrative Reductions - (\$2.6) million [(\$2.2) million GR; (\$0.4) million TF] and (27) positions

If approved by the Governor, these provisions take effect July 1, 2021, except where otherwise expressly provided.

[\[1\]](#) Local revenues include required and discretionary local effort for the public schools and tuition and fees for workforce, colleges, and universities.

Vote: Senate 39-0; House 117-1

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2502 — Implementing the 2021-2022 General Appropriations Act
by Appropriations Committee

The bill provides the following substantive modifications for Fiscal Year 2021-2022:

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act (GAA) for Fiscal Year 2021-2022.

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 GAA.

Section 4 amends s. 1013.62, F.S., to provide that charter school capital outlay funding for Fiscal Year 2021-2022 will consist of state funds appropriated by the Legislature in the GAA.

Section 5 provides that the amendments to s. 1013.62, F.S., expire on July 1, 2022, and the text of that section reverts to that in existence on June 30, 2021.

Section 6 amends s. 1011.62, F.S., to modify 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 7 reenacts s. 1001.26, F.S., to continue to allow public colleges or universities that are not part of the public broadcasting program system to qualify to receive state funds.

Section 8 provides that the amendments to s. 1001.26, F.S., expire on July 1, 2022, and the text of that section reverts to that in existence on June 30, 2018.

Section 9 provides that the calculations of the Hospital Reimbursement program for Fiscal Year 2021-2022, which is contained in the document titled “Hospital Reimbursement Program, Fiscal Year 2021-2022” dated April 27, 2021, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature.

Section 10 authorizes the Agency for Health Care Administration (AHCA) to submit a budget amendment to realign funding between the AHCA and the Department of Health (DOH) for the Children’s Medical Services (CMS) Network for the implementation of the Statewide Medicaid Managed Care program, to reflect actual enrollment changes due to the transition from fee-for-service into the capitated CMS Network.

Section 11 authorizes the AHCA to submit a budget amendment to realign funding within the Medicaid program appropriation categories to address projected surpluses and deficits within the program and to maximize the use of state trust funds.

Section 12 authorizes the AHCA to submit a budget amendment to realign funding between the AHCA and the DOH within the Florida KidCare program appropriation categories, or to increase budget authority in the CMS Network category, to address projected surpluses and deficits within the program or to maximize the use of state trust funds.

Section 13 amends s. 381.986, F.S., to provide that the DOH is not required to prepare a statement of estimated regulatory costs when adopting rules relating to medical marijuana testing laboratories, and any such rules adopted prior to July 1, 2022, are exempt from the legislative ratification provision of s. 120.541(3), F.S.

Section 14 amends s. 381.988, F.S., to provide that the DOH is not required to prepare a statement of estimated regulatory costs when adopting rules relating to medical marijuana testing laboratories, and any such rules adopted prior to July 1, 2022, are exempt from the legislative ratification provision of s. 120.541(3), F.S.

Section 15 amends s. 14(1), ch. 2017-232, L.O.F., to provide limited emergency rulemaking authority to the DOH and applicable boards to adopt emergency rules to implement the Medical Use of Marijuana Act (2017). The department and applicable boards are not required to prepare a statement of estimated regulatory costs when promulgating rules to replace emergency rules, and any such rules are exempt from the legislative ratification provision of s. 120.541(3), F.S., until July 1, 2022.

Section 16 provides that the amendments to s. 14(1), ch. 2017-232, L.O.F., expire on July 1, 2022, and the text of that provision reverts back to that in existence on June 30, 2019.

Section 17 authorizes the AHCA to establish a directed payment program for hospitals providing inpatient and outpatient care to Medicaid Managed Care enrollees. Allows the AHCA to submit a budget amendment.

Section 18 authorizes the DCF to submit a budget amendment to realign funding within the DCF based on the implementation of the Guardianship Assistance Program.

Section 19 authorizes the DCF to submit a budget amendment to realign funding within the Family Safety Program to maximize the use of Title IV-E and other federal funds.

Section 20 authorizes the DOH to submit a budget amendment to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues specific to HIV/AIDS prevention and treatment become available in Fiscal Year 2021-2022.

Section 21 requires the AHCA to replace the current Florida Medicaid Management Information System and provides requirements of the system. This section also establishes an executive steering committee, membership, duties, and the processes and committee meetings and decisions.

Section 22 amends s. 409.916, F.S., to allow for funds in the Grants and Donations Trust Fund to be used for purposes specified in the General Appropriations Act.

This section is effective upon becoming a law.

Section 23 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 Fiscal Year 2021-2022 for the Department of Corrections (DOC), if the actual inmate population of the DOC exceeds the Criminal Justice Estimating Conference forecasts of March 17, 2021. 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 24 amends s. 1011.80(8)(b), F.S., to authorize the expenditure of appropriations for the education of state or federal inmates to the extent funds are specifically appropriated for postsecondary workforce programs.

Section 25 provides that the amendments to s. 1011.80(8)(b), F.S., expire on July 1, 2022, and the text of that section reverts back to that in existence on July 1, 2019.

Section 26 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 GAA for Fiscal Year 2021-2022.

Section 27 requires the Department of Juvenile Justice to ensure that counties are fulfilling their financial responsibilities required in s. 985.6865, F.S., 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. to be deposited into the Shared County/State Juvenile Detention Trust Fund in Department of Juvenile Justice. The section also includes procedures to provide assurance to holders of bonds for which shared revenue fund distributions are pledged.

Section 28 reenacts s. 27.40, F.S., to continue to require written certification of conflict by the public defender or regional conflict counsel before a court may appoint private conflict counsel.

Section 29 provides that the amendments to s. 27.40(1), (2)(a), (3)(a), (5), (6), (7), and (11), F.S., expire on July 1, 2022, and the text of those provisions reverts to that in existence on June 30, 2019.

Section 30 amends s. 27.5304(13), F.S., to continue the creation of a rebuttable presumption of correctness for objections to billings made by the Justice Administrative Commission and provision of requirements for payments to private counsel and reenacts s. 27.5304(1), (3), (7), and (11), and 12(a)?(e), F.S., to continue the increase on caps for compensation of court appointed counsel in criminal cases.

Section 31 provides that the amendments to s. 27.5304(1), (3), (7), (11), and (12)(a) – (e) expire on July 1, 2022, and the text of those provisions reverts to that in existence on June 30, 2019.

Section 32 reenacts s. 20.316, F.S., to continue the creation of the Accountability and Program Support Program in the Department of Juvenile Justice.

Section 33 provides that the amendments to s. 20.316(2) and (3), F.S., expire July 1, 2022 and the text of that section shall revert to that in existence on June 30, 2020.

Section 34 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, 2024.

Section 35 prohibits an agency from transferring funds from a data processing category to any category other than another data processing category.

Section 36 authorizes the Executive Office of the Governor (EOG) to transfer funds in the specific appropriation category “Data Processing Assessment – Department of Management Service” between agencies, in order to align the budget authority granted with the assessments that must be paid by each agency to the DMS.

Section 37 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.

Section 38 authorizes the EOG to transfer funds in the appropriation category “Special Categories - Transfer to DMS - Human Resources Services Purchased per Statewide Contract” of the GAA for Fiscal Year 2021-2022 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.

Section 39 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 membership and the procedures for executive steering committee meetings and decisions.

Section 40 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 Department of Environmental Protection (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 State 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 Fiscal Year 2020-2021. 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.

Section 41 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.

Section 42 amends s. 375.041(3)(b), F.S., to provide that the distribution from the Land Acquisition Trust Fund for restoration of Lake Apopka is as specified in the GAA.

Section 43 reenacts s. 570.93(1)(a), F.S., to continue the revision of the agricultural water conservation program to enable cost-share funds to continue to be used for irrigation system retrofits and mobile irrigation lab evaluations. The revision also permits the funds to be expended on additional water conservation activities pursuant to s. 403.067(7)(c), F.S.

Section 44 provides that the amendments to s. 570.93(1)(a), F.S., expires on July 1, 2022, and the text of that section reverts to that in existence on June 30, 2019.

Section 45 amends s. 259.105(3)(m), F.S., to provide for distribution of a specified amount from the Florida Forever Trust to the Florida Recreation Development Assistance Program within the DEP.

Section 46 amends s. 161.101, F.S., authorizes the DEP to waive or reduce match requirements if beaches are impacted by hurricanes or other storm events within certain communities.

Section 47 reenacts s. 376.3071(15)(g), F.S., to continue revisions to the requirements for the usage of the Inland Protection Trust Fund relating to ethanol or biodiesel damage.

Section 48 provides that the amendment to s. 376.3071(15)(g), F.S., expires on July 1, 2022, and the text of that section reverts to that in existence on July 1, 2020.

Section 49 amends s. 321.04(3)(b) and (5), F.S., to provide that for Fiscal Year 2021-2022, the Department of Highway Safety and Motor Vehicles may assign a patrol officer to a Cabinet member if the department deems such assignment appropriate or if requested by such Cabinet member in response to a threat. Additionally, the Governor may request the department to assign one or more highway patrol officers to the Lieutenant Governor for security services.

Section 50 amends s. 215.559, F.S., to extend the repeal date for the Hurricane Loss Mitigation Program within the Division of Emergency Management to June 30, 2022.

This section is effective upon becoming a law.

Section 51 amends s. 288.0655, F.S., to continue a grant program for the planning, preparing, and financing of infrastructure projects in six inland panhandle counties.

Section 52 amends s. 288.80125, F.S., to authorize funds to be used for the Rebuild Florida Revolving Loan Fund Program to provide assistance to businesses impacted by Hurricane Michael as provided in the GAA.

Section 53 amends s. 339.08, F.S., to authorize funds to be transferred from the State Transportation Trust Fund to the General Revenue Fund as specified in the GAA. This section is also amended to authorize funds appropriated to the State Transportation Trust Fund from the General Revenue Fund to be used on State Highway System projects and grants to Florida ports as provided in the GAA.

Section 54 amends s. 339.135(7)(g) and (h), F.S., to authorize the chair and vice chair of the Legislative Budget Commission to approve, pursuant to s. 216.177, F.S., the following work program amendments if the commission does not meet or consider, within 30 days of submittal, the amendment by the Department of Transportation:

- A work program amendment that transfers fixed capital outlay appropriations between categories or increases appropriation categories.
- A work program amendment that adds a new project, or a phase of a new project, in excess of \$3 million.

Section 55 amends s. 341.052, F.S., waives the local match requirements within the Public Transit Block Grant Program for eligible capital projects and public transit operating costs.

Section 56 amends s. 112.061(4)(d), F.S., to permit a lieutenant governor who resides outside of Leon County to designate an official headquarters in his or her county as his or her official

headquarter for purposes of s. 112.061, F.S. A lieutenant governor for whom an official headquarters in his or her county of residence may be paid travel and subsistence expenses when travelling between their official headquarters and the State Capitol to conduct state business.

Section 57 requires the Department of Management Services to maintain and offer, during Fiscal Year 2020-2021, the standard and high deductible PPO and HMO plans that were in effect during Fiscal Year 2019-2020.

Section 58 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 59 maintains salaries of legislators at the same level as July 1, 2010, by notwithstanding s. 11.13, F.S.

Section 60 reenacts 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 General Appropriations Act.

Section 61 provides that the amendment to s. 215.32(2)(b), F.S., expires July 1, 2022, and the text of that section reverts to that in existence on June 30, 2011.

Section 62 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 63 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 \$225 per day. An employee may expend his or her own funds for any lodging expenses in excess of \$175.

Section 64 prohibits a state agency from entering into a contract containing a nondisclosure agreement that prohibits a contractor from disclosing information relevant to the performance of the contract to members or staff of the Senate or House.

Section 65 reenacts and amends s. 216.1366, F.S., to require all new state contracts and amended contracts entered on or after July 1, 2021, to authorize public agencies to inspect: a) financial records and documents directly related to the performance of the contract or public expenditures; and b) programmatic records and documents of the contractor which the public agency determines are necessary to monitor performance of the contract or ensure the contract terms are

being met. Contractors are required to provide the requested records and documents within 10 business days after the request by the public agency.

Section 66 amends s. 216.181, F.S., to authorize the Legislative Budget Commission to increase amounts appropriated to state agencies for fixed capital outlay projects using general revenue funds provided the projects are for deferred maintenance needs in state and school facilities.

Section 67 incorporates by reference the Legislative working papers titled "Fiscal Year 2020-2021 Immediate Reversions" filed for the purpose of displaying the calculations used by the Legislature.

Section 68 authorizes agencies, notwithstanding s. 216.181(2)(h), F.S., to issue budget amendments to request salary increases to address pay plan compression issues as a result of raising the minimum wage to \$13 per hour and to authorize retired Florida Commission on Offender Review commissioners to receive \$13 per hour.

Section 69 amends s. 282.709, F.S., to require the Department of Management Services to execute a 15-year contract with the current system operator. The contract must include: the purchase of radios; the upgrade to the Project 25 communications standard; increased system capacity and enhanced coverage for system users; operations, maintenance, and support at a fixed annual rate; the conveyance of communications towers to the department; and the assignment of communications tower leases to the department.

Section 70 provides that the amendments to s. 282.709, F.S., expire July 1, 2022, and the text of that section reverts to that in existence on June 30, 2021.

Section 71 amends s. 350.0614, F.S., to provide that the operating budget as approved jointly by the President and the Speaker from moneys appropriated to the Public Counsel by the Legislature constitutes the allocation under which the Public Counsel will manage the duties of his or her office; and require the Public Counsel to submit annual budget amendments to the Legislature in the format, detail, and schedule determined by the President and the Speaker.

Section 72 provides that in order to expedite the closure of the Piney Point facility located in Manatee County, the Department of Environmental Protection is exempt from the competitive procurement requirements of s. 287.057, Florida Statutes, for any procurement of commodities or contractual services in support of the site closure or to address environmental impacts associated with the system failure.

Section 73 authorizes funds to be provided for the provision of the Continuum of Care program at the Graceville Correctional Facility.

Section 74 reenacts and amends s. 14.25, F.S., to authorize the Governor to award the "Governor's Medal of Freedom" to any person who has made an especially meritorious contribution to the State of Florida or other significant public or private endeavors.

Section 75 specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 76 provides that if any other act passed during the 2021 Regular Session contains a provision that is substantively the same as a provision in this act, but removes or otherwise is not subject to the future repeal applied by this act, the intent is for the other provision to take precedence and continue to operate.

Section 77 provides a severability clause.

Section 78 provides effective dates.

If approved by the Governor, these provisions take effect July 1, 2021, except as otherwise provided.

Vote: Senate 40-0; House 117-1

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2504 — Collective Bargaining

by Appropriations Committee

The bill resolves the collective bargaining issues at impasse between the State of Florida and the bargaining representatives for state employees for Fiscal Year 2021-2022 that have not been resolved in the General Appropriations Act or other legislation.

The bill does not change substantive law.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2510 — State Agency Law Enforcement Radio System

by Appropriations

The bill (ch. 2021-3, L.O.F.) extends the expiring (July 1, 2021) \$3 surcharge on all noncriminal moving traffic violations and specified criminal offenses to continue supporting costs for the Statewide Law Enforcement Radio System until July 1, 2026. The surcharge generates approximately \$4 million annually for the Law Enforcement Radio System Trust Fund to support the administrative functions and enhancement to the system.

These provisions were approved by the Governor and take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2512 — Documentary Stamp Tax Distributions

by Appropriations

SB 2512 conforms statutes to the funding decisions related to the Documentary Stamp Distributions in the General Appropriations Act (GAA) for Fiscal Year 2021-2022. The bill:

- Revises Documentary Stamp Tax distributions of the remainder after distributions are made to the Land Acquisition Trust Fund, Department of Revenue Administration cost, and the General Revenue Service Charge by:
 - Adding a distribution of 5.4175 percent of the remainder to the newly created Resilient Florida Trust Fund to be used for the new Resilient Florida Program.
 - Adding a distribution of 5.4175 percent of the remainder to the Water Sustainability and Accountability Program Trust Fund to be used for the wastewater grant program provided in s. 403.0673, F.S.
 - Amending the distributions made to the State Housing Trust Fund and Local Government Housing Trust Fund to 9.70254 percent of the remainder. Also, prevents funds distributed to the State Housing Trust Fund and the Local Government Housing Trust Fund from being transferred to General Revenue.
- Amends the use of the Water Protection and Sustainability Program Trust Fund to authorize the fund to be used for the wastewater grant program.
- Makes other technical adjustments to clean up the subsection.
- Is linked to Resilient Florida Trust Fund bill (SB 2514) and Statewide Flooding and Sea-Level Rise Resilience (SB 1954)

If approved by the Governor, these provisions take effect on July 1, 2021, only if SB 1954 or similar legislation and SB 2514 or similar legislation are adopted in this legislative session and become law.

Vote: Senate 25-14; House 78-38

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2514 — Resilient Florida Trust Fund

by Appropriations

SB 2514 conforms statutes to the funding decisions related to the Resilient Florida Trust Fund in the General Appropriations Act (GAA) for Fiscal Year 2021-2022. The bill:

- Creates the Resilient Florida Trust Fund within the Department of Environmental Protection and provides that the trust fund is established as a depository for documentary stamp revenues dedicated to resiliency projects as provided for in SB 2512.

If approved by the Governor, these provisions take effect on the same date as SB 1954 or similar legislation takes effect, if such legislation is adopted in this legislative session.

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2516 — Water Storage North of Lake Okeechobee
by Appropriations

SB 2516 conforms statutes to the funding decisions related to water storage north of Lake Okeechobee in the General Appropriations Act (GAA) for Fiscal Year 2021-2022. The bill requires the South Florida Water Management District (SFWMD), in partnership with the U.S. Army Corps of Engineers (USACE), to expedite implementation of the Lake Okeechobee Watershed Restoration Project (LOWRP). The LOWRP is a project in the Comprehensive Everglades Restoration Plan which provides water storage north of Lake Okeechobee.

The bill requires the SFWMD to:

- Request that the USACE seek expedited congressional approval of the LOWRP.
- Require the execution of a project partnership agreement with the USACE immediately following approval.
- Expedite implementation of the aquifer storage and recovery (ASR) Science Plan developed by the SFWMD and the USACE.
- Expedite implementation of the watershed ASR feature of the LOWRP.
- Pursue expeditious implementation of the LOWRP wetland restoration features.
- Submit, by November 1, 2021, a report to the Legislature describing the SFWMD's compliance with the bill (including steps taken, plans for ongoing compliance, and specified updates related to the LOWRP implementation).

SB 2516 amends s. 375.041, F.S., to provide a \$50 million annual appropriation from the Land Acquisition Trust Fund to the SFWMD for the LOWRP.

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

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2518 — Health Care

by Appropriations Committee

The bill conforms statutes to the funding decisions related to Health Care in the 2021-2022 General Appropriations Act.

The bill:

- Continues the personal needs allowance of residents of State Veterans' Nursing Homes at \$130 per month.
- Reduces the collection threshold for the Medicaid nursing home lease bond alternative from \$25 million to \$10 million.
- Requires nursing homes and their home offices to annually submit to the Agency for Health Care Administration (AHCA) financial data using a uniform system of financial reporting.
- Provides definitions for the terms Florida Nursing Home Uniform Reporting System and Home Office.
- Extends Medicaid eligibility for postpartum women from 60 days to 12 months.
- Continues the policy of retroactive Medicaid eligibility for non-pregnant adults to the first day of the month in which an application for Medicaid is submitted.
- Removes the nursing home Medicaid reimbursement rate freeze established on July 1, 2011, thereby allowing for the recurring rate increase provided in Fiscal Year 2020-2021, and continues the rate freeze for County Health Department's reimbursement rates to the July 1, 2011 level.
- Requires the Letters of Agreement for the Low Income Pool program to be received by the AHCA by October 1 and the funds outlined in the Letters of Agreement to be received by October 31.
- Requires essential providers to contract with managed care plans to be eligible to receive supplemental payments, thereby making certain that those who receive supplemental payments treat Medicaid patients.
- Updates the years of audited data used to determine disproportionate share payments to hospitals, teaching hospitals, and specialty hospitals for children.
- Redesignates the West Florida Regional Medical Center memory disorder clinic to the Medical Center Clinic in Pensacola.
- Requires the Florida Healthy Kids Corporation to validate and calculate a refund amount for Title XXI providers who achieve a Medical Loss Ratio below 85 percent and to deposit any refunds into the General Revenue Fund, unallocated.
- Provides for technical corrections to statutory cross references.
- Authorizes the AHCA, upon federal approval, to contract with an organization that meets all specified requirements to be a site for the Program of All Inclusive Care for the Elderly (PACE) program and provide comprehensive long-term care services to up to:
 - 200 enrollees who reside in Escambia, Okaloosa, and Santa Rosa counties;
 - 100 enrollees who reside in Northwest Miami-Dade County;

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

- 500 enrollees who reside in Hillsborough, Pasco, and Hernando counties;
- 300 enrollees who reside in Broward County;
- 300 enrollees who reside in Baker, Clay, Duval, Nassau, and St. Johns counties. Enrollees in Alachua and Putnam Counties are also eligible, subject to a contract amendment with the AHCA; and
- 500 enrollees who reside in Seminole, Volusia, or Flagler counties.
- Authorizes the consolidation of 150 enrollee slots for Orange and Osceola counties and Lake and Sumter counties and 150 enrollee slots for Seminole County to provide services to up to 300 enrollees who reside in Orange, Osceola, Lake, Sumter, or Seminole counties.
- Authorizes the AHCA, upon federal approval, to contract with one public hospital operating in the northern two-thirds of Broward County to provide comprehensive services to up to 200 enrollees residing in the northern two-thirds of Broward County.

These provisions were approved by the Governor and take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5011 — Termination of the Lawton Chiles Endowment Fund

by Appropriations Committee and Rep. Trumbull

The bill eliminates the Lawton Chiles Endowment Fund (fund) and redirects the funds to the Budget Stabilization Fund. The bill directs the State Board of Administration to liquidate the assets in the fund by June 30, 2022. The bill will increase the reserves held in the Budget Stabilization Fund.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 28-12; House 80-36

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5101 — Education Funding

by PreK-12 Appropriations Subcommittee and Rep. Fine

The bill revises the calculation methodology for determining the amount of Florida Education Finance Program (FEFP) funds appropriated to the Florida Virtual School by adding the Mental Health Assistance Allocation to the calculation.

The bill specifies the number of virtual instruction options a school district must offer to its part-time and full-time students and revises the allowable expenditure of unexpended virtual instruction funds.

For any virtual instruction contract or agreement that is entered into for the first time after June 30, 2021, the bill limits the enrollment of virtual full-time students residing outside of the school district providing the virtual instruction to no more than 50 percent of the total virtual full-time students residing inside the school district providing the virtual instruction. A school district may not enroll more virtual full-time equivalent students residing outside of the school district than the total number of reported full-time equivalent students residing inside the school district.

The bill removes the requirement that the 300 lowest performing elementary schools on the statewide reading assessment must use their portion of the Supplemental Academic Instruction Allocation of the FEFP on an extra hour of reading per day. In addition, the bill repeals the Decline in Full-Time Equivalent Students and the Virtual Education Contribution categoricals.

The bill specifies the annual percent increase to the minimum base salary of instructional personnel on the performance salary schedule shall be no less than 150 percent of the largest adjustment made to the salary of an employee on the grandfathered salary schedule. In addition, the bill specifies that the annual percent increase to the salary adjustment of an employee on the performance salary schedule rated as highly effective must be at least 25 percent greater than the highest annual salary adjustment available to an employee of the same classification through any other salary schedule adopted by the district.

The bill requires each school district to use a portion of its nonenrollment allocation from the federal Elementary & Secondary School Emergency Relief (ESSER) funds to locate and evaluate the well-being of any unaccounted-for students within the school district.

The bill requires each school district to use a portion of its academic acceleration allocation from the federal ESSER funds to remediate student learning loss.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5301 — Judges

by Justice Appropriations Subcommittee and Rep. Plakon and others

The bill amends ss. 26.031 and 34.022, F.S., to increase the number of circuit and county judges in the State Court System.

Section 1 increases the number of circuit judges in the Fourteenth Judicial Circuit from twelve (12) to thirteen (13).

Section 2 increases the number of county judges in Citrus County from two (2) to three (3), the number of county judges in Hillsborough County from twenty-one (21) to twenty-three (23), and the number of county judges in St. Johns County from two (2) to three (3).

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5601 — Higher Education

by Higher Education Appropriations Subcommittee and Rep. Plasencia

The bill authorizes Florida Postsecondary Comprehensive Transition Program grants as provided in the General Appropriations Act.

The bill provides minimum performance standards for institutions to be eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program. Participating institutions must submit an accountability report to the Department of Education which includes the following metrics:

- Access rates based upon percentage of Pell-eligible students.
- Affordability rates based upon average student loan debt; federal, state, and institutional financial assistance; and average tuition and fees.
- Graduation rates.
- Retention rates.
- Postgraduate employment or continuing education rates.

The department is required to recommend minimum performance standards that institutions must meet to remain eligible to receive grants.

The bill repeals the Access to Better Learning and Education Grant Program.

The bill expands the existing \$200,000 faculty salary cap from state university administrative employees to include all university faculty, excluding those in the following programs:

- Computer Information Sciences and Support Services;
- Engineering;
- Engineering Technologies and Engineering-Related Fields;
- Florida Mental Health Institute;
- Health Professions and Related Programs;
- Homeland Security;
- Law Enforcement, Firefighting, and Related Fields;
- Mathematics;
- Nursing;
- Physical Sciences; and
- Medical schools.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 110-7

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 7054 — Triumph Gulf Coast Trust Fund/Department of Economic Opportunity

by Appropriations Committee

The Triumph Gulf Coast Trust Fund was created in 2017 for the deposit of the funds from the “Settlement Agreement Between the Gulf States and the BP Entities with Respect to Economic and Other Claims Arising from the Deepwater Horizon Incident,” which was entered into on October 5, 2015. Funds are used by Triumph Gulf Coast, Inc., for projects within the eight disproportionately affected counties of Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Walton, and Wakulla. Awards to projects or programs must meet priorities for economic recovery, diversification, and enhancement of the disproportionately affected counties.

SB 7054 re-creates, without modification, the Triumph Gulf Coast Trust Fund within the

Department of Economic Opportunity. Section 288.80125(3), F.S., which terminates the trust fund on July 1, 2021, is repealed.

These provisions were approved by the Governor and take effect April 19, 2021.

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 7056 — Trust Funds

by Appropriations Committee

SB 7056 terminates the following trust funds:

- Public Defenders Revenue Trust Fund within the Justice Administrative Commission.
- Revolving Trust Fund within the Department of Law Enforcement.
- Welfare Transition Trust Fund within the Department of Military Affairs.
- Welfare Transition Trust Fund within the Department of Health.

The bill provides for all current balances remaining in, and all revenues of, such trust funds to be transferred to other trust funds. It requires any outstanding debts and obligations of the terminated trust fund to be paid as soon as practicable. Further, the bill requires the Chief Financial Officer to close out and remove the terminated fund from the various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

These provisions were approved by the Governor and take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/SB 54 — Motor Vehicle Insurance

by Judiciary Committee; Banking and Insurance Committee; and Senators Burgess and Rouson

Motor Vehicle Financial Responsibility Requirements

CS/CS/SB 54 repeals the Florida Motor Vehicle No-Fault Law (No-Fault Law), which requires every owner and registrant of a motor vehicle in this state to maintain Personal Injury Protection (PIP) coverage. The bill enacts, effective January 1, 2022, financial responsibility requirements for liability for motor vehicle ownership or operation, as follows:

- For bodily injury (BI) or death of one person in any one crash, \$25,000, and
- Subject to that limit for one person, \$50,000 for BI or death of two or more people in any one crash.

The bill retains the existing \$10,000 financial responsibility requirement for property damage (PD).

The bill increases required coverage amounts for garage liability and commercial motor vehicle insurance. It also increases the cash deposit amount required for a certificate of self-insurance establishing financial responsibility for owners and operators of motor vehicles that are not for-hire vehicles.

Mandatory Offer of Medical Payments Coverage

The bill requires insurers to offer medical payments coverage (MedPay), which protects the named insured, resident relatives, vehicle operators, vehicle passengers, and pedestrians struck by a motor vehicle to a limit of at least \$5,000 for medical expenses incurred due to bodily injury, sickness, or disease arising out of the ownership, maintenance, or use of a motor vehicle. Coverage must be offered at limits of both \$5,000 and \$10,000. Insurers may also offer other policy limits that exceed \$5,000. Insurers must offer a zero deductible option for MedPay, and may also offer deductibles of up to \$500. MedPay must provide an additional death benefit of at least \$5,000. MedPay coverage to a limit of \$10,000 with no deductible is presumed to be contained in the policy unless a named insured signs a form declining the coverage or selects a different coverage limit or a deductible. Insurers must reserve \$5,000 of MedPay benefits for 30 days to pay physicians or dentists who provide emergency services and care or hospital inpatient care.

The repeal of the No-Fault Law eliminates the limitations on recovering pain and suffering damages from PIP insureds, which currently requires bodily injury that causes death or significant and permanent injury. Because this limitation is repealed, the bill also specifies that legal liability of an uninsured motorist insurer includes damages in tort for pain, suffering, disability or physical impairment, disfigurement, mental anguish, inconvenience, and the loss of past and future capacity for the enjoyment of life.

Mandatory Death Benefit

The bill requires that each motor vehicle insurance policy issued to meet the financial responsibility requirements established by the bill must also provide a first-party death benefit of \$5,000 per deceased individual. As with MedPay, the death benefit covers the named insured, resident relatives, vehicle operators, vehicle passengers, and pedestrians struck by a motor vehicle. The benefit is payable when the death arises out of the ownership, maintenance, or use of a motor vehicle.

Actions Against Motor Vehicle Insurers for Bad Faith Failure to Settle Third-Party Claims

The bill creates a new framework governing all actions against motor vehicle insurers for bad faith failure to settle a third-party claim. The bill requires motor vehicle insurers to follow claims handling best practices standards based on long-established good faith duties related to claim handling, claim investigation, defense of the insured, and settlement negotiations. The bill also specifies an insured's duty to cooperate with their insurer in attempting to settle third-party claims, and specifies conditions in which an insurer may terminate its defense because of the insured's failure to cooperate. The bill prohibits the trier of fact in a bad faith action from attributing the insurer's failure to settle a covered claim to the claimant's lack of communication when the claimant makes certain communications to the insurer.

The bill defines "bad faith failure to settle" as an insurer's violation of a best practice, which is a proximate cause of the insurer not settling a third-party claim when, under all the circumstances, the insurer could and should have done so, had it acted fairly and honestly toward its insured and with due regard for the insured's interests. The party bringing the bad faith action has the burden to prove both elements.

The bill creates "safe harbors" to provide insurers a reasonable opportunity to investigate and evaluate a claim. The safe harbors specify that an insurer that follows the best practices does not act in bad faith when the insurer:

- Does not initiate settlement negotiations by tendering applicable policy limits in exchange for a general release of the insured within 45 days after receiving actual notice of the loss.
- Does not accept a settlement offer within 45 days after receiving actual notice of the loss if:
 - The settlement offer provides the insurer fewer than 15 days for acceptance; or
 - The settlement offer provides the insurer fewer than 30 days for acceptance where the offer contains conditions for acceptance other than the insurer's disclosure of its policy limits.

The best practices require that an insurer must initiate settlement negotiations after the expiration of the foregoing safe harbor periods by tendering its policy limits to the claimant in exchange for a general release of the insured, if the facts available to the insurer indicate the insured's liability is likely to exceed the policy limits.

The bill specifies that the damages in a bad faith action are the amount of the excess judgment and court costs. If the party bringing the bad faith action is the insured or an assignee of the insured, the damages also include reasonable attorney fees incurred by the party bringing the action. Punitive damages may not be awarded.

Setoff on Noneconomic Damages

The bill provides the defendant a \$10,000 setoff on noneconomic damages for injuries suffered by a person who operated a motor vehicle that lacked the minimum required motor vehicle insurance under the financial responsibility law while such operator was not in compliance with financial responsibility requirements for more than 30 days immediately preceding the crash. The setoff on noneconomic damages does not apply if the person who is liable for the injury was driving under the influence; acted intentionally, recklessly, or with gross negligence; fled from the scene of the crash; or was acting in furtherance of, or immediate flight from, a felony.

The setoff on noneconomic damages does not apply to wrongful death claims.

Other Provisions

The bill also:

- Requires motor vehicle insurers to notify policyholders by September 1, 2021, of the new financial responsibility requirements and to allow policyholders to change their existing coverage to meet the new financial responsibility requirements.
- Specifies that any policy issued before January 1, 2022, in compliance with the Florida Motor Vehicle No-Fault Law, is deemed to comply with the financial responsibility requirements established by the bill until the end of the policy term.
- Increases required coverage amounts for garage liability and commercial motor vehicle insurance.
- Provides that if a motor vehicle insurer fails to timely provide information related to liability insurance coverage as required by s. 627.4137, F.S., the claimant may file an action to enforce the section, and is entitled to an award of reasonable attorney fees and costs to be paid by the insurer.
- Allows policyholders to obtain motor vehicle insurance that excludes specified coverages for claims or suits resulting from the operation of a motor vehicle by an identified individual who is specifically excluded by name.

If approved by the Governor, these provisions take effect January 1, 2022, except where otherwise provided.

Vote: Senate 37-3; House 100-16

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/CS/SB 76 — Property Insurance

by Rules Committee; Judiciary Committee; Banking and Insurance Committee; and Senators Boyd and Brandes

Prohibited Property Insurance Practices by Contractors

The bill prohibits contractors, and persons acting on behalf of contractors, from:

- Soliciting residential property owners through prohibited advertisements, which are communications to a consumer that encourage, instruct, or induce a consumer to contact a contractor to file an insurance claim for roof damage;
- Offering the residential property owner consideration to perform a roof inspection or file an insurance claim;
- Offering or receiving consideration for referrals when property insurance proceeds are payable;
- Unlicensed public adjusting; and
- Providing an authorization agreement to the insured without providing a good faith estimate.

The above acts are subject to license discipline by the Department of Business and Professional Regulation and a \$10,000 fine per violation. The bill provides that the residential property owner may void the contract with the contractor within 10 days of its execution if the contractor fails to provide notice to the residential property owner of the contractor's prohibited practices.

The bill prohibits licensed contractors and subcontractors from advertising, soliciting, offering to handle, handling, or performing public adjuster (PA) services without a license. The prohibition does not prohibit the contractor from recommending that the consumer consider contacting his or her insurer to determine if the proposed repair is covered by insurance.

The bill prohibits a PA, PA apprentice, or person acting on behalf of a PA or PA apprentice, from offering financial inducements for allowing a roof inspection of residential property or making an insurance claim for roof damage. The bill also prohibits them from offering or accepting consideration for referring services related to a roof claim. Each violation subjects the PA or PA licensee to up to a \$10,000 fine. Unlicensed persons not otherwise exempted from PA licensure commit the unlicensed practice of public adjusting when they do these prohibited acts, and are subject to a \$10,000 fine per act and the criminal penalty for unlicensed activity.

Regulatory Oversight of Property Insurers

The bill requires insurers to annually file, with the Office of Insurance Regulation (OIR), specified data on residential and commercial property insurance closed claims.

The bill requires that any fee, commission, or consideration paid to an affiliate must be fair and reasonable. In determining whether the consideration is "fair and reasonable," the OIR must

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

consider the actual cost of the service being provided and may consider other factors. Companies that pay affiliates must provide to OIR any information the office deems necessary.

The bill removes the underwriting exemption for a contract between an insurer and a managing general agent (MGA) when the MGA is controlled by, or a controlling person of, an insurer with which it contracts. The bill removes the examination exemption for an MGA that represents a single domestic insurer, allowing the OIR to examine such MGA as if the MGA were the insurer.

The bill specifies that when OIR examines an insurer that is part of an insurance holding company, the insurer must pay the expense of examination and the OIR may retain at the insurer's expense attorneys, actuaries, accountants, and other experts reasonably necessary to assist in the examination. The OIR may require such insurers to produce records, books, and other information in the possession of the insurer or its affiliates as are reasonably necessary. The OIR may examine the insurer's affiliates to obtain reasonably necessary information; however, such examination may not extend to the passive investors of affiliates in the holding company system which do not provide services to, or have relationships with, the insurer.

Citizens Property Insurance Corporation

The bill provides that a personal lines residential risk seeking to be newly insured by Citizens Property Insurance Corporation (Citizens) is ineligible for coverage if it receives an offer of comparable coverage from an authorized insurer that is not more than 20 percent higher than the Citizens premium, rather than the current 15 percent eligibility threshold for new policyholders.

The bill increases the 10 percent cap (the "glide path") on Citizens rate increases by 1 percent annually beginning in 2022, until the cap reaches 15 percent in 2026. The bill specifies that Citizens' rate calculations must include the cost of reinsurance to cover its projected 100-year probable maximum loss, even when Citizens does not purchase reinsurance.

The bill requires that Citizens' budget allocations for employee compensation and all proposed raises for an employee exceeding 10 percent of their current salary must be approved by the Citizens board of governors. The bill requires Citizens to have an overall employee compensation plan approved by the board of governors.

Notice of Property Insurance Claims

The bill specifies a property insurance claim or reopened claim must be provided to the authorized or surplus lines insurer within 2 years of the date of loss. A supplemental claim is barred unless notice is provided to the insurer within 3 years after the date of loss. The bill clarifies that the date of loss for claims resulting from hurricanes, tornadoes, windstorms, severe rain, or weather-related events is the date a hurricane makes landfall or when the tornado, windstorm, severe rain, or another type of weather-related event is verified by the National Oceanic and Atmospheric Administration (NOAA).

Lawsuits Arising Under Property Insurance Policies

The bill creates a framework for all suits not brought by an assignee arising under a residential or commercial property insurance policy, including surplus lines policies.

A claimant must provide DFS with written notice of intent to initiate litigation at least 10 business days before filing suit. The notification must be made on a form provided by DFS and may not be given before the earlier of the insurer's denial of coverage or the expiration of the 90-day period to adjust a claim under s. 627.70131, F.S. The notice must detail the alleged acts or omissions of the insurer giving rise to the suit. If the insurer denied coverage, the notice must include an estimate of damages. If the insurer did not deny coverage, notice must include a presuit settlement demand that itemizes damages, attorney fees, costs, and the disputed amount. The notice may include supporting documents. The notice and supporting documents are admissible only in a proceeding regarding attorney fees. A court must dismiss without prejudice any claimant's suit if the claimant has not complied with the requirement to provide 10 business days' notice of intent to initiate litigation.

The insurer must respond in writing within 10 business days after receiving notice of intent to initiate litigation. If the insurer denied coverage, the insurer must either accept coverage, deny coverage, or assert the right to re-inspect the property within 14 business days. If the notice alleges the insurer did an act other than denying coverage, the insurer must respond by making a settlement offer or requiring the claimant to participate in an appraisal or another method of alternative dispute resolution (ADR). If appraisal or ADR is not concluded within 90 days after the 10-day notice of intent to initiate litigation, the claimant may immediately file suit.

The bill provides that, for lawsuits under surplus lines and authorized residential and commercial property insurance policies not brought by an assignee, attorney fees may only be awarded using the methodology created by the bill or when the court imposes sanctions under s. 57.105, F.S. Accordingly, claimants may no longer obtain attorney fees under s. 627.428, F.S., or s. 626.9373, F.S., nor may insurers recover attorney fees using an offer of judgment under s. 768.79, F.S.

Attorney fees and costs are awarded based on a formula that compares the amount obtained by the claimant in excess of the insurer's presuit settlement offer (exclusive of attorney fees and costs) with the disputed amount between the two parties (the difference between the claimant's presuit settlement demand and the insurer's presuit settlement offer, also exclusive of attorney fees and costs). If the amount obtained by the claimant in excess of the insurer's presuit settlement offer is:

- Less than 20 percent of the disputed amount, each party pays its own attorney fees and costs.
- At least 20 percent but less than 50 percent of the disputed amount, the insurer pays the claimant's attorney fees equal to the percentage of the disputed amount obtained times the total attorney fees and costs.
- At least 50 percent of the disputed amount, the insurer pays the claimant's full attorney fees and costs.

Consolidation of Multiple Residential Property Suits

The bill requires each party that is aware of ongoing multiple actions, based upon coverage provided under the same residential property insurance policy for the same property and owners, must provide written notice to the court of the multiple actions. Once the court receives notice, it may order that the actions be consolidated and transferred to the court having jurisdiction based on the total amount in controversy of all consolidated claims. If multiple cases are pending in circuit courts, the cases may be consolidated based on the date the first case was filed.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 35-5; House 75-41

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/SB 420 — Motor Vehicle Insurance Coverage Exclusions

by Judiciary Committee and Senator Hooper

The bill creates s. 627.747, F.S., to authorize a private passenger motor vehicle policy to exclude specified coverages for claims resulting from the operation of a motor vehicle by an identified individual other than the named insured. The bill provides for exclusion of the following coverages under the policy:

- Personal injury protection (PIP) coverages applicable to the identified individual's injuries, lost wages, and death benefits;
- Property damage liability coverage;
- Bodily injury liability coverage, when required by law;
- Uninsured motor coverage for any damages sustained by the excluded individual; and
- Any coverage the named insured is not required by law to purchase.

The bill requires that a valid exclusion include the written consent of the named insured and that the identified individual is named on the declarations page of, of endorsement to, the policy. The bill prohibits a private passenger motor vehicle policy from excluding coverage when:

- The identified individual is injured while not operating a motor vehicle;
- The identified individual is solely excluded on the basis of race, color, religion, sex, national origin, age, handicap, pregnancy, or marital status; or
- The exclusion is inconsistent with the underwriting rules filed by the insurer.

The bill requires that an identified individual excluded from the named insured's policy must separately establish, maintain, and show proof of financial responsibility under ch. 324, F.S., for the purpose of responding to damages out of ownership, maintenance, or use of a motor vehicle, and maintain the required security under s. 627.733, F.S., for the purpose of payment of required benefits.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/HB 425 — Disposition of Unclaimed Property

by Insurance and Banking Subcommittee and Reps. Clemons, Duggan, and others (CS/SB 1434
by Banking and Insurance Committee and Senator Wright)

CS/HB 425 revises the claims process under the Florida Disposition of Unclaimed Property Act. Specifically, the bill replaces the power of attorney and full disclosure statement process used by claimant representatives as provided in ch. 717, F.S., with a standardized unclaimed property recovery agreement for claimant representatives to use when recovering unclaimed property on behalf of a client claimant. The bill also creates a standardized unclaimed property purchase agreement that must be used by purchasers of unclaimed property held by the Division of Unclaimed Property. The bill directs the Department of Financial Services to create these standardized agreements by rule and provides rulemaking requirements for the development of the agreements. The bill also provides that the total fees and costs that may be charged in a recovery agreement, or the total discount in the case of a purchase agreement, may not exceed 30 percent of the claimed amount and a process for the payment of claims. Finally, the bill also revises s. 717.124(7), F.S., to increase from \$1,000 to \$2,000 the maximum recovery value for claims submitted electronically that utilize identity verification processes other than government issued photographic identification or a sworn, notarized statement.

In addition to the above revisions relating to the claims process, the bill also creates a new requirement that if a will or trust instrument is included within an unclaimed safe deposit box or other safekeeping repository delivered to DFS, the department must provide a copy of such will or trust instrument (and any codicils or amendments thereto) upon request to a person providing evidence of the death of the testator or settlor.

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

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

HB 467 — Insurance Adjuster Examination Requirements

by Reps. DuBose; McCurdy; and others (SB 534 by Senators Gibson and Thurston)

HB 467 amends s. 626.221, F.S., to add a category of persons to the list of individuals who are not required to take the examination to become an all-lines insurance adjuster—namely a person certified as an Accredited Insurance Claims Specialist from Encore Claim Services.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/SB 566 — Motor Vehicle Rentals

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

The bill creates taxation, insurance, and operational requirements for peer-to-peer car-sharing programs.

The tax provisions of the bill:

- Clarify that Florida's 6 percent sales tax applies to a peer-to-peer car-sharing program.
- Require the peer-to-peer car-sharing program to collect and remit the sales tax due.
- Impose a \$1 per day or any part of the day surcharge on each peer-to-peer car-sharing program agreement. The surcharge applies to the first 30 days of the car sharing period.
- Require the peer-to-peer car-sharing program to collect the surcharge due.
- Require the peer-to-peer car-sharing program to attribute the surcharge revenue to the county corresponding to the car-sharing start time location for purposes of reporting surcharge revenue.

The insurance provisions of the bill:

- Require the peer-to-peer car-sharing program to ensure the shared vehicle owner and shared vehicle driver are insured during each car-sharing period under a motor vehicle insurance policy that provides minimum statutory requirements for property damage liability, bodily injury liability, personal injury protection, and uninsured and underinsured vehicle insurance coverages.
- Specify the peer-to-peer car-sharing program may satisfy compliance with minimum statutory insurance coverages by a motor vehicle insurance policy maintained by the shared vehicle owner, shared vehicle driver, the peer-to-peer car-sharing program, or a combination of all three.
- Specify that the motor vehicle insurance policy used by the peer-to-peer car-sharing program to satisfy minimum statutory insurance coverages is primary in the event of a claim. The insurer or peer-to-peer car-sharing program providing the required coverage assumes primary liability for a claim when a dispute exists over who was in control of the shared vehicle at the time of the loss, or a dispute exists over whether the shared vehicle was returned to the agreed-upon location specified in the peer-to-peer car-sharing programs agreement. The peer-to-peer car-sharing program assumes liability in the event of a coverage lapse by the shared vehicle owner or shared vehicle driver.
- Provides that a peer-to-peer car-sharing program may maintain one or more motor vehicle insurance policies which provide coverage for liabilities assumed by the peer-to-peer car-sharing program under a peer-to-peer car-sharing program agreement, liability of the shared vehicle owner, liability of the shared vehicle driver, damage or loss to the shared motor vehicle, or damage, loss, or injury to persons or property to satisfy minimum statutory requirements for personal injury protection and uninsured and underinsured insurance coverage.
- Specifies the peer-to-peer car-sharing program assumes liability during the car-sharing period of a shared vehicle owner for bodily injury or property damage to a third party or

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

uninsured and underinsured motor or personal injury losses. The peer-to-peer car-sharing program does not assume liability when a shared vehicle owner makes an intentional or fraudulent material representation or omission before the car-sharing period in which the loss occurs, or the shared vehicle owner acts in concert with shared vehicle driver who fails to return the shared vehicle in accordance with the peer-to-peer car-sharing program agreement.

- Provide that the peer-to-peer car-sharing program and the shared vehicle owner are exempt from vicarious liability consistent with federal law.
- Provide that an authorized motor vehicle insurer may exclude any coverage and the duty to defend or indemnify any claim under a shared vehicle owner's motor vehicle insurance policy.

The operational provisions of the bill:

- Require the peer-to-peer car-sharing program to provide notice to a shared vehicle owner upon registration, that if the shared vehicle has a lien against it, use of the shared vehicle in the peer-to-peer car-sharing program may violate the terms of the contract with the lienholder.
- Require the peer-to-peer car-sharing program to keep and retain specified records relating to the facilitation of claim coverage investigation, settlement, negotiation, or litigation.
- Require the peer-to-peer car-sharing program to provide notice of specified matters to the shared vehicle owner and shared vehicle driver, including the rates of the peer-to-peer car-sharing program contract and the peer-to-peer car-sharing programs' right to seek indemnification and make defenses.
- Require that the shared vehicle driver has a current, valid driver's license or be otherwise authorized to drive.
- Specify the peer-to-peer car-sharing program has sole responsibility for equipment put in or on the shared vehicle for purposes of monitoring or facilitating the peer-to-peer car-sharing transactions.
- Require the peer-to-peer car-sharing program to verify the shared vehicle has been repaired pursuant to any safety recalls, provide notice to the shared vehicle owner of recalls, and remove unrepaired shared vehicles from the peer-to-peer car-sharing program.

If approved by the Governor, these provisions take effect January 1, 2022.

Vote: Senate 28-12; House 101-15

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/HB 701 — Behavior Health Care Services Coverage and Access

by Insurance and Banking Subcommittee and Rep. Stevenson and others (CS/CS/SB 1024 by Appropriations Committee; Banking and Insurance Committee; and Senators Brodeur and Rouson)

The bill requires the Department of Financial Services (DFS) to submit a report, by January 31, 2022, to the Legislature and the Governor regarding complaints received from insureds and subscribers about the adequacy of coverage and access to mental health services through their individual or group health insurance policies or health maintenance organization (HMO) contracts.

Further, the bill requires insurers and HMOs to provide insureds and subscribers a direct notice regarding the federal and state coverage requirements for mental health services, as well as contact information for the Division of Consumer Services within the DFS. Insurers and HMOs are also required to make this information available on their website.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 40-0; House 117-1

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

SB 728 — Credit for Reinsurance

by Senator Broxson

The bill revises provisions relating to the reinsurance statutes of the Florida Insurance Code to incorporate recent changes made by the National Association of Insurance Commissioners (NAIC) to the Credit for Reinsurance Model Law and the Credit for Reinsurance Model Regulation.

The 2017 Bilateral Agreement between the United States and European Union on Prudential Measures Regarding Insurance and Reinsurance (Covered Agreement) reached between the U.S. Department of the Treasury, U.S. Trade Representative, and the European Union (EU), in part, commits the U.S. to phasing-out state-based reinsurance collateral requirements for EU reinsurers by 2022. The covered agreement further exempts EU reinsurers from current U.S. domiciliary requirements for authorized reinsurer status by creating a new, broader classification of jurisdiction called a “reciprocal jurisdiction.”

The bill provides insurers with credit for reinsurance and eliminates additional collateral requirements for reinsurers if the reinsurer is domiciled in a “reciprocal jurisdiction” and meets requirements set forth in the bill. The bill defines “reciprocal jurisdiction” to mean:

- A non-U.S. jurisdiction that is subject to an in-force covered agreement with the U.S. or, in the case of a covered agreement between the U.S. and the EU, an EU member state;
- A U.S. jurisdiction that meets the NAIC requirements for accreditation; or
- Any other qualified jurisdiction that meets certain statutory requirements and any additional requirements of the Office of Insurance Regulation set forth in rule.

The requirements the reinsurer must meet include, but are not limited to:

- Minimum capital and surplus requirements;
- Minimum solvency or capital ratios;
- Annual confirmation from the domiciliary supervisory authority stating that the reinsurer meets the capital, surplus, and minimum solvency or capital ratio requirements; and
- Prompt claims payment practices.

The bill also provides insurers with protections against reinsurer failure that include, but are not limited to, requiring the reinsurer to post collateral equal to all outstanding reinsurance liabilities in the event the reinsurer enters into receivership; requiring the reinsurer to consent to the jurisdiction of courts of the State of Florida; and requiring the reinsurer to post collateral equal to all outstanding liabilities if the reinsurer resists enforcement of a court order from a jurisdiction in which it has consented.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 38-1; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

HB 797 — Florida Life and Health Insurance Guaranty Association

by Representative Robinson, W. (SB 1470 by Senator Boyd)

The bill revises provisions relating to the Florida Life and Health Insurance Guaranty Association (FLAHIGA), the guaranty association for most insurance companies that write life and health insurance or annuities in Florida. The bill incorporates some recent changes made to the National Association of Insurance Commissioners' (NAIC) Life and Health Guaranty Association Model Act and makes additional revisions. The bill:

- Adds a definition for the term “Moody’s Corporate Bond Yield Average.”
- Amends the definition of “person” to include “limited liability company” and “governmental body or entity.”
- Clarifies that, in dealing with an impaired domestic insurer, FLAHIGA may assume or reissue covered policies, in addition to guaranteeing and reinsuring the policies.
- Expressly provides that FLAHIGA has the right to appear or intervene before a court or agency in another state which has jurisdiction over an impaired or insolvent insurer for which FLAHIGA is or may become obligated, or a person or property against whom FLAHIGA may have rights through subrogation or otherwise.
- Provides that, for the purposes of FLAHIGA’s standing to appear before any court in this state, FLAHIGA’s powers and duties include reissuing or modifying covered policies.
- Provides that FLAHIGA may take legal action to recover payment of improper claims.
- Clarifies that FLAHIGA has the authority to join an organization of other state guaranty associations to further the purposes and to carry out the powers and duties of FLAHIGA.
- As to Class A assessments, which pay FLAHIGA’s general administrative expenses, removes the cap of \$250, permits the assessment to be made on a pro rata basis, and allows FLAHIGA’s board to credit the assessments against future assessment related to insurer insolvencies.
- Provides that, if an insurer’s assessment is deferred because the assessment would endanger the insurer’s financial solvency, the insurer must pay the assessment once it regains financial strength.
- Removes the reduced assessment cap for nonprofit insurers that issue annuity contracts to education groups, thus making such insurers subject to the assessment cap for all other annuity insurers.
- Directs that FLAHIGA establish a procedure for removing a board member if that member becomes impaired or insolvent, and requires the FLAHIGA board of directors to establish a policy and procedure to address conflicts of interest.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/CS/HB 1209 — Department of Financial Services

by Commerce Committee; State Administration and Technology Appropriations Subcommittee; Insurance and Banking Subcommittee; and Rep. Fetterhoff and others (CS/SB 1408 by Banking and Insurance Committee and Senator Burgess)

CS/CS/CS/HB 1209 amends sections of Florida Statutes relating to the Department of Financial Services (DFS). The bill:

- Designates the Division of Public Assistance Fraud a criminal justice agency;
- Adds cancer benefits for firefighters (who are employees of a state agency or department covered under s. 284.31, F.S.) into the self-insurance coverages provided by the Division of Risk Management and requires the Department of Management Services to verify and approve payments prior to distribution from the State Risk Management Trust Fund;
- Prohibits employees who fall under the State Risk Management Trust Fund from engaging in retaliatory conduct against a sexual harassment victim and provides that willful and knowing dissemination of the identifying information of a sexual harassment victim, exempt under s. 119.071(2)(n), F.S., is a first degree misdemeanor;
- Amends the Board of Funeral, Cemetery, and Consumer Services composition; clarifies Board member requirements; removes Board term staggering requirements; and clarifies rulemaking responsibilities relating to the Board;
- Prohibits specific unlicensed funeral activity and increases the penalty for such;
- Increases criminal penalties associated with unlicensed Funeral, Cemetery, and Consumer Services activity;
- Allows cemetery companies to sell certain merchandise for use within a cemetery, including cemeteries that the cemetery company selling such items does not own;
- Allows funeral director interns and combination funeral director and embalmer interns, meeting certain educational requirements, to continue acting as such while an application for full licensure is pending, or up to 90 days, whichever is sooner;
- Clarifies that once a preneed funeral contract has been fulfilled, statutory deposit requirements for proceeds do not apply;
- Requires, with a specified exception, that monument retailers must comply with the same inspection and place of business requirements as monument builders;
- Updates the definition of “two-component explosive” to reflect the current market;
- Allows contractors to begin repairs on previously permitted fire alarms after filing a permit application and specifying the repair is not compliant until permitted and approved;
- Amends continuing education requirements for individuals licensed to solicit, sell, or adjust insurance in the state and revises the hours requirement for specified elective insurance agents and adjusters continuing education course;
- Amends provisions regarding appointments to transact insurance or adjust claims on behalf of an insurer or employer, to apply certain deadlines to renewal appointments, and to revise procedures and requirements when an individual was not properly appointed by inadvertent error;

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

- Adds the designation of “Insurance Customer Service Representative” from “Statewide Insurance Associates LLC” to the list of designations that will qualify a person for licensure as an insurance agent’s customer representative;
- Increases the maximum license suspension for title insurance agents and agencies;
- Provides that coverage for deductibles for property insurance may be written on the surplus lines market without first meeting requirements typically necessary before coverage may be written in the surplus lines market, subject to certain conditions;
- Removes a requirement for personal residential property agents to notify an insured regarding coverage from Citizens Property Insurance Corporation before exporting a policy to the surplus lines marketplace;
- Prohibits an insurance agent or agency from giving, or a lender from requiring, a copy of an insurer’s proprietary underwriting information as a condition precedent to extending credit secured by real estate and prohibiting an insurance agent or agency from providing such information;
- Allows flood insurance coverage to be exported to a surplus lines insurer without the agent first seeking to place the coverage with an admitted insurer;
- Revises the scope of fire protection system work for persons with certain contractor classifications of the Division of State Fire Marshal;
- Revises entities involved in the Fire and Emergency Incident Information Reporting Program by replacing and revises the composition of the Fire and Emergency Incident Information System Technical Advisory Panel;
- Extends compliance deadlines and revises permit application requirements relating to minimum radio signal strength for fire department communications and two-way radio systems for existing high-rise buildings and existing apartment buildings;
- Prohibits certain influencing of firesafety inspectors to violate applicable law and prohibits a firesafety inspector knowingly and intentionally requesting, soliciting, accepting, or agreeing to accept a bribe;
- Revises the course required to obtain or renew a fire suppression license or permit to require that such course include both written and practical training approved by the State Fire Marshal;
- Revises the composition of the Firefighters Employment, Standards, and Training Council;
- Allows fire service providers to hire volunteer firefighters, and allows them to continue to function in a volunteer firefighter capacity for the first year of employment while they obtain career firefighter certifications;
- Creates a criminal penalty for aiding and abetting a person engaged in unlicensed bail bond agent activity; and
- Expands the applicability of criminal penalties for impersonation of investigators and personnel of the DFS.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-1; House 119-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/SB 1598 — Consumer Protection

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

The bill amends several insurance-related provisions to provide greater protections for consumers and oversight of public adjusters and residential property insurers.

Public Adjusters

- Prohibits a licensed contractor or subcontractor from advertising, soliciting, offering to handle, handling, or performing public adjuster services, unless licensed and compliant as a public adjuster.
- Specifies that entities must comply with s. 626.8696, F.S., with respect to possessing an adjusting firm license, provides an exception for adjusting firm's branch place of business if certain requirements are met; and authorizes administrative penalties for noncompliance with licensure requirements.
- Increases the cooling-off period from 3 to 10 days during which a consumer may cancel his or her contract with a public adjuster.
- Requires each public adjuster to provide an estimate of the loss to the claimant or insured within 60 days after the execution of the public adjuster contract and specifies that the written estimate of loss of the public adjuster must include an itemized, per-unit estimate of the repairs.
- Prohibits a person other than a licensed public adjuster or attorney from advertising services that require a license as a public adjuster or offering to initiate or negotiate a claim on behalf of an insured.
- Prohibits a public adjuster, public adjuster apprentice, or public adjusting firm that solicits a claim and does not enter into a contract with an insured or third-party claimant, from charging or receiving payment from an insured or a third-party claimant.
- Eliminates the \$60 initial licensure fee and renewal fees for an adjusting firm license.

Residential Property Insurers; Surplus Lines Insurers

- Requires a residential property insurer to initiate a claim investigation within 14 days of receiving a proof of loss statement; current law provides 10 business days.
- Directs insurers to provide to policyholders the adjuster's name and state adjuster license number when a claim investigation involves a physical inspection of the property, and to maintain a record of each adjuster who communicates with the policyholder.
- Requires the insurer to provide notices that explain when the insurer is providing a preliminary or partial estimate or making a claim payment that is not the full and final payment for the claim.
- Directs insurers to provide the Homeowner Claims Bill of Rights pursuant to any personal lines residential property insurance claim and adds notice regarding the right to receive interest and the utility of taking video of damages and repairs.
- Expands the definition of sliding, a practice that violates the Unfair Insurance Trade Practices, to include:

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

- Initiating, effectuating, binding, or otherwise issuing an insurance policy without the prior informed consent of the person who owns the property that will be insured.
- Submitting an invoice for premium payment to a mortgagee or escrow agent in order to institute an insurance policy without the prior informed consent of the owner of the property, with exceptions.
- Requires that, prior to the placement of an insured with a surplus lines insurer, a disclosure must be provided to the insured that the Florida Insurance Guaranty Association (FIGA) does not provide any protections for persons insured by a surplus lines carrier that becomes insolvent.
- Applies the property insurance claim investigation and communication requirements of s. 627.70131, F.S., to surplus lines insurers.

Other Provisions

- Requires an entity regulated by the Department of Financial Services (DFS) or the Office of Insurance Regulation to respond to document requests from the Division of Consumer Services of DFS, and authorizes the department to impose penalties for noncompliance.
- Requires insurance agencies whose name contains the word “Medicare” or “Medicaid,” to delete those words from the agency name no later than June 30, 2023.
- Authorizes DFS to suspend, revoke, or refuse to issue the license of an insurance agent, adjuster, customer representative, service representative, or managing general agent that makes a consumer’s personal financial or medical information available to the public, or initiates without the request of a prospective customer in-person or telephone solicitation after 9 p.m. or before 8 a.m. local time of the prospective customer.
- Requires insurers to include information regarding the free financial literacy programs offered by DFS at the time the insurer informs an applicant or insured that a credit report or score is being requested for underwriting or rating purposes.
- Eliminates the \$100 deductible an insured must pay to the Florida Insurance Guaranty Association in order to receive payment on their claim through the association.
- Revises the definition of a “covered claim,” for purposes of the Florida Workers’ Compensation Insurance Guaranty Association, to exclude the return of premium resulting from a policy that was not in force on the date of the final order of liquidation.
- Prohibits the sale of industrial life insurance policies, effective July 1, 2021.

If approved by the Governor, these provisions take effect upon becoming law, except where otherwise provided.

Vote: Senate 34-3; House 114-1

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/SB 1786 — Florida Birth-Related Neurological Injury Compensation Plan

by Appropriations Committee; Health Policy Committee; and Senators Burgess and Book

In 1988, the Legislature created the Florida Birth-Related Neurological Injury Compensation Plan (plan) to provide limited recovery, irrespective of fault, for infants who have sustained a birth-related neurological injury. If an infant suffers such an injury, and the physician participates in the Florida Birth-Related Neurological Injury Compensation Association (NICA), and delivers obstetrical services in connection with the birth, then an administrative award for a compensable injury is the infant's sole and exclusive remedy for the injury, with exceptions. Compensation under the plan includes actual expenses for medically necessary and reasonable care, including long-term medical care, transportation, special equipment, and other services for the lifetime of the child. The plan is administered by NICA. The bill provides the following changes to the plan and NICA:

Benefits

- Increases the maximum award to parents or legal guardians of an infant who has sustained a birth-related neurological injury from \$100,000 to \$250,000 for pending petitions or claims filed on or after January 1, 2021. This provision applies retroactively to claims filed before January 1, 2021, to provide a payment to current plan members sufficient to bring the payment up to \$250,000 by July 1, 2021. Thereafter, the \$250,000 limit on the maximum award increases by three percent annually.
- Increases the death benefit from \$10,000 to \$50,000. Parents or legal guardians of a child that died since the inception of the plan must receive a retroactive payment in an amount to bring the total award paid to the parents or legal guardian to \$50,000 by July 1, 2021.
- Provides up to \$10,000 in annual psychotherapeutic services for immediate family members who reside with the plan participant.
- Specifies benefits for transportation, including providing parents or legal guardians with a reliable method of transportation for the care of the child or reimbursing the cost of upgrading an existing vehicle to accommodate the child's needs when it becomes medically necessary for wheelchair transportation. The plan must replace any vans purchased by the plan every 7 years or 150,000 miles, whichever comes first.
- Authorizes housing assistance of up to \$100,000 for the life of the child, including home construction and modifications.
- Provides that the parents or legal guardians of a plan participant may file a petition with the Division of Administrative Hearings to dispute the amount of actual expenses reimbursed or a denial of reimbursement.
- Directs NICA to furnish by mail or electronically a list of expenses compensable under the plan to each parent or legal guardian of a plan participant.

Governance of NICA

- Directs NICA to administer the plan in a manner that promotes and protects the health and best interests of children with birth-related neurological injuries.

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

- Creates code of ethics for specified staff and the board of directors of NICA.
- Increases members on the board of directors from five to seven members by adding a parent or a legal guardian representative of a plan participant and a representative of an advocacy organization for children with disabilities, and authorizes the Chief Financial Officer (CFO) or Governor to remove a director for cause.
- Prohibits the appointment of a participating physician to the board who is named in a pending petition for a claim and prohibits an appointed director who is a participating physician from voting on any board matter related to a claim accepted for an award for compensation if the physician is named in the petition for the claim.
- Limits the term a member of the board may serve to no more than six consecutive years and prohibits the citizen representative on the board from having an affiliation with any one of the groups providing lists of names to the CFO for consideration as a board member.
- Clarifies that board meetings are subject to public meeting requirements of s. 286.011, F.S., and requires advance notice of board meetings, with exceptions, and the posting of information relating to such meetings on NICA's website.

Studies and Reports

- Requires the Auditor General to conduct an operational audit of NICA once every three years. The Auditor General must complete the first audit report by August 15, 2021.
- Requires NICA to report by November 1, 2021, and by November 1 thereafter, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the CFO regarding claims, reimbursement, and other information.
- Directs NICA to publish an annual report on its website January 1, 2022, and every January 1, thereafter that includes information about the board members and employees, staff compensation, a summary of reimbursement disputes and resolutions, a list of expenses for attorney and lobbying fees, and other expenses to oppose each plan claim.
- Directs the Agency for Health Care Administration (agency) to review its third-party liability functions and rights under Medicaid, relative to the plan, and include in its review the extent and value of liabilities owed by the plan as a third-party benefit provider. Based on its findings, the agency must provide recommendations regarding the development of policies and procedures to ensure implementation of agency functions and rights to the primacy of the plan's third-party benefits payable and recoveries due to the agency under Medicaid. The agency is required to submit a report to the President of the Senate, the Speaker of the House of Representatives, and the CFO of its findings regarding the extent and value of the liabilities owed by the plan by November 1, 2021.

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

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

SB 7014 — OSGR/Office of Insurance Regulation

by Banking and Insurance Committee

The bill amends s. 624.4212, F.S., to save from repeal the public records exemption relating to insurer reporting of certain proprietary business and other information that is held by the Office of Insurance Regulation (OIR). This includes proprietary business information and supporting documents contained in an actuarial opinion summary, principle-based valuation report, enterprise risk report, insurance holding company registration, own risk and solvency assessment summary report, and corporate governance annual disclosure. The bill authorizes OIR to disclose such proprietary business information and other information to the Office of Insurance Consumer Advocate within the Department of Financial Services. Currently, the OIR may disclose this confidential and exempt proprietary business information to other states, federal, and international agencies, and other specified entities. This information will continue to be confidential and exempt from public disclosure beyond October 2, 2021.

By saving s. 624.4212, F.S., from repeal, the bill also prevents the repeal of amendments made to ss. 628.8015, F.S., and 628.803, F.S., implementing the following National Association of Insurance Commissioners Model Acts and Regulations:

- Risk Management and Own-risk and Solvency Assessment Model Act.
- Corporate Governance and Disclosure Model Act; and the corresponding Corporate Governance Annual Disclosure Model Regulation.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 39-1; House 114-1

Committee on Children, Families, and Elder Affairs

CS/SB 68 — Public Records/Staff and Domestic Violence Advocates of Domestic Violence Centers

by Criminal Justice Committee and Senator Garcia

The bill amends s. 119.071(4)(d), F.S., creating a new exemption from public records disclosure for specified personal information of current and former staff and domestic violence advocates of domestic violence centers certified by the Department of Children and Families under ch. 39, F.S., and specified personal information relating to their spouses and children.

Section 90.503(1)(b), F.S., defines “domestic violence advocate” as an employee or volunteer of a certified domestic violence center who: provides direct services to individuals victimized by domestic violence; has received 30 hours of domestic violence core competency training; and has been identified by the domestic violence center as an individual who may assert a claim of privilege for communications with domestic violence victims under s. 39.905, F.S.

The bill exempts the following information from public records disclosure:

- Home addresses, telephone numbers, places of employment, dates of birth, and photographs of such personnel;
- Names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel; and
- Names and locations of schools and day care facilities attended by the children of such personnel.

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

The bill is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2024, in accordance with s. 119.15, F.S., unless the statute is reviewed and reenacted by the Legislature before that date. While the repeal date is typically 5 years from enactment of an exemption, the repeal date for this bill is 3 years, so that it remains consistent with the repeal dates of other exemptions currently in s. 119.071(4)(d), F.S.

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

Vote: Senate 35-3; House 115-0

Committee on Children, Families, and Elder Affairs

CS/SB 70 — Domestic Violence Centers

by Children, Families, and Elder Affairs and Senator Garcia

The bill creates s. 39.9057, F.S., making it a criminal offense for any person to maliciously publish, disseminate, or disclose any descriptive information or image that may identify the location of a domestic violence center certified under s. 39.905, F.S., or to otherwise maliciously disclose the location of a center.

A person commits a misdemeanor of the first degree, punishable by up to one year imprisonment and a \$1,000 fine for a first violation of this offense. The bill reclassifies the penalty from a first degree misdemeanor to a third degree felony for a second or subsequent violation. A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine.

To the extent the bill creates a new first degree misdemeanor or third degree felony which results in persons being sentenced to jail or prison, it will likely have a positive insignificant jail or prison bed impact (i.e. an increase of 10 or fewer beds).

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 117-0

Committee on Children, Families, and Elder Affairs

CS/CS/SB 80 — Child Welfare

by Rules Committee; Children, Families, and Elder Affairs Committee; and Senator Brodeur and others

The bill amends and creates a number of sections of law related to the child welfare system, making substantial changes that will impact the lives of children in out-of-home care and young adults who have aged out of care. Specifically, the bill makes the following changes:

Consolidated Information Record

- Requires the Department of Children and Families (the DCF) or a third party to develop a “FACE sheet” which must include minimum specified information related to the child’s case to be kept in the dependency case file as a quick reference resource.
- Requires that the FACE sheet must be in a uniform and standardized format, be electronic and have the capability to be printed, and be updated at least once a month.

Best Interest and Priority Placement Determinations

- Creates a new section of law that relocates, consolidates, and expands current factors that must be considered for various decisions related to a child that enters or is in out-of-home care and requires the DCF, a community-based care lead agency (lead agency), or the court to consider such enumerated factors when determining whether a proposed placement for a child in out-of-home care is in the child’s best interest.
- Provides legislative findings and intent related to priority placements for children in out-of-home care and expands and relocates the list of persons that should be considered as priority placements for these children.
- Requires the priority placement list to be applied to initial placement decisions and all subsequent placement decisions.

Multidisciplinary Teams

- Relocates and expands the use of existing multidisciplinary teams (MDT) to emphasize the importance of engaging with families and other important individuals in order to make better decisions for children in out-of-home care.
- Requires the MDT to be convened within specified timeframes to consider certain decisions related to the child, including initial and subsequent placement decisions, creating transition plans for such placement decisions, determining educational placement decisions, and the above-mentioned decisions specifically related to sibling placements.
- Specifies the participants that must be invited to MDT staffings and provides authority for the DCF or lead agency to invite other relevant participants.
- Requires the MDT staffing to be led by a facilitator who is a trained professional and a person otherwise required to attend the staffing.
- Requires MDT staffing participants to gather when an important decision about a child’s life is required to be made and consider data and information on the child before reaching a decision.

- Requires MDTs to conduct supplemental assessments for children under age 3, including to collect specified additional data and consider factors when making decisions relating to such children.
- Provides that a unanimous consensus decision reached by the MDT becomes the official position and that specified parties are bound by such consensus decision.
- Provides procedures for when the MDT does not reach a unanimous consensus decision, and requires the facilitator to notify the court and the DCF within a certain time frame.
- Requires the DCF to determine how to address the goal of the staffing in the absence of a unanimous consensus decision.

Changes in Placement and Education Settings; Transition Planning

- Provides a number of additions and amendments to provisions related to changes in placement and education settings and for appropriately planned and executed transitions in order to reduce the possible trauma of such changes to the child, and his or her family, caregivers and other professionals involved in the case.
- Requires the DCF or lead agency to convene the MDT to develop transition plans for placement changes and education transitions within specified time frames for emergency versus nonemergency circumstances that focus on minimizing the impact on the child.
- Requires the transition plans to address specialized concerns, including, in part, additional specified factors for children that are younger than 3 years of age.
- Requires the DCF and lead agency to consider certain factors when determining the best education placement for a child and provide additional considerations for transitions of early education or programs versus K-12 education schools.
- Requires the DCF to develop a form related to transition plans in collaboration with the Quality Parenting Initiative and requires such form to be attached to a child's FACE sheet.
- Requires the DCF to contract for the development of model placement transition plans and related material that provide a basis for developing individualized transition plans for children in out-of-home care who are changing placements.

Placement of Siblings in Out-of-Home Care

- Consolidates existing provisions and creates new provisions addressing the complexities of placing sibling groups in out-of-home care or, in the alternative, allowing the siblings to maintain visitation and ongoing contact when placement together is not possible.
- Creates specified provisions for handling changes in placement or educational settings and transitions of sibling groups throughout the dependency case process.
- Requires that the DCF make reasonable efforts to place sibling groups together when they are removed at the same time from the same home and on an initial placement of a child who enters out-of-home care later than his or her siblings if it won't disrupt the placement of the sibling already in out-of-home care.
- Requires the DCF or lead agency to convene a MDT staffing to make a decision regarding placements of sibling groups.
- Provides specified factors to consider when determining placement of a child who is part of a sibling group and who is younger than 3 years of age.

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

- Requires contact and visitation between siblings who are not placed together in out-of-home care, which will assist the siblings with continuing established relationships or possibly developing a relationship.
- Provides, in very limited instances, for continued communication between a child and his or her sibling who has legally exited out-of-home care.

Postdisposition Placement Changes

- Requires the court to consider MDT reports and placement priorities when making a decision regarding a placement change.
- Creates a rebuttable presumption that when certain specified criteria are satisfied that it is in the best interest of the child to remain in the current placement and requires the court to conduct an evidentiary hearing to determine the best placement for a child when such rebuttable presumption applies.
- Permits the caregiver to, in response to receiving written notice of the DCF or lead agency's intent to change a placement, file written notice to the court and the DCF requesting the above-mentioned evidentiary hearing.
- Requires the court to hold the initial status hearing and conduct the evidentiary hearing within specified timeframes, appoint an attorney for the child and an expert in attachment and bonding, and advise the caregiver that he or she may retain counsel for the evidentiary hearing.
- Prohibits the DCF from moving the child until the evidentiary hearing has been conducted and unless a court finds that the change of placement is in the child's best interest and requires the DCF or lead agency to implement an appropriate transition place if the court makes such a finding.

Increased Support for Young Adults Aging Out of Care

- Requires the DCF to assess each child's readiness for transition to adulthood and requires transition planning at an earlier age to allow more time for appropriate preparation.
- Requires the court to consider factors related to older children at an earlier age and more frequently if necessary.
- Improves collection and reporting of performance measures and outcomes for independent living skill development and transition success.
- Requires lead agencies to provide post-adoption supports to avoid dissolution of adoptions.
- Creates an Office of Continuing Care at the DCF to help young adults who have aged out of the child welfare system and also requires lead agencies to annually contact young adults to advise such youth of eligible services, inquire about the youth's needs, and provide assistance with connecting them to independent living services.
- Expands eligibility for having the cost of licensure and motor vehicle insurance reimbursed through the Keys-to-Independence program to include young adults who were 18 at the time of aging out of care and who are currently enrolled in the Postsecondary Education Supports and Services (PESS) program, rather than only for young adults in Extended Foster Care (EFC).

- Allows young adults in the Road-to-Independence program to access financial assistance in times of emergency, such as large medical expenses or automobile repairs.
- Requires lead agencies to provide intensive supports for young adults who have aged out of care and who show the greatest deficits in life.
- Requires the Florida Institute for Child Welfare to evaluate the state's delivery of life skill services and the DCF to provide more support to caregivers in delivering those services.

Reinstatement of Parental Rights

- Allows the court to consider a motion to reinstate parental rights if certain factors are satisfied including, in part, the termination of such rights was based on either the parent's voluntary surrender or as a result of failing to substantially comply with his or her case plan; that the child must be at least 13 years of age; both the child and parent want the reinstatement; and the MDT convened for this identified goal recommends the reinstatement is in the child's best interest.
- Requires the court, upon a finding of clear and convincing evidence that all the necessary factors are met, to conduct supervised visitation and trial home visits for at least 3 consecutive months with regular reports on progress.
- Allows the court to reinstate the parental rights with an in-home safety plan and protective supervision for a specified time if the court finds by clear and convincing evidence after the completion of the 3 month supervised visitation and trial home visits that it is in the best interest of the child.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 38-0; House 114-0

Committee on Children, Families, and Elder Affairs

CS/CS/SB 96 — Child Welfare

by Rules Committee; Children, Families, and Elder Affairs Committee; and Senator Book and others

The bill makes a number of changes and clarifies provisions relating to the child welfare system, including to the intake process and reporting requirements, investigations, penalties, and confidentiality of records and reports. Further, the bill makes changes to the Department of Children and Families' (DCF) duties, lead agencies' and managing entities' duties, new programs, and establishes a commission.

Intake Process and Reporting Requirements for Child Abuse, Abandonment, or Neglect

The bill reorganizes, clarifies, and modifies the intake process and reporting requirements as follows:

- Creates s. 39.101, F.S., to reorganize and clarify provisions relating to the central abuse hotline (hotline) contained in provisions of s. 39.201, F.S., under current law and directs the Division of Law Revision to add s. 39.101, F.S., to ch. 39, part II, F.S.;
- Requires the hotline to maintain and produce statistical reports relating to child abuse and sexual abuse that are reported from or occur in specified educational settings;
- Provides that a person required to report to the hotline is not relieved from their duty to report by notifying his or her supervisor;
- Reorganizes and clarifies reporting requirements, and adds requirements relating to reporting, and data collection and analysis; and
- Creates s. 39.208, F.S., imposing cross-reporting requirements for any person who is required to investigate child abuse, abandonment, or neglect to report known or suspected animal cruelty, and requires animal control officers to report any known or suspected child abuse, abandonment, or neglect.

Child Welfare Investigations

The bill modifies or relocates provisions relating to investigations as follows:

- Requires a representative from a child advocacy center (CAC) to be included on the critical incident rapid response team (CIRRT) conducting investigations of child deaths in certain circumstances, effective as of October 1, 2021;
- Provides that CACs offer multidisciplinary services to children who are abused, abandoned, or neglected, and provide coordinated responses to victims and their families;
- Requires the DCF to conduct an investigation similar to a CIRRT of a verified report of sexual abuse of a child in out-of-home care in specified circumstances which meet certain requirements, effective October 1, 2021;
- Provides that a child protective investigator who is assigned to investigate child sexual abuse allegations must continually assess and take protective actions to address the safety of other children in the out-of-home placement or who are accessible to the alleged perpetrator; and

- Relocates provisions regarding attorney representation of alleged perpetrators during an investigation of institutional child abuse, abandonment, or neglect.

Penalties Related to Failure to Report Certain Abuse, Abandonment, or Neglect Allegations

The bill provides for criminal penalties relating to cross-reporting requirements and clarifies penalties for school personnel for failing to report child abuse, abandonment, or neglect as follows:

- Provides criminal penalties for child protective investigators to knowingly and willfully failing to report animal abuse; and
- Requires a minimum of a 1 year suspension of the instructional personnel's or school administrator's educator certificate in specified circumstances.

Confidentiality

The bill modifies and clarifies current law regarding confidential reports or records as follows:

- Provides for employees, authorized agents, or contract providers of the Agency for Health Care Administration to have access to confidential reports or records, except for the name and other identifying reporter information, in cases of child abuse or neglect;
- Adds members of the Legislature to the list of authorized individuals that may have access to specified confidential reports and records in cases of child abuse or neglect within 7 days of such a request, if requested within that time frame; and
- Clarifies provisions regarding a caregiver's requirement to maintain confidentiality of any information provided under s. 39.4087, F.S.

DCF Duties

The bill modifies the DCF's duties as follows:

- Amends the DCF's duties to collect and post information regarding the managing entities' and lead agencies' compensation and other financial information;
- Requires the DCF to work with all stakeholders to help children in out-of-home care become knowledgeable about their rights, including providing certain information in specified timeframes;
- Requires the DCF to conduct a multi-year review of specified financial information of lead agencies and develop a plan to ensure financial viability of such entities;
- Requires the DCF to make available training for caregivers developed in collaboration with certain agencies on the life skills necessary for children in out-of-home care;
- Increases the capacity of children that can be placed in a licensed foster home without an additional assessment to align with current federal law and provides the DCF with the ability to adopt rules to establish requirements for requesting a Title IV-E waiver for over-capacity; and
- Requires the DCF and animal welfare associations to develop or adopt and use already available training materials to provide a 1-hour training to all child protective investigators and animal control officers on cross-reporting awareness and requirements.

Lead Agencies' and Managing Entities' Duties

Lead agencies and managing entities must comply with the following requirements:

- Requires board members or officers of a managing entity or lead agency, or their relatives, to disclose specified activity that may reasonably be construed as a conflict of interest, and provides procedures to follow to address such conflict;
- Modifies the information that lead agencies must post on their websites;
- Requires a statement on promotional and other literature which states the lead agency is contracted with the DCF;
- Requires through their contracts with the DCF that the lead agencies demonstrate the ability to adhere to best child welfare practices enumerated in chs. 39 and 409, F.S., and provide information on their adherence to such best practices; and
- Requires lead agencies to fund the cost of increased care in certain circumstances.

Programs and Services for Children and Families in the Child Welfare System

The bill expands existing programs and creates the following new programs to improve outcomes:

- Requires, rather than authorizes, the DCF, contracted sheriffs' offices, and lead agencies to develop a formal family-finding program;
- Requires, rather than authorizes, each lead agency to establish a kinship navigator program;
- Creates the Foster Information Center to serve current and potential foster parents and provide additional resources to foster parent and kinship caregivers;
- Authorizes and encourages district school boards to establish educational programs for students relating to certain information about identifying abuse, abandonment, or neglect; and
- Authorizes each Office of Criminal Conflict and Civil Regional Council (OCCCRC) to establish a multidisciplinary legal representation program for parents in the dependency system with specified duties and reporting requirements.

Commission on Mental Health and Substance Abuse

The bill creates a Commission on Mental Health and Substance Abuse adjunct to the DCF to examine the current methods of providing such services in Florida and providing for its composition, duties, and reporting requirements.

Repealed Provisions

The following statutes have been repealed and the provision deleted:

- Repeals ss. 409.1453 and 409.1753, F.S., relating to design and dissemination of training for foster care caregivers and foster care duties, respectively, as such provisions were relocated to other sections; and

- Eliminates an obsolete provision that requires the Florida Institute for Child Welfare to evaluate the Guardianship Assistance Program.

If approved by the Governor, these provisions take effect July 1, 2021, except as otherwise provided.

Vote: Senate 39-0; House 116-0

Committee on Children, Families, and Elder Affairs

CS/HB 141 — Parenting and Time-Sharing of a Minor Child for a Convicted Parent

by Judiciary Committee and Rep. Leek (CS/CS/SB 932 by the Committees on Rules; Children, Families, and Elder Affairs and Senator Wright)

The bill amends s. 61.13, F.S., expanding the application of the rebuttable presumption of detriment to the child to include when a parent has been convicted of or had adjudication withheld for an offense enumerated in s. 943.0435(1)(h)1.a., F.S. (offense criteria relevant to sexual offender registration), and at the time of the offense:

- The parent was 18 years of age or older; and
- The victim was under 18 years of age or the parent believed the victim was under 18 years of age.

A rebuttable presumption against granting a parent time-sharing with his or her minor child is also created based on the same criteria. The bill provides that the presumption against granting time-sharing may be rebutted upon the court making written findings that the parent poses no significant risk of harm to the child and that time-sharing is in the child's best interest. If the presumption is rebutted, the bill also requires the court to consider all time-sharing factors provided for in s. 61.13(3), F.S.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Children, Families, and Elder Affairs

SB 252 — Child Care Facilities

by Senator Stewart and others

The bill creates the “Child Safety Alarm Act” and requires that after January 1, 2022, all vehicles used by child care facilities to transport children must be equipped with an approved alarm system that prompts the driver to inspect the vehicle for the presence of children before leaving the area. This change is in response to reported deaths of small children who are left in vehicles during periods of hot weather.

The bill requires the Department of Children and Families (DCF) to adopt minimum safety standards for reliable alarm systems and maintain a list of alarm manufacturers and alarm systems that are approved to be installed in vehicles.

The bill also provides rulemaking authority.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 39-1; House 115-1

Committee on Children, Families, and Elder Affairs

CS/CS/HB 441 — Elder-focused Dispute Resolution Process

by Judiciary Committee; Civil Justice and Property Rights Subcommittee; and Rep. Hage
(CS/CS/SB 368 by Appropriations Committee; Judiciary Committee; and Senator Baxley)

The bill creates an alternative dispute resolution process for persons 60 years of age and older who are involved in certain legal proceedings. Specifically, the bill allows a court to appoint an eldercaring coordinator to assist in disputes that can impact an elder's safety and autonomy. The court must specifically define the scope of an eldercaring coordinator's authority in its order of appointment.

n eldercaring coordinator may be appointed for up to 2 years, although a court has discretion to extend or suspend the appointment as needed. In order to be appointed as an eldercaring coordinator, an applicant must:

- Meet a specified professional licensing requirement, such as membership in The Florida Bar or being a licensed nurse;
- Complete 3 years of post-licensing or post-certification practice;
- Receive training in family and elder mediation;
- Receive 44 hours in eldercare coordinator training, which must offer training on topics including, among other things:
 - Elder, guardianship, and incapacity law;
 - Family dynamics;
 - Multicultural competency; and
 - Elder abuse, neglect, and exploitation.
- Successfully pass a background check; and
- Have not been a respondent in a final order granting an injunction for protection against domestic, dating, sexual, or repeat violence or stalking or exploitation of an elder or a disabled person.

The bill provides that an eldercaring coordinator may be removed or disqualified if the coordinator no longer meets the minimum qualifications or upon court order.

The bill requires an equal amount of fees and costs for eldercaring coordination to be paid by each party, subject to an exception. If a court finds that a party is indigent, the bill prohibits the court from ordering the party to eldercaring coordination unless funds are available to pay the indigent party's allocated portion. Likewise, cases involving exploitation of an elder or domestic violence are ineligible for a referral without the consent of the parties involved. The court must offer each party the opportunity to consult with either an attorney or a domestic violence advocate prior to accepting consent of the referral and the court is required to determine whether each party has given their consent freely and voluntarily.

When a court is determining whether to refer parties that may have an above-mentioned history that would otherwise preclude the referral, the court must consider whether a party has:

- Committed an act of exploitation or domestic violence against another party or any member of another party's family;
- Engaged in a behavioral pattern where power and control are used against another party and that could jeopardize another party's ability to negotiate fairly; or
- Behaved in a way that leads another party to reasonably believe he or she is in imminent danger of becoming a victim of domestic violence.

If the court refers a case to eldercaring coordination that involves a party who has any history of domestic violence or exploitation of an elder, the court must order necessary precautions to ensure safety of specified persons and property.

The bill provides that all communications that meet specified requirements and are made during eldercaring coordination must be kept confidential. The bill provides that parties to the eldercaring coordination, including the coordinator, may not testify unless one of the enumerated exceptions applies. The bill also provides remedies for breaches of confidentiality.

The bill provides legislative findings and requires the Florida Supreme Court to establish minimum standards and procedures for training, qualifications, discipline, and education of eldercaring coordinators. The bill also defines a number of terms, including:

- "Action";
- "Care and safety";
- "Elder";
- "Eldercaring coordination";
- "Eldercaring coordination communication";
- "Eldercaring coordinator";
- "Eldercaring plan";
- "Good cause";
- "Legally authorized decisionmaker";
- "Participant"; and
- "Party."

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 119-0

Committee on Children, Families, and Elder Affairs

CS/SB 590 — School Safety

by Appropriations Committee and Senator Harrell

The bill modifies numerous provisions related to school safety. Specifically, the bill:

- Requires public and charter schools to make a reasonable attempt to notify the parents of a minor student before the student is removed from school, school transportation, or a school-sponsored activity for an involuntary mental health examination.
- Defines “a reasonable attempt to notify” as “the exercise of reasonable diligence and care by the principal or the principal’s designee to make contact with the student’s parent, guardian, or other known emergency contact whom the student’s parent or guardian has authorized to receive notification of an involuntary examination.”
- Requires the principal or their designee to, at a minimum, use available methods of communication to notify a parent, guardian, or other known emergency contact following the decision to Baker Act a student. The methods of communication should include, but are not limited to, telephone calls; text messages; e-mails; and voicemails.
- Requires a principal or their designee to document the method and number of attempts made to contact the student’s parent, guardian, or other known emergency contact, and the outcome of each attempt, allowing a delay of notification if it is necessary to avoid jeopardizing the health and safety of the student.
- Mandates the collection of data by school districts and the Department of Children and Families (DCF) relating to the number and frequency of involuntary examinations of minors initiated by schools at specified school locations or events.
- Provides that parents of public and charter school students have the right to timely notification of threats, unlawful acts, and significant emergencies, as well as access to school safety and discipline incidents as reported in the school environmental safety incident report.
- Adds requirements to required student codes of conduct to include criteria for: Recommending to law enforcement that a student who commits a criminal offense be allowed to participate in a civil citation or similar prearrest diversion program as an alternative to expulsion or arrest; and
- Assigning a student who commits a petty act of misconduct to a school-based intervention program. If a student’s assignment is based on a noncriminal offense, the student’s participation in a school-based intervention program may not be entered into the Department of Juvenile Justice Information System Prevention Web.
- Allows district school board policies to provide accommodations for drills conducted by exceptional education centers, and requires district school boards to establish certain emergency response and emergency preparedness policies and procedures.
- Requires timely notice to parents of specified unlawful acts and significant emergency situations on school grounds, school transportation, or school-sponsored activities.
- Requires each district school board to adopt a policy mandating that the school superintendent annually report to the DCF the number of involuntary examinations initiated at a school, on school transportation, or at a school-sponsored activity.

- Requires all school safety officers to undergo crisis intervention training.
- Requires any ID card issued by a public school for students in grades 6-12 to include the telephone numbers for national or statewide crisis and suicide hotlines and text lines.
- Requires school districts to adopt procedures mandating attempts at de-escalation be made prior to initiating a Baker Act.
- Requires schools to contact a health care practitioner capable of initiating a Baker Act in person or via telehealth prior to a Baker Act being initiated. The mental health professional may be available to a school district either by contracts or interagency agreements with a local community behavioral health providers, a managing entity, or a local mobile response team. Alternatively, the mental health professionals may be a direct or contracted employee of the school district.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0

Committee on Children, Families, and Elder Affairs

CS/CS/SB 714 — Resource Information for Individuals with Disabilities

by Rules Committee; Children, Families, and Elder Affairs Committee; and Senator Taddeo

The bill directs the Agency for Persons with Disabilities (the APD) to provide individuals applying for Medicaid Home and Community-Based Services (HCBS) Waiver services, regardless of eligibility for such services, with the following information:

- A brief overview of vocational rehabilitation services offered through the Florida Division of Vocational Rehabilitation;
- A brief overview of the Florida Achieving a Better Life Experience (ABLE) Program;
- A brief overview of supplemental social security and social security disability benefits;
- A statement indicating that an applicant's local public school district may provide specialized instructional services, including transition programs, for students with special education needs;
- A brief overview of programs and services funded through the Center for Students with Unique Abilities, including contact information for each state approved Florida Postsecondary Comprehensive Transition Program;
- A brief overview of decision-making options for persons with developmental disabilities, guardianship programs, and alternatives to guardianship;
- A brief overview of referral tools made available through the APD; and
- A statement indicating that some waiver providers may serve private pay individuals.

The bill requires that the APD provide the information in writing to the applicant, their parent, legal guardian, or a family member annually.

The bill also requires the APD to provide a written disclosure stating that each program and service has its own eligibility requirements and that the APD does not guarantee eligibility or enrollment for the applicant in any program or service. The bill directs the APD to post the information and disclaimer statement on the agency's website.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Children, Families, and Elder Affairs

SB 794 — Independent Living Services

by Senator Bean

The bill modifies the membership and responsibilities of the Florida Independent Living Council (FILC). Specifically, the bill removes the Division of Blind Services (DBS) from the membership of the FILC, and revises the total number of members from 14 to 11. The bill also permits the FILC to choose representative members from a wide range of persons with developmental disabilities from diverse backgrounds.

The bill revises certain required and discretionary tasks of the FILC and prohibits the FILC from engaging in certain prohibited activities related to lobbying.

The bill increases the percentage of total revenues collected from the Tax Collection Enforcement Diversion Program (Diversion Program) used to administer the James Patrick Memorial Work Incentive Personal Attendant Services Program (JPPAS Program) from 50 percent to 75 percent.

The bill will have a positive fiscal impact on the JPPAS program by increasing the proportion of funds from the Diversion Program to the JPPAS Program, and a negative fiscal impact on other segments of state government.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0

Committee on Children, Families, and Elder Affairs

CS/CS/SB 804 — Substance Abuse Services

by Community Affairs Committee; Children, Families, and Elder Affairs Committee; and
Senator Harrell

The bill makes several changes to provisions governing the licensure and regulation of substance abuse treatment programs (service provider), including recovery residences.

The bill makes it a third degree felony to falsify information, or to withhold material facts, on an application for licensure as a substance abuse service provider. Substance abuse service providers operated directly by, or under contract with, any state agency must be licensed by the Department of Children and Families (the DCF) and are not currently subject to a penalty for falsification of information or withholding of material facts in an application for licensure.

The bill authorizes the DCF to suspend a service provider's license for failing to pay, within 60 days of a date set by the DCF, administrative fines and accrued interest related to disciplinary action taken against the service provider. The bill also mandates that a service provider pay fines and accrued interest resulting from violations of patient referral prohibitions within 60 days of a date specified by the DCF. If a service provider fails to remit payment within 60 days, the bill requires the DCF to immediately suspend the service provider's license.

The bill also broadens the eligibility for exemption from employment disqualification for certain prior criminal offenses to specified employees of an applicant recovery residence and to applicant recovery residence administrators. This will allow additional qualified individuals with knowledge of, and experience within, recovery residences to be eligible for employment within recovery residences, or as recovery residence administrators.

The bill prohibits certain classes of dwellings that are used as recovery residences from having their occupancy category changed or being reclassified for the purpose of enforcement of the

Florida Building Code and for the Florida Fire Prevention Code's requirement for installation of fire sprinklers.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Children, Families, and Elder Affairs

HB 871 — Sovereign Immunity for Child Protection Teams

by Reps. Snyder and others (SB 826 by Senators Baxley and Harrell)

The bill extends sovereign immunity protections to any member of a child protection team (CPT), including a member who is an independent contractor, when the team member is carrying out her or his duties under the control, direction, and supervision of the state or any of its agencies or subdivisions.

A CPT is a group of professionals who receive referrals, primarily from child protective investigators and sheriff's offices, when child abuse, abandonment, or neglect is alleged. The team, directed by a physician, evaluates the allegations, assesses risks, and provides recommendations for child safety and support services.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 119-0

Committee on Children, Families, and Elder Affairs

CS/HB 1041 — Protection of Elderly Persons and Disabled Adults

by Judiciary Committee and Rep. Burton and others (CS/CS/SB 1344 Appropriations Committee; Criminal Justice Committee; and Senator Burgess)

The bill creates s. 732.8031, F.S., and amends s. 736.1104, F.S., prohibiting a person who commits any of the following offenses on an elderly or disabled person in any state or jurisdiction from serving as a personal representative or inheriting from the victim's estate, trust, or other beneficiary assets:

- Abuse;
- Neglect;
- Exploitation; or
- Aggravated manslaughter.

The bill amends s. 733.303, F.S., prohibiting individuals convicted of abuse, neglect, or exploitation of an elderly person or disabled adult from serving as personal representatives of an estate.

The bill creates s. 732.8031, F.S., to provide that a final judgment of conviction for abuse, neglect, exploitation, or aggravated manslaughter of the decedent creates a rebuttable presumption that any of the following convicted persons may not inherit a beneficiary asset:

- A surviving person whose beneficiary interest depends on the death of the victim.
- A joint tenant with a right of survivorship and a tenant by the entirety in real and personal property, a joint and multiple-party accountholder in a bank, savings and loan association, credit union, and any other financial institution, and any other form of coownership with survivorship interests whose survivorship interest depends on the death of the victim.
- A named beneficiary of a bond, life insurance policy, or other contractual arrangement where the victim is the owner or principal obligee of the bond, life insurance policy, or other contractual arrangement or the person upon whose life such policy was issued.

Similarly, the bill amends s. 736.1104, F.S., by prohibiting a beneficiary of a trust convicted in any state or foreign jurisdiction of abuse, neglect, or exploitation, or aggravated manslaughter of an elderly person or disabled adult, from receiving trust benefits when the victim is the settlor of a trust, or another person on whose death such beneficiary's interest depends from inheriting trust interests, including a homestead dependent on the victim's death.

In the absence of a qualifying conviction, the court may determine by the greater weight of the evidence whether the abuser's, neglector's, exploiter's, or killer's conduct as defined in ss. 825.102, 825.103, or 782.07(2), F.S., caused the victim's death, in which the person may not inherit. However, a convicted person may inherit from an estate, trust, or other beneficiary asset if it can be shown by clear and convincing evidence that the capacitated victim reinstated the person as a beneficiary.

The bill provides that any person who knowingly obtains or uses, endeavors to obtain or use, or conspires with another to obtain or use the funds, assets, property, or the estate of an elderly person or disabled adult through the intentional modification, alteration, or fraudulent creation of a planned distribution or disbursement in a will, trust, or other testamentary document commits exploitation under the bill unless they have first obtained any of the following:

- A court order authorizing the modification;
- A written instrument authored by the elderly person or disabled adult, sworn to by the elderly person or disabled adult with two witnesses, authorizing the change; or
- The action of an agent under a valid power of attorney authorized by the elderly person or disabled adult permitting the change.

The bill also:

- Amends s. 16.56, F.S., to authorize the Office of Statewide Prosecution to investigate and prosecute crimes under ch. 825, F.S.
- Amends s. 825.101, F.S., to define the terms:
 - “Improper benefit” as any remuneration or payment, by or on behalf of any service provider or merchant of goods, to any person as an incentive or inducement to refer customers or patrons for past or future services or goods; and
 - “Kickback” as having the same meaning as in provided in s. 456.054(1), F.S.
- Amends s. 825.102, F.S., to expand the offense of abuse, aggravated abuse, and neglect of an elderly person or disabled adult by prohibiting intentional isolation or restriction of access to an elderly person or disabled adult from his or her family members which can reasonably be expected to result in physical or psychological injury to elderly person or disabled adult with the intent to promote, facilitate, conceal, or disguise some form of criminal activity.
- Amends s. 825.103, F.S., to:
 - Prohibit seeking out appointment as a guardian, trustee, or agent under power of attorney with the intent to obtain control over the victim’s assets and person for the perpetrator or a third party’s benefit.
 - Prohibit intentional conduct by a perpetrator who modifies or alters the victim’s originally intended estate plan to financially benefit either the perpetrator or a third party in a manner inconsistent with the intent of the elderly person or disabled adult.

Expand the definition of exploitation of an elderly or disabled person to include breach of fiduciary duty resulting in a kickback or receipt of an improper benefit.

The bill also amends s. 825.1035, F.S., to authorize an agent under a durable power of attorney to petition for an injunction for protection against exploitation of a vulnerable adult, and to allow a court to make a one-time extension of the injunction for up to 30 days. The bill amends the statutory form for a petition for an injunction for protection against exploitation of a vulnerable adult in s. 825.1035, F.S., to include sufficient identifying information about the petitioner or the vulnerable adult.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Children, Families, and Elder Affairs

SB 1136 — Board of Directors of Florida ABLE, Inc.

by Senator Rodrigues

The bill revises the member composition of the board of directors of the Florida Achieving a Better Life Experience (ABLE) program. The bill authorizes the Florida Prepaid College Board to appoint up to three individuals, rather than one as provided for in current law, who possess knowledge, skill, and experience in the area of accounting, risk management, or investment management. One of the persons appointed by the Florida Prepaid College Board may be a current member of the board.

The bill also removes the limit on the number of terms board members appointed by the Governor and presiding officers of the Legislature may serve.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 114-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Children, Families, and Elder Affairs

HB 1231 — Domestic Violence

by Reps. Melo and others (SB 606 by Senator Bean)

The bill amends current law to recognize that domestic violence is a significant public health threat that has adverse physical, emotional, and financial impact on Florida families. The bill also amends current law to add nonresidential outreach services to the list of minimum services a certified domestic violence center must provide. It clarifies current law to require certified domestic violence centers to obtain public and private funding in an amount of at least 25 percent of the amount of funding the center receives from the Domestic Violence Trust Fund and permits certified domestic violence centers to carry forward, from one fiscal year to the next, unexpended state funds in a cumulative amount not to exceed eight percent of their total contract with the DCF.

The bill amends s. 741.32, F.S., requiring the DCF to certify and monitor Batterers' Intervention Programs (BIPs) to be used by the justice system. The bill revives, reenacts, and amends s. 741.327, F.S., to authorize the DCF to adopt rules on procedures for the certification and monitoring of BIPs. The bill also amends current law to permit certified BIPs to use a cognitive behavioral model or a psychoeducational model in its program content.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 37-0; House 118-0

Committee on Children, Families, and Elder Affairs

CS/CS/SB 1532 — Child Support

by Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senator Book

The bill makes numerous changes to the Child Support Program, which is administered by the Department of Revenue (DOR), Florida's Title IV-D agency. As the state's Title IV-D agency, the DOR is responsible for collecting and enforcing child support. To receive services from the Child Support Program, families either complete an application for services, or are automatically referred because a parent is receiving cash or food assistance.

The bill makes the following changes to the Child Support Program:

- Specifies that affidavits of default or a default in payments are not required for Title IV-D cases to have accounts established in the Clerk of Court Child Support Collection System, and that Title IV-D payments are processed through the State Disbursement Unit;
- Amends the statements the DOR is required to certify when requesting a consumer report, to conform to the federal Fair Credit Reporting Act;
- Allows notices relating to consumer reports to be made by regular mail instead of by certified or registered mail;
- Prohibits the state from treating incarceration as voluntary unemployment when a support order is established or modified, unless limited exceptions apply;
- Codifies how social security dependent benefits affect the amount of child support ordered; the extent to which the parent receives credit for the benefits; and how a parent obtains credit for dependent benefits;
- Updates the process for rendering final orders;
- Authorizes the use of electronic notices of garnishment to consenting institutions;
- Revises the data exchange process between the DOR and the Department of Financial Services relating to the use of unclaimed property for past due child support;
- Permits the DOR to transmit confidential and exempt information with limited exception by unencrypted electronic mail to a parent, caregiver, or other person authorized to receive information about DOR services upon his or her consent; and
- Requires an entity to report to the State Directory of New Hires nonemployees who perform services and are paid \$600 or more in a calendar year.

Additionally, the bill expands the authorized topics under the parent education and family stabilization course that is required for parents of minor children seeking a dissolution of marriage. It requires the parents of children with special needs or emotional concerns to select a course that is tailored towards those needs. Moreover, a court may authorize a parent to take an additional course covering those needs, separate from the required parent education and family stabilization course.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 39-0; House 117-0

Committee on Children, Families, and Elder Affairs

CS/CS/SB 1826 — Human Trafficking

by Rules Committee; Criminal Justice Committee and Senator Diaz

The bill creates s. 90.5037, F.S., establishing a privilege for communication between human trafficking victims and human trafficking advocates or trained volunteers. The bill provides that communication between a human trafficking victim advocate or trained volunteer and a human trafficking victim is “confidential,” if it is not intended to be disclosed to third persons, except to specified persons. A human trafficking victim has a privilege to refuse to disclose, and prevent any other person from disclosing such confidential communication or record made in the course of advising, counseling, or providing services to the victim. Additionally, the bill defines the terms “anti-human trafficking organization,” “human trafficking victim advocate,” “trained volunteer,” and “human trafficking victim,” and provides training requirements for human trafficking victim advocates and trained volunteers.

The bill amends s. 787.06, F.S., to expand the definition of “human trafficking,” to include the “purchasing, patronizing, [or] procuring” another person for the purpose of exploitation of that person. Additionally, the definition of “obtain,” is amended to mean “in relation to labor, commercial sexual activity, or services, to receive, take possession of, or take custody of another person or secure performance thereof.” The bill expands the scope of specified human trafficking offenses relating to children under 18 years of age to include an adult believed to be under 18 years of age. The bill provides that the Legislature encourages each state attorney to adopt a prosecution policy for human trafficking offenses, and requires the state attorney to determine whether to file, nonfile, or divert criminal charges even when there is no cooperation from a victim or over the objection of the victim, if necessary.

The bill modifies s. 943.0583, F.S., to prohibit the clerk of the court from charging any fees, such as filing or copy fees, for a petition to expunge a criminal offense of a human trafficking victim. It clarifies that a human trafficking victim may petition to expunge a criminal history record that results from the arrest or filing of charges for one or more offenses in certain circumstances. Further, the bill requires the clerk to treat a human trafficking victim’s petition to expunge more than one eligible offense as a single petition. It also removes language that is required to be included in the sworn statement that must accompany such petition which states that the petitioner “does not have any other petition to expunge or any petition to seal pending before any court.”

The bill also expands the list of offenses in which a court must impose special conditions on probationers or community controllees who are placed under supervision or on community control or sex offender probation for committing a specified human trafficking offense on or after a certain date.

For purposes of incorporating the amendments made in the bill, ss. 39.01305, 464.013, 775.21, 943.0435, 943.0583, and 944.606, F.S., are reenacted.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 114-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/CS/SB 50 — Taxation

by Appropriations Committee; Finance and Tax Committee; and Senators Gruters, Perry, Hooper, Taddeo, Burgess, Ausley, Albritton, Harrell, Stewart, and Rouson

Chapter 2021-2, L.O.F., the “Park Randall ‘Randy’ Miller Act,” contains provisions related to the sales and use tax and the reemployment tax.

Sales and Use Tax

The law requires out-of-state retailers and marketplace providers with no physical presence in Florida to collect Florida’s sales tax on sales of taxable items delivered to purchasers in Florida if the out-of-state retailer or marketplace provider made a substantial number of sales into Florida in the previous calendar year. A substantial number of remote sales is sales in an amount exceeding \$100,000. Effective April 1, 2022, marketplace providers must also collect the following ancillary fees: the lead-acid battery fee, the waste tire fee, and the “E911” fee; and certain large retailers may contract with a marketplace provider to have the retailer be the party required to collect and remit the sales tax.

The law relieves most taxpayers and remote dealers of liability for tax, penalty, and interest for unpaid taxes on sales and uses that occurred prior to July 1, 2021; however, dealers are only relieved of liability if they register with the Department of Revenue by October 1, 2021. Marketplace sellers and providers are also largely relieved of liability.

The law repeals Florida’s “bracket system” and requires dealers to use traditional rounding conventions to calculate sales taxes.

Reemployment Tax

The law deposits an amount equal to the estimated revenues from the collection of sales and use tax from remote dealers into the Unemployment Compensation Trust Fund until such time the trust fund balance exceeds \$4.07 billion.

The law requires recalculation of the 2021 Reemployment Assistance Tax rates, disregarding the reemployment assistance benefits paid that were related to COVID-19, and authorizes refunds for taxpayers that have already paid the first calculation of the 2021 tax rates. Additionally, all future Reemployment Assistance Tax rates will be calculated disregarding benefit charges related to COVID-19.

Rental of Commercial Real Property

The law reduces the tax rate on the rental of commercial real property from 5.5 percent to 2 percent beginning the second month after the Unemployment Compensation Trust Fund exceeds a balance of \$4.07 billion.

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

These provisions were approved by the Governor and take effect July 1, 2021, except where otherwise provided.

Vote: Senate 27-12; House 93-24

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/HB 121 — Notaries Public

by Civil Justice and Property Rights Subcommittee and Rep. Garrison and others (CS/CS/CS/SB 228 by Rules Committee; Judiciary Committee; Commerce and Tourism Committee; and Senators Bradley and Burgess)

The bill provides the following updates to the recently created process for online notarizations in ch. 117, F.S.:

- Institutes a self-certification requirement for remote online notarization service providers to ensure their eligibility to assist with the provision of notary services;
- Transfers specific duties from online notaries public to their remote online notarization service providers;
- Requires the Department of State to publish information about active and inactive online notaries public and remote online notarization service providers;
- Permits online notaries to rely on a foreign passport of an individual who is currently outside of the borders of the United States to perform an online notarization;
- Implements privacy requirements for personally identifying information given during an online notarization;
- Provides several clarifications and technical updates to the process of online notarizations provided for in ch. 117, F.S.; and
- Allows for remote swearing in of witnesses for court proceedings and attorney admission to The Florida Bar.

If approved by the Governor, these provisions take effect on January 1, 2022.

Vote: Senate 39-0; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/HB 379 — Public Records/Economic Development Agencies

by Government Operations Subcommittee and Rep. Giallombardo (CS/SB 968 by Governmental Oversight and Accountability Committee and Senator Gainer)

The bill creates a public records exemption for tax returns, financial information, credit history information, credit reports, and credit scores held by an economic development agency pursuant to its administration of a state or federally funded small business loan program. The bill provides for the automatic repeal of the public records exemption on October 2, 2026, unless reenacted by the Legislature under the Open Government Sunset Review Act.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-1; House 102-13

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/CS/SB 430 — Petroleum Fuel Measuring Devices

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

The bill requires each person who owns or operates a retail petroleum fuel measuring device to affix or install onto the measuring device a security measure to restrict the unauthorized access of customer payment card information. Permissible security measures include the placement and maintenance of pressure-sensitive security tape or custom branded security tape unique to the station, a physical locking mechanism that requires an access key, a device or system that will sound an alarm, a daily inspection of each measuring device, a device or system that permits customers to use a contactless payment method, or another security measure approved by the Department of Agriculture and Consumer Services (DACS). Effective January 1, 2022, two permissible security measures are required.

The bill provides that an owner or manager of a retail petroleum fuel measuring device may not use the device after discovering an unapproved or altered security measure, and allows the DACS to take a device out of service until it is in compliance with the permissible security measures.

The bill preempts regulation of petroleum fuel measuring devices to the State, and provides that the DACS may only impose penalties for violations of petroleum fuel measuring device rules if an owner or operator of a device has failed to install or implement permissible security measures or places a device back in service before it is in compliance with the permissible security measures. The bill also clarifies that the DACS may not impose a penalty against an owner or operator of a petroleum fuel measuring device if sufficient evidence is provided to demonstrate that noncompliance is the result of damage or alteration after repair by the owner or operator of the device.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 111-4

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

HB 483 — Electronic Legal Documents

by Rep. Altman and others (SB 848 by Senator Powell)

The bill amends the existing process for an online notary who witnesses an electronic record to require the online notary to verify both the witness' *and principal's* identities. Under current law, the notary is not required to verify the principal's identity when the notary supervises the witnessing of an electronic record.

The bill requires an online notary to ask the principal certain questions when only one witness is in the physical presence of the principal if an electronic record to be signed is a will, revocable trust, health care advanced directive, agreement regarding succession or a waiver of spousal rights, or power of attorney. These questions are intended to prevent fraudulent or otherwise invalid transactions. For example, these questions might elicit information that would allow the notary to verify that the principal is capable of understanding the record or document in question and capable of giving proper legal consent. Under current law, these questions are necessary and apply in the above scenarios when an online notary witnesses an electronic record, regardless of how many witnesses are in the presence of the principal.

The bill also updates statutory forms used by notaries public and online notaries to reflect how, by physical presence or by audio video technology, the principal and each witness appeared before the notary.

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

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/SB 602 — Business Organizations

by Commerce and Tourism Committee and Senator Burgess

This bill amends several sections of the Florida Business Corporation Act (FBCA), contained in ch. 607, F.S., and several related statutes. These changes address concerns raised by corporations and the legal community pursuant to a complete revision of the FBCA in 2019. Specifically, the bill:

- Narrows the circumstances under which a shareholder may assert his or her appraisal rights;
- Modifies the market out exception to accommodate privately-held corporations whose stock is not traded on an organized market, but who do have a comparable trading process;
- Addresses appraisal arbitrage, wherein disinterested parties abuse the appraisal rights afforded under Florida law to churn additional profits from the process;
- Makes clarifying and conforming changes to fix minor errors in the 2019 and 2020 FBCA legislation;
- Revises the timeframe for eligible entities to be able to use the name of a dissolved corporation; and
- Clarifies the application of corporation not-for-profit statutes in ch. 617, F.S., to the operation of condominiums, cooperatives, homeowners associations, timeshares, and mobile homeowners associations organized under chs. 718, 719, 720, 721, and 723, F.S.

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

Vote: Senate 39-0; House 115-1

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/SB 1120 — Telephone Solicitation

by Regulated Industries Committee and Senators Gibson, Powell, and Gruters

This bill requires all sales telephone calls, text messages, and direct-to-voicemail transmissions to have the receiving consumer's prior express written consent if the call will be made using an automated machine to dial the recipient's phone number, or will play a recorded message upon connection with the recipient.

The bill creates a rebuttable presumption that a sales call made to a Florida area code is made either to a Florida resident or to a person in this state at the time of the call.

The bill creates a private right of action to enforce the above provisions. An aggrieved party may petition a court to enjoin the violating party. A prevailing plaintiff may recover the greater sum of either their actual monetary damages or \$500. Additionally, a court may increase damages by up to three times, for a willful or knowing violation.

The bill amends the Florida Telemarketing Act to prohibit telephone sellers or salespersons from calling consumers outside of the hours between 8 a.m. and 8 p.m. in the consumer's time zone, and prohibits telephone sellers or salespersons from contacting consumers on the same subject matter more than three times in a 24-hour period. The bill clarifies that calls made through an automated dialer or recorded message are subject to the same prohibitions.

The bill also creates a crime punishable as a second-degree misdemeanor that prohibits telephone sellers or salespersons from using technology that displays a spoofed phone number in order to conceal the caller's identity from the call recipient.

If approved by the Governor, these provisions take effect on July 1, 2021.

Vote: Senate 40-0; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/CS/HB 1463 — Department of Economic Opportunity

by Commerce Committee; Tourism, Infrastructure and Energy Subcommittee; and Rep. LaMarca (CS/CS/SB 1948 by Appropriations Committee; Commerce and Tourism Committee; and Senators Bean, Bradley, Pizzo, and Bracy)

DEO Secretary

The bill changes the title for the head of the Department of Economic Opportunity (DEO) from “Executive Director” to “Secretary of Economic Opportunity,” and creates the Office of Economic Accountability and Transparency in the DEO. It adds the secretary or his or her designee to the Enterprise Florida, Inc., board of directors and the CareerSource Florida, Inc., board of directors, and allows the secretary to create offices and appoint division directors.

Community Development Block Grants

The bill expands the grant categories that applicants may compete for funding under the Florida Small Cities Community Development Block Grant (CDBG) Program, increases the percentage of CDBG funds that the DEO may set aside annually for use in local government jurisdictions for which an emergency or natural disaster has been declared, and removes distribution limitations. The bill repeals a provision that limits the number of grant applications a local government may submit during each CDBG cycle, as well as a provision that requires unused economic development grant funds to be awarded on a first come, first serve basis. The DEO is authorized to prohibit an applicant from receiving a grant or to penalize an applicant in the rating of a current application under certain circumstances. The bill also requires local governments to expedite the approval of building permits applied for by contractors on behalf of a property owner participating in the CDBG-Disaster Recovery program.

Workforce and Reemployment

The bill provides that the DEO, for Fiscal Year 2021-2022, must take actions to modernize the reemployment assistance information system to support the efficient distribution of benefits and the effective operation and management of the reemployment assistance program as provided in the General Appropriations Act.

The bill will allow regional workforce boards to conduct level 2 background screenings, and expands the definition of “temporary layoff” to include an employer initiated furlough. The requirement that a reemployment assistance claimant must provide the telephone number of each prospective employer contacted for each week of unemployment claimed is repealed, and “address” means a website address, a physical address, or an e-mail address for purposes of reporting the address of each prospective employer contacted. A provision that provides that a domestic violence claimant is ineligible for reemployment assistance benefits if the claimant refuses an employer’s reasonable accommodation is removed, and employers are required to respond to a notice of claim within 14 days, instead of 20 days. The bill also imposes a 5-year

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

statute of limitations on reemployment assistance appeals, and removes the requirement that reemployment assistance appeals referees must be Florida attorneys. Additionally, a process to allow for employer-assisted reemployment assistance claims is created to provide a way for employers to notify the DEO of a mass separation (1,000 or more employees) and to make a group filing on behalf of the employer's similarly situated employees.

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

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/CS/CS/HB 1507 — Workforce Related Programs and Services

by Education and Employment Committee; Appropriations Committee; Post-Secondary Education and Lifelong Learning Subcommittee; and Reps. Yarborough, Melo, and others (CS/SB 98 by Appropriations Committee and Senator Albritton)

The bill creates a system-wide approach to workforce development and education in Florida. Specifically, the bill:

- Authorizes the Governor to seek federal waivers to create greater flexibility and strategic investment in Florida’s implementation of the Workforce Innovation and Opportunity Act (WIOA).
- Creates the Office of Reimagining Education and Career Help (Office) in the Executive Office of the Governor to provide coordination and alignment in Florida’s workforce development system.
- Requires the Office to create a “no-wrong-door” entry strategy whereby Floridians may access services from any workforce partner with a common intake form and case management system.
- Creates an online opportunity portal to provide Floridians with access to available state, federal, and local services and evaluative tools to determine short-term employability and long-term self-sufficiency. In addition, the portal will provide broader access to education and training options, real-time labor market information, career planning and career services tools, and other support available for workforce training and education linked to middle- and high-wage in-demand jobs.
- Requires the Department of Economic Opportunity (DEO) and the Department of Children and Families to evaluate the impact of workforce services on participants receiving benefits and welfare transition programs, to include performance reports on participant earnings.
- Requires local workforce development boards to be assigned a letter grade, which must be made public, based on improvement of participant long-term self-sufficiency and return on investment.
- Charges the Labor Market Estimating Conference as the entity responsible for determining Florida’s real-time supply and demand in the labor market.
- Requires the Talent Development Council to coordinate Florida’s efforts to meet state healthcare workforce needs, by conducting a gap analysis and providing trend information on nursing programs.
- Requires the DEO to establish WIOA eligible training provider criteria focused on participant outcomes.
- Requires the CareerSource state board to appoint a Credentials Review Committee to identify degree and non-degree credentials of value, develop a Master Credentials List for performance funding, and establish policy direction for funding which prioritizes outcomes and leverages resources to support vulnerable populations.
- Creates the Open Door Workforce Grant Program to provide grants to school districts and Florida College System (FCS) institutions to cover up to two-thirds of the cost of short-term, high-demand programs.

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

- Creates the Money-Back Guarantee Program, requiring each school district and FCS institution to refund the cost of tuition to students who are not able to find a job within 6 months of completing select programs.
- Creates a new workforce performance funding model for school district and FCS institution workforce programs, requiring one-third of performance funding to be based on rewarding student job placement and the remaining two-thirds to be based on student earnings, with a focus on increasing the economic mobility of underserved populations.
- Requires that students entering a public postsecondary institution in 2022-2023, and thereafter, must be able to earn nationally recognized digital credentials for competencies within the general education core courses which demonstrate career readiness.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/CS/HB 59 — Growth Management

by State Affairs Committee; Civil Justice and Property Rights Subcommittee; Local Administration and Veterans Affairs Subcommittee; and Rep. McClain and others (CS/CS/CS/SB 496 by Rules Committee; Judiciary Committee; Community Affairs Committee; and Senator Perry)

Under current law, local governments create and adopt local comprehensive plans to control and direct land use and development within a county or municipality. The Department of Economic Opportunity oversees the local comprehensive plan system at the state level. Notwithstanding, local governments in the state retain ample independence in the substance of land use regulation of private property within their jurisdiction. The bill amends various sections of Florida law related to local government regulation of land, which is commonly referred to as “growth management.”

Comprehensive Plans

The bill amends s. 163.3167, F.S., to provide that all local comprehensive plans *effective*, rather than *adopted*, after January 1, 2016, and all land development regulations adopted to implement the plan, must incorporate development orders existing before the plan's effective date, may not impair the completion of a development order, and must vest the density and intensity approved on the effective date of the comprehensive plan.

Property Rights Element

The bill requires all local governments to adopt a property rights element in their comprehensive plans. The bill provides a model statement of property rights a local government may adopt to satisfy this requirement. Notwithstanding, a local government may adopt a distinct property rights element as long as it does not conflict with the model statement. This bill provision instructs local governments to consider certain private property rights when regulating land. The bill directs local governments to adopt this element by the earlier of its next proposed plan amendment initiated after July 1, 2021, or the date of its next comprehensive plan evaluation, as required by s. 163.3191, F.S.

Altering a Development Agreement

The bill provides that a development agreement between a local government and a party, or its designated successor in interest, may be amended or canceled without securing the consent of parcel owners that were initially subject to the development agreement unless the amendment directly modifies the land uses of an owner's property.

Department of Transportation

The bill requires the Department of Transportation, when disposing of surplus real property, to give the property's prior owner the right of first refusal to purchase the property. This right of first refusal only applies to the department's disposal of property acquired within 10 years before the date of disposition.

Developments of Regional Impact

The bill specifies that development agreements for certain developments of regional impact that are classified as "built out" may be amended using the processes adopted by local governments. Any such amendment may authorize the developer to exchange approved land uses if the developer demonstrates that the exchange will not increase impacts to public facilities. This applies to such agreements and amendments effective on or after April 6, 2018.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 38-0; House 82-32

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/SB 60 — County and Municipal Code Enforcement

by Community Affairs Committee and Senator Bradley (CS/CS/CS/HB 883 by State Affairs Committee, Public Integrity and Elections Committee, Local Administration and Veterans Affairs Subcommittee, and Rep. Overdorf)

Code enforcement is a function of local government intended to enhance the economy and quality of life of counties and municipalities by protecting the health, safety, and welfare of the community. Local governments designate code inspectors or code enforcement officers to investigate potential code violations, provide notice of violations, and issue citations for noncompliance. However, such officials do not possess police powers.

CS/SB 60 amends the county and municipal code enforcement statutes to prohibit county and municipal code inspectors and code enforcement officers from initiating an investigation into violations of city or county codes or ordinances based upon an anonymous complaint. It also requires that an individual making a complaint of a potential violation provide his or her name and address to the local government body before an investigation may occur.

The prohibition does not apply if the code inspector or code enforcement officer has reason to believe the alleged violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 27-11; House 81-35

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/CS/HB 337 — Impact Fees

by State Affairs Committee; Ways and Means Committee; Local Administration and Veterans Affairs Subcommittee; and Rep. DiCeglie and others (CS/CS/CS/SB 750 by Appropriations Committee; Finance and Tax Committee; Community Affairs Committee; and Senators Gruters and Perry)

Impact fees are fees imposed by counties, municipalities, and some special districts to fund local infrastructure needed to expand local services to meet the demands of population growth caused by development. An impact fee enacted by a county or municipal ordinance or special district resolution must meet certain minimum statutory criteria. The calculation of an impact fee must have a rational nexus both to the need for additional capital facilities and to the expenditures of funds collected and the benefits accruing to the new development construction.

The bill provides specific limitations on the amount by which a local government may increase its impact fees. The limitations operate retroactively to January 1, 2021, and are as follows:

- An impact fee increase of not more than 25 percent of the current rate must be implemented in two equal annual increments, beginning with the date on which the increased fee is adopted;
- An impact fee increase of between 25 and 50 percent of the current rate must be implemented in four equal installments;
- An impact fee increase may not exceed 50 percent of the current impact fee rate; and
- An impact fee may not be increased more than once every four years.

However, a local government may exceed these limitations if the local government completes a demonstrated-need study that justifies the increase and demonstrates the extraordinary circumstances, holds at least two publicly noticed workshops, and adopts the impact fee increase by at least a two-thirds vote.

The bill also makes the following changes to current impact fee law:

- Defines the terms “infrastructure” and “public facilities,” used throughout the impact fee statutes, in order to specify that impact fees may be utilized only for fixed capital expenditures or fixed capital outlays for major capital improvements;
- Prohibits a local government from increasing an impact fee retroactively for a previous or current fiscal or calendar year; and
- Requires special districts, in addition to local governments, to issue dollar-for-dollar impact fee credits for impacts on the same public facilities in exchange for other required contributions received (i.e., proportionate share agreement or other exactions).

Finally, the bill requires the chief financial officer of a local government, school district, or special district to attest annually by affidavit that, to the best of his or her knowledge, all impact fees were collected and expended in compliance with the spending period provision in the local ordinance or resolution, and that impact fee funds were used only to acquire, construct, or improve specific infrastructure needs.

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

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

Vote: Senate 28-12; House 94-23

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/SB 378 — Payment for Construction Services

by Governmental Oversight and Accountability Committee and Senator Bradley (CS/CS/HB 585
by Commerce Committee; Regulatory Reform Subcommittee; and Rep. DiCeglie)

CS/SB 378 enhances the statutory penalties imposed on public and private parties that fail to make required payments for certain construction labor, services, and material.

The bill increases by one percent per month, the remedial interest rate applied to payments wrongfully withheld for construction services for public and private construction projects. For public sector construction projects, the bill increases the interest rate from one percent to two percent per month. Public entities that wrongfully withhold payment to contractors and, likewise, contractors who wrongfully withhold payment to subcontractors and sub-subcontractors on public projects will be liable for interest at a rate of two percent per month on the unpaid amounts.

For private-sector construction projects, current law specifies that late payments bear interest at the rate specified in s. 55.03, F.S., which provides the general rate of interest on judgments. The bill increases the late payment interest for the private sector to the rate specified in s. 55.03, F.S., plus twelve percent per annum (i.e., one percent per month).

Furthermore, the bill clarifies that parties who contract with a public or private entity for construction services and knowingly and intentionally fail to pay the undisputed contract obligations for construction labor, services, or materials, commit misapplication of construction funds, as provided in s. 713.345, F.S. Under the bill, the Construction Industry Licensing Board must take disciplinary action against a construction industry licensee found guilty of committing misapplication of construction funds and suspend the licensee's license for a minimum of one year.

The bill applies to contracts executed on or after July 1, 2021.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 114-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/HB 401 — Florida Building Code

by Commerce Committee; Regulatory Reform Subcommittee; and Reps. Fetterhoff, Overdorf and others (CS/CS/CS/SB 1146 by Rules Committee; Appropriations Committee; Community Affairs Committee; and Senators Brodeur and Perry)

The Florida Building Commission (commission), housed within the Department of Business and Professional Regulation, is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines responsible for the implementation and adoption of the Florida Building Code (Building Code). The Building Code is the statewide building code for all construction in the state. The commission must adopt a new edition of the Building Code every three years.

Local governments enforce the Building Code within their jurisdictions, primarily by conducting inspections and issuing building permits to authorize construction. Under certain circumstances the commission and local governments may adopt technical and administrative amendments to the Building Code as permitted by statute. Local governments may adopt amendments to the Building Code that are more stringent than the Building Code, which are limited to the local government's jurisdiction and expire upon the adoption of the newest editions of the Building Code.

As it pertains to the administration of the Building Code, the bill:

- Allows a substantially affected person, as defined in the bill, to petition the commission for a non-binding advisory opinion on any local government regulation that the person believes is a technical amendment to the Building Code and was not adopted in accordance with the process for adopting local amendments to the Building Code. The commission must issue the opinion within 30 days of receiving the petition.
- Allows the commission to issue an “errata to the code” to correct demonstrated errors in provisions contained within the Building Code.
- Requires the commission to adopt rules for approving product evaluation entities in addition to the ones already listed and approved in current law, and clarifies that the commission may suspend any product evaluation entity.

The bill also:

- Allows local governments to use excess funds generated by building code enforcement fees (i.e., permit fees) for the construction of a building or structure that houses a local government's building department or provides training programs for building officials, inspectors, or plans examiners.
- Prohibits a local government from requiring a contract between a builder and an owner as a condition to apply for or obtain a building permit.
- Specifies that a local government may not use preliminary maps issued by the Federal Emergency Management Agency for any law, ordinance, rule, or other measure that has the effect of imposing land use changes or permits.

The bill makes several changes to current law pertaining to licensed individuals providing private building inspection services, known as “private providers.” Current law allows contractors and property owners to hire licensed building code administrators, engineers, and architects to review building plans, perform building inspections, and prepare certificates of completion. The bill makes the following changes to the private provider statute:

- Expressly authorizes private providers to conduct virtual building inspections.
- Allows private providers to submit various inspection forms, records, and reports electronically to local building departments and utilize electronic signatures.
- Allows private providers to conduct “single-trade inspections,” as defined in the bill.
- Authorizes private providers to conduct emergency inspection services.

Additionally, the bill expressly authorizes local governments and school districts to use private providers for public works projects and improvements to any building or structure.

Finally, the bill amends the Community Planning Act to prohibit local governments from adopting land development regulations that regulate specific building design elements (such as exterior color and cladding, ornamentation, styling of windows and doors, etc.) for single- and two-family dwellings. However, certain exceptions are provided that allow local governments to regulate such building design elements when:

- The dwelling is a historic property or located in a historic district, a community redevelopment area, or a planned unit development or master planned community.
- The regulations are adopted in order to implement the National Flood Insurance Program or to ensure protection of coastal wildlife.
- The regulations are adopted in accordance with the procedures for adopting local amendments to the Building Code.
- The dwelling is located within the jurisdiction of a local government with a design review board or architectural review board.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 38-1; House 102-12

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/HB 403 — Home-based Businesses

by Commerce Committee and Rep. Giallombardo and others (CS/CS/SB 266 by Rules Committee; Community Affairs Committee; and Senators Perry and Baxley)

CS/HB 403 preempts areas of regulation for home-based businesses to the state. It forbids counties and municipalities from enacting or enforcing any ordinance, regulation, or policy or take any action to license or otherwise regulate a home-based business in violation of the bill provisions. Currently, local governments regulate business activities conducted on residential property through ordinances that address "home occupations." The bill's restrictions on local government home-based business regulations would cause existing local government ordinances inconsistent with the bill's prohibitions to become null and void by operation of law.

The bill provides that a home-based business may operate in an area zoned for residential use and may not be prohibited, restricted, regulated, or licensed in a manner different from other businesses in a local government's jurisdiction otherwise provided by the bill.

The bill includes criteria that home-based businesses must meet to operate in an area zoned for residential use. To be considered a home-based business under the bill, a business must meet the following criteria:

- The activities of the home-based business must be secondary to the property's use as a residential dwelling.
- The business employees who work at the residential dwelling must also reside in the residential dwelling, except that up to two employees or independent contractors who do not reside at the residential dwelling may work at the business.
- Parking related to the business activities of the home-based business must comply with local zoning requirements. The business may not generate a need for parking greater in volume than a similar residence where no business is conducted. Local governments may regulate the parking or storage of heavy equipment at the business which is visible from the street.
- As viewed from the street, the residential property must be consistent with the uses of the residential areas surrounding the property. Any external modifications to a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.
- All business activities must comply with any relevant local or state regulations concerning signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors. However, such regulations on a business, absent signage, may not be more stringent than those that apply to a residence where no business is conducted.
- All business activities must comply with any relevant local, state, and federal regulations concerning the use, storage, or disposal of hazardous materials. However, such

regulations on a business may not be more stringent than those that apply to a residence where no business is conducted.

Any adversely affected current or prospective home-based business owner may recover reasonable attorney fees and costs incurred instituting or defending a legal action concerning the validity of a local government's home-based business regulations.

The bill does not supersede any current or future declaration of condominium adopted pursuant to ch. 718, F.S., cooperative document adopted pursuant to ch. 719, F.S., or declaration of covenants adopted pursuant to ch. 720, F.S. In addition, the bill does not supersede any local laws, ordinances, or regulations related to transient public lodging establishments that are not otherwise preempted under ch. 509, F.S.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 19-18; House 77-41

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

HB 487 — Growth Management

by Reps. Duggan and Hardy (CS/CS/SB 1274 by Rules Committee; Community Affairs Committee; and Senator Perry)

The Community Planning Act provides counties and municipalities the power to plan for future development by the adoption of comprehensive plans. Each county and municipality must maintain a comprehensive plan. Comprehensive plans are intended to provide for orderly and balanced future economic, social, physical, environmental, and fiscal development in a county or municipality. Municipalities must prepare and adopt a comprehensive plan within three years after the date of its incorporation.

One of the three types of comprehensive plan amendments is the small-scale development amendment. A comprehensive plan amendment may be classified as a small-scale amendment if the amendment involves less than 10 acres of land (or less than 20 acres in a rural area of opportunity), does not impact land located in an area of critical state concern, preserves the internal consistency of the overall local comprehensive plan, and does not require substantive changes to the text of the plan. Small-scale amendments may be approved with a single hearing before the local government's governing body and do not require review by the Department of Economic Opportunity.

The bill increases the maximum acreage of a small-scale comprehensive plan amendment from 10 acres to 50 acres and increases the maximum acreage for a small-scale comprehensive plan amendment within a rural area of opportunity from 20 acres to 100 acres.

The bill also provides that any landowner with a development order existing before the incorporation of a municipality may elect to abandon the development order and develop the vested density and intensity contained therein pursuant to the municipality's comprehensive plan and land development regulations so long as the vested uses, density, and intensity are consistent with the municipality's comprehensive plan, and all existing concurrency obligations in the development order remain valid.

Finally, the bill amends the Florida Interlocal Cooperation Act of 1969 to allow an entity established pursuant to an interlocal agreement to acquire title to any water or wastewater plant utility facilities, other facilities, or property acquired by the use of eminent domain if 10 or more years have passed since the date of acquisition by eminent domain.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 106-10

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/HB 597 — Homestead Exemption for Seniors 65 and Older

by Local Administration and Veterans Affairs Subcommittee, Ways and Means Committee, and Rep. Woodson and others (CS/SB 1256 by Community Affairs Committee and Senator Polsky)

The State Constitution authorizes the Legislature to allow counties and municipalities by ordinance to grant additional homestead property tax exemptions to persons aged 65 years or over whose household income does not exceed \$20,000 (low-income seniors). Qualifying seniors must hold legal or equitable title to the property and maintain thereon their permanent residence. The income limitation is adjusted each year according to changes in the consumer price index; the 2021 household income threshold for the exemption is \$31,100.

CS/CS/HB 597 amends the process by which a senior verifies his or her income for purposes of renewing said income-based property tax exemption. Seniors receiving such an exemption must annually submit to the property appraiser a sworn statement that his or her income still qualifies for the exemption. The bill removes this requirement and instead requires the senior only to notify the property appraiser upon a change in income that may disqualify the senior for the exemption.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 119-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/HB 667 — Building Inspections

by Local Administration and Veterans Affairs Subcommittee; Regulatory Reform Committee; Rep. Mooney and others (CS/CS/CS/SB 1382 by Appropriations Committee; Governmental Oversight and Accountability Committee; Community Affairs Committee; and Senator Perry)

The Florida Building Codes Act provides a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Florida Building Code (Building Code) must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.

Current law requires local governments to enforce the Building Code and issue building permits. Current law also requires state agencies, state universities, Florida College System institutions, and public school districts to enforce the Building Code in certain situations. It is unlawful for a person or corporation to construct, alter, repair, or demolish a building without obtaining a permit from the enforcing agency. Construction work that requires a building permit requires inspections to ensure the work complies with the Building Code.

The bill authorizes any government entity with the authority to enforce the Building Code to perform virtual building inspections, with the exception of certain structural inspections. The bill defines “virtual inspection” as an inspection that uses visual or electronic aids to allow a building official or inspector to perform an inspection without having to be physically present at the job site during the inspection.

The bill also requires local building code enforcement agencies to allow requests for inspections to be submitted to the local agency electronically via e-mail, electronic form, or mobile application.

Finally, the bill requires a building code enforcement agency to refund 10 percent of the permit and inspection fees if:

- The inspector or building official determines the work, which requires the permit, fails an inspection; and
- The inspector or building official fails to provide a reason that is based on compliance with the Building Code, the Florida Fire Prevention Code, or local ordinance, indicating why the work failed the inspection within 5 business days.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

SB 904 — Doorstep Refuse and Recycling Collection Containers

by Senator Diaz (HB 6053 by Rep. Yarborough)

SB 904 saves from repeal a statutory provision regulating doorstep refuse and recycling collection services. Various waste providers currently offer doorstep waste collection services in apartment complexes throughout the state. Residents in these complexes place waste outside their front door in a specified collection container for the provider to retrieve at a specified time.

In 2018, the Legislature enacted s. 633.202(20), F.S., to authorize residents in apartment buildings to place combustible waste and refuse in exit access corridors if certain conditions are met. For instance, doorstep refuse and recycling collection containers may not exceed 13 gallons for apartment buildings with enclosed corridors and 27 gallons for buildings with open air corridors. Containers may not be placed in an exit access corridor for a single period greater than 12 hours for buildings with enclosed corridors. Containers may not reduce the exit access corridor's width below the width required by the Florida Fire Code. Containers must stand upright on their own and not leak fluids.

These statutory provisions expire on July 1, 2021.

While the Florida Fire Code also allows for the placement of waste and refuse containers in exit access corridors, the statutory provisions are overall less restrictive. The bill removes the expiration date of the statutory provisions regulating doorstep refuse and recycling collection containers. Retaining these provisions preserves the less restrictive statutory provisions regarding container sizes and materials, overriding certain provisions in the Florida Fire Code.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 116-2

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/SB 912 — Land Use and Development

by Rules Committee; Environment and Natural Resources Committee; and Senator Albritton
(CS/HB 859 by State Affairs Committee and Rep. Grant)

Tolling and Extension of Permits during States of Emergencies

The State Emergency Management Act provides that the declaration of a state of emergency issued by the Governor for a natural emergency tolls the period remaining for a party to exercise rights under certain permits and other authorizations for the duration of the emergency declaration, plus an additional six months. In order to have a permit tolled under this provision, the permit holder must follow certain statutory procedures, including providing written notice of the intent to exercise the tolling within 90 days after the termination of the state of emergency. The emergency tolling afforded by this statute currently applies to the expiration of a development order issued by a local government, a building permit, and an environmental resource permit issued pursuant to ch. 373, part IV, F.S.

The bill specifies additional permits and authorizations that may be tolled during a state of emergency. These include consumptive use permits issued under ch. 373, part II, F.S., and development permits and development agreements.

The bill applies retroactively to any declaration of a state of emergency issued by the Governor for a natural emergency since March 1, 2020. Under this retroactive application, existing permits and authorizations added by the bill may receive the emergency tolling and extension for the state of emergency declared in response to the COVID-19 pandemic.

Enterprise Zone Boundaries

Florida established one of the first enterprise zone programs in the country in 1982 to encourage growth and investment in distressed areas by offering tax advantages to businesses investing in those areas. The Florida Enterprise Zone Program and its associated incentive programs sunset in December 2015. The program offered an assortment of financial incentives available to businesses to encourage private investment and increase employment opportunities for enterprise zone residents. Prior to the program's sunset, there were 65 designated enterprise zones in Florida.

Current law preserved the enterprise zone boundaries for the purpose of allowing local governments to administer local incentive programs within those boundaries through December 31, 2020. The bill amends this provision to preserve enterprise zone boundaries for local government use through December 31, 2021.

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

Vote: Senate 40-0; House 114-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/HB 1059 — Construction Permits

by Commerce Committee; Regulatory Reform Subcommittee; and Reps. Robinson, W., Fischer, and others (CS/CS/SB 1788 by Governmental Oversight and Accountability Committee; Community Affairs Committee; and Senator Boyd)

CS/CS/HB 1059 makes various changes to the Florida Building Codes Act and related statutes. The Florida Building Codes Act provides a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Florida Building Code (Building Code) is the statewide building code for all construction in the state and must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.

Local governments enforce the Building Code within their jurisdictions, primarily by conducting inspections and issuing building permits to authorize construction. It is unlawful to construct, alter, repair, or demolish a building without obtaining a building permit.

The bill makes various changes to the ways in which local enforcement agencies receive and process building permit applications. Specifically, the bill requires local enforcement agencies to:

- Allow building permit applications, including payments, attachments, drawings, and other documents, to be submitted electronically.
- Post the current status of every building permit application received on its website.
- Post the agency's procedures for reviewing, processing, and approving building permit applications on its website.
- Review additional information for an application for a development permit or development order within a certain time-period.
- Allow building permit applicants 10 business days to correct an application for a single-family residential dwelling that was initially denied by the local enforcement agency.
- Reduce permit fees by specified amounts after failing to meet statutory deadlines for reviewing certain building permit applications.

Finally, the bill prohibits government entities, which enforce the Building Code, from requiring a copy of a contractor's contract with owners, subcontractors, or suppliers in order to obtain a building permit for projects on commercial property.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 38-0; House 113-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/CS/HB 1103 — Special District Accountability

by State Affairs Committee; Public Integrity and Elections Committee; Local Administration and Veterans Affairs Subcommittee; and Rep. Maggard and others (SB 1624 by Senator Albritton)

Special districts are used to provide a variety of local services and are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law. There are two types of special districts: independent special districts and dependent special districts. Special districts are governed generally by the Uniform Special District Accountability Act (Act), which centralizes provisions governing special districts and applies to the formation, governance, administration, supervision, merger, and dissolution of special districts, unless otherwise expressly provided in law.

The bill requires all independent special fire control districts and each hospital governed by the governing body of a special district or the board of trustees of a public health trust to undergo a performance review every five years, beginning October 1, 2022, and October 1, 2023, respectively. The Office of Program Policy Analysis and Government Accountability (OPPAGA) must conduct performance reviews of those fire control districts located in rural areas of opportunity. The bill also requires OPPAGA to conduct performance reviews of all independent mosquito control districts and soil and water conservation districts by September 30, 2023, and September 30, 2024.

The bill requires the annual financial report and annual financial audit report of all special districts to specify separately the total number of employees and independent contractors compensated by the district, the amount of compensation earned or awarded to employees and independent contractors, and each construction project with a total cost of at least \$65,000 approved by the district to begin on or after October 1 of the fiscal year being reported and the total expenditures for the project. Those special districts that amend their annual budgets are required to file a budget variance report. The bill also requires the annual financial report and annual financial audit report of each independent special district that levies ad valorem taxes or non-ad valorem special assessments to include the rate of such levies, the total amount collected by the levies, and the total amount of all outstanding bonds issued by the district and the terms of such bonds.

Finally, the bill clarifies that a community redevelopment agency's annual financial auditing report must be filed separately from the annual financial auditing report of the county or municipality that created the district.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

HJR 1377 — Limitation on Assessment of Real Property Used for Residential Purposes

by Reps. Chaney, Buchanan, and others (SJR 1182 by Senator Brandes)

Local governments impose and collect ad valorem taxes on real and tangible personal property within Florida. All property in Florida is subject to taxation and must be assessed at just value unless the State Constitution authorizes an exemption or exception.

The State Constitution authorizes the Legislature to prohibit the consideration of certain changes to real property for purposes of determining the property's assessed value. Specifically, the Legislature may prohibit the consideration of:

- Any change or improvement to residential real property made to improve the property's resistance to wind damage; or
- The installation of a solar or renewable energy device.

HJR 1377 proposes an amendment to the State Constitution to authorize the Legislature to prohibit an increase in the assessed value of residential property as a result of any change or improvement made to improve the property's resistance to flood damage.

The joint resolution will be considered by the electorate at the next general election in November 2022.

If approved by at least 60 percent of electors, the constitutional amendment will take effect January 1, 2023.

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

SB 1884 — Preemption of Firearms and Ammunition Regulation

by Senator Rodrigues (HB 1409 by Representative Byrd and others)

SB 1884 revises the Legislature's preemption of the field of the regulation of firearms and ammunition. Current law provides a person or certain organizations with the right to seek declaratory or injunctive relief and actual damages due to a local ordinance, regulation, measure directive, rule enactment, order, or written policy regulating firearms or ammunition. The bill provides that the right to maintain a legal action against a preempted local regulation applies even if the local regulation is unwritten.

Existing s. 790.33, F.S., preempts the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the state. Any person or organization whose membership is adversely affected by any ordinance, regulation, measure, directive, rule, enactment, order, or policy promulgated in violation of s. 790.33, F.S., may file suit against the governmental entity for a declaratory judgment and injunctive relief. If a court determines the plaintiff is the prevailing party, the plaintiff may recover actual damages of up to \$100,000 in addition to any attorney fees.

The bill also provides a mechanism for a plaintiff to recover damages and attorney fees when a government entity changes its regulation while the regulation is being challenged under s. 790.33, F.S. Specifically, when a government entity voluntarily changes the regulation that was challenged pursuant to a complaint, the plaintiff challenging that regulation is considered the prevailing party and may recover actual damages and attorney fees.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 24-16; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 1 — Combating Public Disorder

by Judiciary Committee and Reps. Fernandez-Barquin, Byrd, and others (SB 484 by Senator Burgess)

The bill (Chapter 2021-6, L.O.F.) addresses acts of public disorder and responses to public disorder by:

- Codifying the common law elements of the first degree misdemeanor offense of affray, which a person commits if he or she engages, by mutual consent, in fighting with another person in a public place to the terror of the people;
- Defining the third degree felony offense of riot, which a person commits if he or she willfully participates in a violent public disturbance involving an assembly of three or more persons, acting with a common intent to assist each other in violent and disorderly conduct, resulting in:
 - Injury to another person;
 - Damage to property; or
 - Imminent danger of injury to another person or damage to property;
- Creating the second degree felony offense of aggravated rioting, which a person commits if, in the course of committing a riot, he or she:
 - Participates with 25 or more persons;
 - Causes great bodily harm to a person not participating in the riot;
 - Causes property damage in excess of \$5,000;
 - Displays, uses, threatens to use, or attempts to use a deadly weapon; or
 - By force, or threat of force, endangers the safe movement of a vehicle traveling on a public street, highway, or road;
- Defining the third degree felony offense of inciting a riot, which a person commits when he or she willfully incites another person to participate in a riot, resulting in a riot or imminent danger of a riot;
- Creating the second degree felony offense of aggravated inciting a riot, which a person commits if he or she:
 - Incites a riot resulting in great bodily harm to another person not participating in the riot;
 - Incites a riot resulting in property damage in excess of \$5,000; or
 - Supplies a deadly weapon to another person or teaches another person to prepare a deadly weapon with intent that the deadly weapon be used in a riot for an unlawful purpose;
- Specifying that these public disorder offenses do not prohibit constitutionally protected activity such as peaceful protest;
- Requiring a person to be held in jail until he or she appears for a first appearance hearing and a court determines bond if the person was arrested for mob intimidation, riot, aggravated riot, inciting a riot, aggravated inciting a riot, unlawful assembly, theft or burglary committed during a riot or an aggravated riot, and theft committed within a county that is subject to a state of emergency (conforming to a current first appearance

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

requirement for burglary committed within a county that is subject to a state of emergency);

- Authorizing the state attorney for the judicial circuit in which a municipality is located, or a member of the governing body of that municipality, to appeal to the Administration Commission a reduction in the operating budget of the municipal law enforcement agency, similar to the budget reduction appeals process available to sheriffs;
- Revising s. 316.2045, F.S., relating to obstruction of roadways, to remove language that federal courts found unconstitutional, modify the pedestrian violation for willful obstruction of roadways to add the element of remaining in the roadway but remove the element of approaching motor vehicles on the roadway, and specify that this pedestrian violation does not prohibit a local governmental entity from issuing a lawful special event permit;
- Providing that a municipality is civilly liable for specified damages proximately caused by the municipality's breach of a duty to allow the municipal law enforcement agency to respond appropriately to protect persons and property during a riot or an unlawful assembly (as specified in the bill), and providing that statutory sovereign immunity recovery limits do not apply to such action;
- Increasing penalties for assault and battery, and increasing offense severity level rankings for aggravated assault and aggravated battery, when committed in furtherance of a riot or an aggravated riot;
- Repealing s. 870.03, F.S., which punishes committing specific types of damage (to dwellings, buildings, ships, or vessels) during an unlawful assembly, since this type of public disorder would be punished by the offense of riot (as defined by the bill);
- Creating the first degree misdemeanor offense of mob intimidation, which is committed when a person, assembled with two or more other persons and acting with a common intent, uses force or threatens to use imminent force, to compel or induce, or attempt to compel or induce, another person to do or refrain from doing any act or to assume, abandon, or maintain a particular viewpoint against his or her will;
- Providing for a six-month mandatory minimum sentence for battery on a law enforcement officer if the offense was committed in furtherance of a riot or an aggravated riot;
- Increasing the offense severity level rankings for an assault or battery on a law enforcement officer or other specified official when the offense was committed in furtherance of a riot or an aggravated riot;
- Amending s. 806.13, F.S., relating to criminal mischief, to provide that it is a third degree felony for any person, without the consent of the owner of a memorial or historic property, to willfully and maliciously deface, injure, or otherwise damage the memorial or historic property if the value of the damage is greater than \$200, and requiring restitution of the full cost of repair or replacement of the memorial or historic property;
- Creating the second degree felony offense of willfully and maliciously destroying, demolishing, or pulling down any memorial or historic property unless authorized by the owner of the memorial or historic property, and requiring restitution of the full cost of repair or replacement of the memorial or historic property;

- Reclassifying the degree, and increasing the offense severity level ranking, of specified burglary and theft offenses committed during a riot or an aggravated riot when facilitated by conditions arising from the riot;
- Creating the first degree misdemeanor offense of cyberintimidation by publication, which a person commits if he or she electronically publishes another person's personal identification information with the intent to, or with the intent that a third party will use the information to: incite violence or commit a crime against the person; or threaten or harass the person, placing the other person in reasonable fear of bodily harm;
- Creating an affirmative defense in a civil action for damages for personal injury, wrongful death, or property damage that such action arose from an injury or damage sustained by a participant acting in furtherance of a riot;
- Increasing the offense severity ranking level of offenses involving willfully injuring or removing a tomb or monument; and
- Ranking battery during a riot or an aggravated riot and several other public disorder offenses in the offense severity level ranking chart of the Criminal Punishment Code.

These provisions were approved by the Governor and take effect April 19, 2021.

Vote: Senate 23-17; House 76-39

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 9 — Protecting Consumers Against Pandemic-related Fraud

by Judiciary Committee and Rep. Zika and others (CS/SB 1608 by Criminal Justice Committee and Senator Bean)

The bill provides that it is a third degree felony to knowingly and willfully make a materially false or misleading statement or to knowingly and willfully disseminate false or misleading information relating to the characteristics, authenticity, effectiveness, or availability of personal protective equipment in any marketing or advertising material; on a website, social media platform, or other media; or by telephone, text message, mail, or e-mail, with the intent to obtain or receive any money or other valuable consideration.

The bill also provides that it is a third degree felony to knowingly and willfully make a materially false or misleading statement or to knowingly and willfully disseminate false or misleading information regarding the availability of, or access to, a vaccine for the novel coronavirus “COVID-19” or a vaccine for any other pandemic disease in any marketing or advertising material; on a website, social media platform, or other media; or by telephone, text message, mail, or e-mail, with the intent to obtain another person’s personal identification information, or to obtain or receive any money or other valuable consideration.

A second or subsequent violation of the previously-described offenses is a second degree felony. Prosecution for either offense may be brought on behalf of the state by any state attorney or by the statewide prosecutor. Further, if the Attorney General reasonably believes that a person has committed either offense, the Attorney General may institute a civil action for a violation or to prevent a violation. An action for relief may include a permanent or temporary injunction, a restraining order, or any other appropriate order.

The bill also amends the offense severity level ranking chart of the Criminal Punishment Code to rank the new offenses.

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

Vote: Senate 40-0; House 113-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/SB 44 — Use of Drones by Government Agencies

by Rules Committee; Criminal Justice Committee; and Senator Wright

The bill provides additional exceptions in s. 934.50(4), F.S., for law enforcement agencies, fire departments, state agencies, and political subdivisions to use drones. The new exceptions allow law enforcement agencies to use drones to gain an aerial perspective of a crowd of 50 or more persons; assist with traffic management, except that the agency may not issue a traffic infraction based on images or video captured by a drone; and facilitate evidence collection at a crime scene or traffic crash scene.

The bill requires policies and procedures for law enforcement agencies that use a drone to gain an aerial perspective of a crowd of 50 or more people. The bill allows the use of a drone by a state agency or political subdivision for the assessment of damage due to a flood, a wildfire, or any other natural disaster that is the subject of a state of emergency declared by the state before the expiration of the emergency declaration, or by a political subdivision for vegetation and wildlife management purposes on publicly owned land or water. The bill also allows certified fire department personnel to use drones to perform tasks within the scope and practice authorized under their certification.

The bill also limits drone purchase, acquisition, or use by governmental agencies to drones manufactured by an approved manufacturer. Governmental agency is defined as any state, county, local, or municipal governmental entity or any unit of government created or established by law that uses a drone for any purpose. The bill requires the Department of Management Services, in consultation with the state chief information officer, to develop and publish a list of approved manufacturers by January 1, 2022. Upon publication of the list of approved manufacturers, a governmental agency may only purchase or acquire a drone from an approved manufacturer.

The department will adopt rules identifying the requirements of a comprehensive plan governmental agencies must follow for discontinuing the use of drones not produced by an approved manufacturer by July 1, 2022. By January 1, 2023, all governmental agencies must discontinue the use of drones not produced by an approved manufacturer. The department will establish by rule, consistent with federal guidance on drone security, minimum security requirements for data collected, transmitted, or stored by a governmental agency drone.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 88-24

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 166 — Public Records/Nonjudicial Record of the Arrest of a Minor
by Criminal Justice Committee and Senators Perry and Gruters

The bill is the public records exemption linked to SB 274. The bill provides that a nonjudicial record of the arrest of a minor who has successfully completed a diversion program and is eligible for expunction is made confidential and exempt from public disclosure, except that the record must be made available only to criminal justice agencies for specified purposes. SB 274 amends s. 943.0582, F.S., to permit a juvenile who completed a diversion program for any offense, including a felony offense, to apply to have the nonjudicial arrest record expunged. Additionally, SB 274 amends s. 985.126, F.S., to permit a juvenile who completed a diversion program for any offense, including a felony or subsequent offense, to lawfully deny or fail to acknowledge his or her participation in the program and the expunction.

The bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2026, unless reviewed and saved from the repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect on the same date that SB 274 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 40-0; House 114-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/SB 234 — Sexual Offender Registration

by Rules Committee; Criminal Justice Committee; and Senators Book, Bradley, and Gibson

The bill amends s. 943.0435, F.S., relating to sexual offender registration, to clarify release from conviction sanctions for sexual offender registration and reporting purposes. Currently, a person convicted of a qualifying sexual offense must register as a sexual offender upon release from a court imposed sanction. In *State v. James*, 298 So.3d 90 (Fla. 2d DCA 2020), the Florida Second District Court of Appeal interpreted the word “sanction” to include any court imposed fines. As a result of this opinion, a person otherwise required to register as a sexual offender, may forgo registration by refusing to pay any court imposed fine.

The bill provides legislative findings that the opinion in *State v. James* interpreting the word “sanction” is contrary to legislative intent and that a person’s failure to pay a fine does not relieve him or her of the requirement to register as a sexual offender pursuant to s. 943.0435, F.S. The bill also specifies that the Legislature intends that a person must register as a sexual offender pursuant to s. 943.0435, F.S., when he or she has been convicted of a qualifying offense and, on or after October 1, 1997, has:

- No sanction imposed upon conviction; or
- Been released from a sanction imposed upon conviction.

Consistent with these legislative findings and intent, the bill also amends s. 943.0435(1)(h)1.a.(II), F.S., to:

- Specify that an offender who has been released on or after October 1, 1997, from a sanction imposed for any conviction for a qualifying sexual offense and who does not otherwise meet the criteria for registration as a sexual offender under ch. 944, F.S. (custody, control, or supervision of the Department of Corrections), or ch. 985, F.S. (supervision or commitment of the Department of Juvenile Justice), must register as a sexual offender;
- Amend the definition of “sanction” to exclude fines and to specify that “sanction” means probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility; and
- Provide that if no sanction is imposed the person is deemed to be released upon conviction.

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

Vote: Senate 39-0; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

SB 274 — Juvenile Diversion Program Expunction

by Senators Perry, Taddeo, Gruters, and Farmer

The bill amends s. 943.0582, F.S., to permit a juvenile who completed a diversion program for any offense, including felony offenses, to apply to have the nonjudicial arrest record expunged. This expands the current law, which only permits juvenile diversion expunction for a misdemeanor offense.

Additionally, the bill amends s. 985.126, F.S., to permit a juvenile who completes a diversion program for any offense, including a felony or subsequent offense, to lawfully deny or fail to acknowledge his or her participation in the program and the expunction of the nonjudicial arrest record. This expands the current law, which only permits a juvenile who completes diversion for a first-time misdemeanor offense to lawfully deny or fail to acknowledge his or her participation in the program and the expunction.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 363 — Privileged Communications Made to Crime Stoppers Organizations

by Criminal Justice and Public Safety Subcommittee and Reps. Chambliss, Gregory, and others (CS/CS/SB 1868 by Judiciary Committee; Criminal Justice Committee; and Senator Bean)

The bill amends s. 16.557, F.S., providing that a person who knowingly and willfully attempts to obtain, obtains, or discloses privileged communication, protected information, or information concerning a privileged communication or protected information commits a third degree felony. Section 16.557, F.S., currently provides that only the person who discloses such information commits a third degree felony.

Currently, the disclosure of such information does not apply to certain people. The bill adds an employee, board member, or volunteer of a crime stoppers organization while acting in the course and scope of the person's duties or functions and a person complying with criminal discovery rules to the list of persons to whom this provision does not apply.

The bill also provides immunity from civil liability for a person who, in the course and scope of his or her duties or functions receives, forwards, or acts on a privileged communication.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 371 — False Reports of Crimes

by Judiciary Committee and Rep. Brannan and others (CS/SB 1234 by Judiciary Committee and Senator Boyd)

The bill amends the current first degree misdemeanor offense of willful making of a false report of a crime to provide that this offense is committed by willfully imparting, conveying, or causing to be imparted or conveyed to a law enforcement officer or *employee of a public safety agency* false information or reports concerning the alleged commission of any crime under the laws of this state, knowing such information or report to be false, when no such crime has actually been committed.

The bill defines a “public safety agency” as a law enforcement agency, professional or volunteer fire department, emergency medical service, ambulance service, or other public entity that dispatches or provides first responder services to respond to crimes, to assist victims of crimes, or to apprehend offenders.

The bill also provides that if the willful making of a false report of a crime results in a response by a federal, state, district, municipal, or other public safety agency and the response results in:

- Great bodily harm, permanent disfigurement, or permanent disability to any person as a proximate result of lawful conduct arising out of a response, the person making such report commits a third degree felony; or
- Death to any person as a proximate result of lawful conduct arising out of a response, the person making such report commits a second degree felony.

A court shall order any person convicted of misdemeanor or felony willful making of a false report to pay restitution, which shall include full payment for any cost incurred by a responding public safety agency.

The bill also ranks these new felonies in the offense severity ranking chart of the Criminal Punishment Code.

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

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 545 — Reproductive Health and Disease Education

by Education and Employment Committee; Secondary Education and Career Development Subcommittee; and Rep. Chaney and others (CS/SB 410 by Criminal Justice Committee and Senator Rodriguez)

The bill amends ss. 1002.20 and 1003.42, F.S., to provide that each school district must notify parents of the right to make a written request to exempt his or her child from the teaching of reproductive health or any disease, including HIV/AIDS. This notification must be through publication on the district's website homepage and include the process for a parent to exercise this right. The notification must also include a link for a student's parent to access and review the instructional materials, as defined in s. 1006.29(2), F.S., used to teach the curriculum.

The bill amends s. 1003.42, F.S., to provide that all instructional materials, as defined in s. 1006.29(2), F.S., used to teach reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment, as a part of a required course must be annually approved by a district school board in an open, noticed public meeting.

The bill amends s. 1006.40, F.S., to provide that each district school board is responsible for the content of instructional materials used to teach reproductive health or any disease, including HIV/AIDS, under ss. 1003.42(3) and 1003.46, F.S. Each district school board must adopt rules and each district school superintendent must implement procedures that provide a process for public review, public comment on, and the adoption of such materials.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 36-4; House 82-24

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 661 — Modification or Continuation of Terms of Probation

by Rep. Botana (CS/SB 1088 by Criminal Justice Committee and Senator Rodrigues)

The bill amends s. 948.06, F.S., providing that a court must modify or continue a probationary term upon finding that a probationer has committed certain technical violations when all, rather than any, of the following apply:

- The term of supervision is probation;
- The probationer does not qualify as a violent felony offender of special concern;
- The violation is a low-risk technical violation, as defined in s. 948.06(9)(b), F.S.; and
- The court has not previously found the probationer in violation of his or her probation pursuant to a filed violation of probation affidavit during the current term of supervision. A probationer who has successfully completed sanctions through the alternative sanctioning program is eligible for mandatory modification or continuation of his or her probation.

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

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 673 — DNA Evidence Collected in Sexual Offense Investigations

by Judiciary Committee; Criminal Justice and Public Safety Subcommittee; and Reps. Slosberg, Plakon, and others (CS/SB 1002 by Appropriations Committee and Senator Stewart)

The bill amends s. 943.326, F.S., to require that the Florida Department of Law Enforcement (FDLE) create and begin to maintain a statewide database, the purpose of which is to track the location, processing status, and storage of sexual assault evidence kits (SAKs). Beginning with SAKs collected after the database is implemented, they will be tracked from evidence collection throughout the criminal justice process. The database must be created no later than July 1, 2023, and is subject to appropriation by the Legislature.

Law enforcement agencies will have access to the database. In addition, the alleged victim, who has reported the crime to law enforcement, will have the ability to access the database. The victim will be able to follow his or her SAK from the collection site, to law enforcement agency storage, then to the crime laboratory for forensic testing and possible destruction after testing, or back to law enforcement agency storage. If the alleged victim is a minor, his or her parent, guardian, or legal representative will have access to the database. If the alleged victim is deceased, his or her personal representative will have access. The FDLE is required to ensure that each alleged victim or his or her representative is notified of the existence of the database and provided with instruction on how to access and utilize the database.

If there is a DNA match between the SAK evidence and a person whose DNA is stored in a local, state, or federal database and who may be a suspect or person of interest in the case, the alleged victim will be notified of the match, but not the person's genetic or other identifying information, via the newly-created statewide database. Notification of a match may be delayed for up to 180 days if notification would, in the opinion of the investigators, negatively affect the investigation.

Law enforcement agencies, medical facilities, crime laboratories, and any other facilities in the chain of custody of the SAKs must fully participate in the statewide database no later than 1 year after its creation. The FDLE must adopt rules establishing requirements for each of the entities participating in the database.

The FDLE may phase in initial participation and access to the new statewide SAK tracking database at its discretion and in the manner it chooses. All entities in the chain of custody of SAKs must fully participate in the statewide database no later than one year after its creation. The FDLE must apply for any available grant funds to assist in implementing the database.

The bill states that the act may be cited as "Gail's Law."

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 776 — Racketeering

by Criminal Justice Committee and Senator Gainer

The bill amends the definition of “racketeering activity” in the Florida RICO (Racketeer Influenced and Corrupt Organization) Act to include violations of ch. 379, F.S., and Title 68, F.A.C., relating to the illegal sale, purchase, collection, harvest, capture, or possession of wild animal life, freshwater aquatic life, or marine life, and related crimes. Chapter 379, F.S., and Title 68, F.A.C., are implemented by the Florida Fish and Wildlife Conservation Commission. The effect of this change is that it will allow such unlawful acts to be prosecuted as racketeering if the commission of the acts constitutes racketeering. A criminal violation of the Florida RICO Act is a first degree felony. The Florida RICO Act also provides for civil remedies.

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

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 885 — Juvenile Justice Programs and Detention

by Judiciary Committee; Criminal Justice and Public Safety Subcommittee; and Rep. Plasencia and others (CS/CS/SB 1166 by Appropriations Committee; Criminal Justice Committee; and Senator Brandes)

The bill amends s. 20.316, F.S., to retain the program entitled “Accountability and Program Support” within the Department of Juvenile Justice (DJJ). This program was created in statute by the implementing bill for the General Appropriations Act for Fiscal Year 2020-2021. This change will also allow the secretary to keep the assistant secretary that was appointed for the program. The bill also retains the change made to s. 20.316, F.S., by the implementing bill for the General Appropriations Act for Fiscal Year 2020-2021, that revised the name of the existing program, “Prevention and Victim Services,” to “Prevention Services.” This change is because the DJJ has not provided victim services for numerous years.

The bill amends s. 985.101, F.S., providing that before a court issues an order to take a child into custody for failing to appear, it must consider all of the following information relating to whether the child’s nonappearance was willful:

- Whether notice was sent to the child’s address included in the official court record.
- Whether any person provided notice to the child in any format.
- If the child is represented by counsel, whether counsel for the child has information that the nonappearance was not willful or was otherwise beyond the child’s control.
- Whether a DJJ representative had contact or attempted to have contact with the child.
- Whether the DJJ has any specific information to assist the court in the determination.

The bill amends s. 985.435, F.S., providing that each judicial circuit must develop a written plan specifying the alternative consequence component. These plans must be based upon the principle that sanctions must reflect:

- The seriousness of the violation.
- The assessed criminogenic needs and risks of the child.
- The child’s age and maturity level.
- How effective the sanction or incentive will be in moving the child to compliant behavior.

The plan must be made in consultation with the judges, the state attorney, the public defender, the regional counsel, the relevant law enforcement agencies, and the DJJ.

The bill also amends s. 985.6865, F.S., to ensure that only a county that is not fiscally constrained and that does not provide for its own detention care contributes 50 percent of the detention cost. The bill also removes language related to detention cost sharing that is no longer relevant.

The bill amends s. 1003.52, F.S., providing that during Fiscal Year 2021-2022, the DJJ, in consultation with the Department of Education, is authorized to evaluate the viability of an

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

alternative model for providing and funding educational services for youth in detention and residential facilities. This evaluation must include material gathered through a request for information process. Such model must provide for assessments and direct educational services, including, but not limited to:

- Special education and career and technical educational services.
- Transition planning.
- Educational program accountability standards.
- Research-based best practices for educating justice-involved youth.
- The recruiting, hiring, and training of teachers.

The above provision expires June 1, 2022.

The bill repeals s. 985.686, F.S., which provided for a detention cost sharing plan between the DJJ and counties. This cost sharing plan is now governed by s. 985.6865, F.S.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 119-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/SB 890 — Use of Electronic Databases

by Rules Committee; Criminal Justice Committee; and Senator Hooper

The bill amends s. 119.0712, F.S., providing that any person who uses or releases information contained in the Driver and Vehicle Information Database for a purpose not specifically authorized by law commits a noncriminal infraction, punishable by a fine not exceeding \$2,000.

The bill amends s. 943.125, F.S., providing that the law enforcement accreditation program must address access to and use of personal identification information, as defined in s. 817.568(1)(f), F.S., contained in electronic databases.

The bill creates ss. 943.1719 and 943.17191, F.S., requiring the Criminal Justice Standards and Training Commission to provide training on the authorized access to and use of personal identification information contained in electronic databases used by a law enforcement officer (LEO) in his or her official capacity. This training must be part of the curriculum required for initial certification of a LEO and as part of the 40 hours of required instruction for continued employment or appointment as an officer. The training under ss. 943.1719 and 943.17191, F.S., must at minimum include:

- The proper use and limitations on use of electronic databases in a LEO's official capacity.
- The penalties associated with the misuse of such electronic databases.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 40-0; House 113-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 921 — Electronic Crimes

by Criminal Justice and Public Safety Subcommittee and Rep. Snyder and others (SB 1850 by Senator Perry)

The bill amends s. 836.10, F.S., to prohibit a person from sending, posting, transmitting, or procuring the sending, posting, or transmission of a writing or other record, including an electronic record, in any manner in which it may be viewed by another person, when in such writing or record the person makes a threat to kill or to do bodily harm to another person or conduct a mass shooting or an act of terrorism.

The bill removes the requirement in current law that a threat posted online be specifically sent to and received by the person who is the subject of the threat.

The bill defines the previously undefined term of “electronic record” as any record created, modified, archived, received, or distributed electronically which contains any combination of text, graphics, video, audio, or pictorial represented in digital form, but does not include a telephone call.

The bill does not alter the current penalty for a violation of s. 836.10, F.S., which is a second degree felony, punishable by up to 15 years imprisonment and a \$10,000 fine.

The bill adds to the elements of the offense of cyberstalking in s. 784.048, F.S. Currently, a person who engages in a course of conduct to communicate, or cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or pertaining to a specific person, causing substantial emotional distress to that person and serving no legitimate purpose, commits the offense of cyberstalking.

The bill provides that the course of conduct to communicate or cause to be communicated can be “directly or indirectly.”

The bill also provides that the words, images, or language by or through the use of electronic mail or electronic communication, be directed at or “pertaining to” a specific person.

A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable by up to a year in the county jail and a \$1,000 fine. A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree, punishable by up to 5 years imprisonment and a \$5,000 fine.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 38-2; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 1046 — Arrest Booking Photographs

by Commerce and Tourism Committee and Senators Bean, Baxley, and Bradley

Section 901.43, F.S., prohibits any person or entity engaged in the business of publishing or otherwise disseminating arrest booking photographs from soliciting or accepting a fee to remove the photographs. Additionally, this section provides that persons or entities who accept a fee for the removal of such photographs must remove the photographs within ten days of a written request or be subject to a civil penalty.

The bill amends s. 901.43, F.S., expanding this section to subject any person or entity that publishes or disseminates information relating to arrest booking photographs, when the person or entity's primary business model is the publishing and disseminating of arrest booking photographs for a commercial purpose or pecuniary gain, to a civil penalty for failing to remove the arrest booking photograph upon written request. The bill specifies that a person or entity must remove an arrest booking photograph within 10 *calendar* days *after* receipt of a written request.

Additionally, the bill provides that an arrest booking photograph may not be republished or redisseminated by a person or entity that was required to remove such photograph. The bill creates a cause of action if such photograph is republished or redisseminated by a person or entity who was required to remove the photograph. The person whose photograph is republished or redisseminated may bring a civil action to enjoin the continued publication or dissemination of the photograph, and the court may impose a civil penalty of \$5,000 per day for noncompliance with the injunction. Additionally, the court must award reasonable attorney fees and court costs for the issuance and enforcement of the injunction. Moneys recovered for civil penalties must be deposited into the General Revenue Fund. The republishing or redisseminating of such photograph after a written request for removal has been made is an unfair or deceptive trade practice.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 1048 — Public Records/Conviction Integrity Unit Reinvestigation Information

by Judiciary Committee and Senators Bean and Baxley

The bill creates a public records exemption for conviction integrity unit reinvestigation information. Conviction integrity unit reinvestigation information is defined as information or materials generated during a new investigation by a conviction integrity unit following the unit's formal written acceptance of an applicant's case. The bill contains specific exceptions to the term "conviction integrity unit reinvestigation information," which are:

- Information, materials, or records generated by a state attorney's office during an investigation done for the purpose of responding to motions made pursuant to Rule 3.800, Rule 3.850, or Rule 3.853, Florida Rules of Criminal Procedure, or any other collateral proceeding;
- Petitions by applicants to the conviction integrity unit; or
- Criminal investigative information generated before the commencement of a conviction integrity unit investigation which is not otherwise exempt.

The bill defines the term "conviction integrity unit" as a unit within a state attorney's office established for the purpose of reviewing plausible claims of actual innocence.

The conviction integrity unit reinvestigation information is made exempt from public inspection and copying for a reasonable period of time during an active, ongoing, and good faith investigation of a claim of actual innocence in a case that previously resulted in the conviction of the accused person and until the claim is no longer capable of further investigation. This exemption appears to be no more broad than necessary to accomplish the public interest of safeguarding, preserving, and protecting information relating to a claim of actual innocence by a person who may have been convicted of a crime that he or she did not commit.

The bill provides the public necessity statement for the public records exemption. The bill makes legislative findings in support of the public necessity for the exemption.

The bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2026, unless reviewed and saved from the repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 38-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 1189 — Victims of Sexual Offenses

by Judiciary Committee; Criminal Justice and Public Safety Subcommittee; and Reps. Fine, Davis, and others (CS/CS/SB 1530 by Appropriations Committee; Criminal Justice Committee; and Senator Book)

The bill provides that Sexual Assault Response Teams (SARTs) will be coordinated by the certified rape crisis center serving the county or region. If no county SART exists, the certified rape crisis center serving the county may coordinate with community partners to establish a county-specific or regional team.

The bill requires all county health departments or the department's designee to participate in the county or regional SART if one exists. At a minimum, the SARTs membership must also include the director of the certified rape crisis center, the state attorney, the chief of a police department located in the county, the county sheriff, a forensic sexual assault nurse examiner, and a representative from a hospital emergency department located in the county or region, or their designees. If the SART serves more than one county, its membership must include the persons listed, or their designees, from each represented county. Each SART must meet at least quarterly and must create written protocols to govern the SARTs response to sexual assault to include those subjects specified in the bill.

The bill requires each SART to promote and support the use of sexual assault forensic examiners who have received a minimum of 40 hours of specialized training in the provision of trauma-informed medical care and in the collection of evidence for sexual assault victims. The Florida Council Against Sexual Violence (FCASV) will provide technical assistance relating to the development and implementation of the SARTs.

The bill requires the Criminal Justice Standards and Training Commission (CJSTC), in consultation with the FCASV, to establish minimum standards for basic and continued education training programs for law enforcement officers that include a culturally responsive, trauma-informed response to sexual assault by July 1, 2022. The programs must include training on interviewing sexual assault victims and investigating incidents of sexual assault. By July 1, 2024, each officer must successfully complete the training. If an officer fails to complete the required training, his or her certification must be placed on inactive status until the employing agency notifies the CJSTC that the officer has completed the training.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 114-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 1229 — Public Records

by Judiciary Committee; Civil Justice and Property Rights Subcommittee; and Reps. Persons-Mulicka, Bartleman, and others (CS/SB 1508 by Criminal Justice Committee and Senator Book)

The bill amends s. 28.2221, F.S., relating to electronic access to official records, to require that each county recorder or clerk of the court make the identity of each respondent against whom a final judgment for injunction for protection of a minor under ss. 741.30, 784.046, or 784.0485, F.S., is entered, as well as the fact that such final judgment for an injunction for protection of a minor has been entered against that respondent, publicly available on an Internet website for general public display, which may include the Internet website required by this section, unless the defendant or respondent is a minor.

Any of the previously described information not made available by the county recorder or the clerk of the court on a publicly available Internet website for general public display prior to July 1, 2021, must be made publicly available on an Internet website if the affected party identifies the information and requests that the information be added to a publicly available Internet website for general public display. The bill specifies how the request is to be made and delivered. A fee may not be charged for the addition of the information pursuant to this request.

No later than 30 days after July 1, 2021, notice of the right of any affected party to request the addition of the previously described information must be conspicuously and clearly displayed by the county recorder or clerk of the court on the publicly available Internet website on which images or copies of the county's public records are placed and in the office of each county recorder or clerk of the court. The bill specifies what must be contained in the notice.

Any affected person may petition the circuit court for an order directing compliance with the previously described requirements.

The bill also amends s. 28.29, F.S., relating to recording of orders and judgments, to specify that final judgments for injunctions for protection as provided in chs. 741 and 784, F.S., must be recorded in official records. Other orders must be recorded only on written direction of the court. The direction may be by incorporation in the order of the words "To be recorded in official records" or words to that effect.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 1523 — Corporate Espionage

by Rep. Beltran and others (CS/SB 1378 by Judiciary Committee and Senator Bradley)

The bill creates the “Combating Corporate Espionage in Florida Act” within s. 812.081, F.S.

The bill creates, amends, and reorganizes current definitions in s. 812.081(1), F.S. The bill amends the current third degree felony for theft of a trade secret to simplify language and move the offense from level 1 to level 3 on the offense severity ranking chart.

The bill also creates a new second degree felony for trafficking in trade secrets. A person who traffics in, or attempts to traffic in trade secrets, commits the offense. Trafficking in trade secrets is a level 5 offense on the offense severity ranking chart.

The bill adds that if a person commits either of the felony offenses described above with the intent to benefit a foreign government, foreign agent, or foreign instrumentality, the offense is reclassified as one degree higher, and the reclassified offense is increased one level on the offense severity ranking chart.

A court must order restitution if a person is convicted of violating s. 812.081, F.S., and the restitution must include the value of the benefit derived from the offense. The value of the benefit derived from the offense includes any expenses for research and design and other costs of reproducing the trade secret which the person has avoided by committing the offense. The bill also creates a civil cause of action for a victim of trade secret theft. The victim is entitled to injunctive relief and, where an injunction is not equitable, the victim is entitled to royalties.

The bill creates a defense to criminal and civil liability for a person who confidentially discloses a trade secret to an attorney, law enforcement officer, or government official for purposes of reporting or investigating an offense. A disclosure made under seal in a legal proceeding is also protected.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 40-0; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 6095 — Scheduling of Drug Products Containing Cannabidiol

by Reps. Fischer, Persons-Mulicka, and others (SB 1476 by Senator Brodeur)

The bill amends s. 893.03, F.S., which contains Florida’s controlled substance schedules, to remove the following substance from Schedule V: a drug product in finished dosage formulation which has been approved by the U.S. Food and Drug Administration (FDA) and contains cannabidiol (CBD) derived from cannabis and no more than 0.1 percent residual tetrahydrocannabinols. The bill also makes conforming changes to the definition of “cannabis” in s. 893.02, F.S.

In 2019, the Legislature placed the previously-described language in Schedule V. As of 2021, the scheduling language has only applied to Epidiolex®, the first pharmaceutical oral solution containing highly purified CBD to be approved by the FDA. It is used for the treatment of seizures associated with two rare and severe forms of epilepsy. While making Epidiolex® a Schedule V controlled substance was consistent with the federal scheduling in 2019, the substance has since been descheduled by the U.S. Drug Enforcement Administration. Therefore, the bill’s removal of the Schedule V language (and the descheduling of Epidiolex®) is consistent with federal descheduling action.

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

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 7009 — OGSR/Juvenile Criminal History Records

by Government Operations Subcommittee and Rep. Barnaby and others (SB 7012 by Criminal Justice Committee)

The bill amends ss. 943.053 and 985.04, F.S., to save from repeal the current exemptions from public records disclosure for certain criminal history information of juveniles.

In 2016, the Legislature amended ss. 943.053 and 985.04, F.S., to make the same criminal history information of juveniles confidential and exempt from s. 119.07(1), F.S., and Art. 1, s. 24(a), State Constitution. Section 943.053(3)(b), F.S., provides that criminal history information relating to juveniles compiled by the Criminal Justice Information Program is confidential and exempt, except when the juvenile has been taken into custody for, charged with, or found guilty of a felony offense, or the juvenile has been transferred to adult court.

Section 943.053(3)(c), F.S., provides that criminal history information relating to juveniles, even if confidential and exempt, must be available to:

- Criminal justice agencies for criminal justice purposes;
- The person to whom the record relates, or his or her attorney;
- The parent, guardian, or legal custodian of the person to whom the record relates, provided that such a person has not reached the age of majority, been emancipated by a court, or been legally married; or
- An agency or entity specified in ss. 943.0585(6) or 943.059(6), F.S.

The original public necessity statement for the bill states that it is in the best interest of the public that individuals with juvenile misdemeanor records be given the opportunity to become contributing members of society. Therefore, prohibiting the unfettered release of juvenile misdemeanor records and certain criminal history information relating to a juvenile compiled by the Criminal Justice Information Program is of greater importance than any public benefit that may be derived from the full disclosure and release of such arrest records and information.

Sections 943.053 and 985.04, F.S., relating to criminal history information of juveniles, are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2021, unless reviewed and saved from the repeal through reenactment by the Legislature. This bill removes this repeal language.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 39-0; House 116-0

Committee on Education

CS/CS/HB 3 — Home Book Delivery for Elementary Students

by Education and Employment Committee; PreK-12 Appropriations Subcommittee; and Rep. Trabulsy and others

The bill establishes the New Worlds Reading Initiative to improve literacy skills and instill a love of reading by providing high-quality free books to students in kindergarten through grade 5 who are reading below grade level. The bill provides for tax credit contributions to the initiative. Specifically, the bill requires:

- The Department of Education (DOE) to:
 - Designate a state-level administrator with an academic innovation institution that has extensive specified early literacy experience, to implement the initiative.
 - On the DOE website, publish information about the initiative, and, annually starting September 30, 2022, report on participating student achievement and learning gains.
- The state-level administrator to:
 - Develop, in consultation with Just Read, Florida!, a diverse selection of high quality books for each grade level.
 - Distribute books through the mail at no cost to students either directly or through an agreement with a book distribution company.
 - Assist school districts and any partnering nonprofit organizations with developing public awareness of the initiative.
 - Maintain a clearinghouse for information on national, state, and local nonprofit organizations that support efforts to improve literacy and provide books to children.
 - Develop training materials for parents of students in the initiative.
 - Submit an annual financial report to the DOE which includes the number of students and households served.
 - Expend eligible contributions received only for the purchase and delivery of books, and an administrative fee not to exceed two percent of total eligible contributions.
- School districts to:
 - Notify the parent of a student with a substantial reading deficiency or who scored below a level 3 on the statewide English Language Arts Assessment that the student is eligible to receive books at no cost through the New Worlds Reading Initiative.
 - Coordinate with the administrator to initiate monthly book delivery during the school year, beginning no later than December 31 during the 2021-2022 school year, and no later than October in subsequent years. A student remains in the initiative until he or she is promoted to sixth grade or his or her parent opts out, whichever is earlier.
 - Partner with local nonprofit organizations to raise awareness of the initiative, including information on eligibility and video training modules, the student handbook, the read-at-home plan provided to parents of students identified with a substantial reading deficiency, and local awareness events.
- The Department of Revenue to administer the tax credit provisions of the initiative.

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

Vote: Senate 40-0; House 114-0

Committee on Education

HB 5 — Civic Education Curriculum

by Rep. Zika and others

The bill requires the Florida Department of Education (DOE) to develop or approve an integrated civic education curriculum for public school students in kindergarten through grade 12. The civic education curriculum must aid in students' development of civic responsibility and knowledge.

The bill also establishes the "Portraits in Patriotism Act," by requiring the DOE to curate oral history resources which integrates into the civics education curriculum personal stories of diverse individuals who demonstrate civic-minded qualities, including first-person accounts of victims of other nations' governing philosophies who can compare those philosophies with the philosophies of the United States.

The bill specifies that the United States Government course that is required to earn a standard high school diploma must include a comparative discussion of political ideologies that conflict with the principles of freedom and democracy in the nation's founding principles.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 115-0

Committee on Education

CS/CS/SB 52 — Postsecondary Education

by Appropriations Committee; Education Committee; and Senators Rodrigues and Baxley

Fee Exemptions

The bill clarifies that a specified postsecondary institution fee exemption applies to a student currently in Department of Children and Families (DCF) or relative or nonrelative custody, under a court guardianship, or adopted from DCF, or who was at the time the student turned 18 years of age.

Dual Enrollment Scholarship Program

The bill establishes the Dual Enrollment Scholarship Program, administered by the Department of Education, to support postsecondary institutions in providing dual enrollment. The bill requires the program:

- Beginning the 2021 fall term, to reimburse eligible postsecondary institutions for tuition and related instructional materials costs for dual enrollment courses taken by private school or home education program secondary students during the fall or spring terms.
- Beginning the 2022 summer term, to reimburse institutions for tuition and related instructional materials costs for dual enrollment courses taken by public school, private school, or home education program secondary students during the summer term.

The bill specifies reimbursement rates for Florida College System (FCS) institutions, state universities, and independent postsecondary institutions, as well as reimbursements for instructional materials costs.

Early College Program

The bill renames the collegiate high school program as the early college program, and defines the program to mean a structured high school acceleration program in which a cohort of students is enrolled full time in postsecondary courses toward an associate degree. The bill requires early college programs to prioritize courses applicable as general education core courses for an associate degree or a baccalaureate degree.

The bill authorizes a charter school to execute a contract directly with the local FCS institution or another authorized institution to establish an early college program.

Bonuses for State University System Employees

The bill authorizes a university board of trustees to implement a bonus scheme based on awards for work performance or employee recruitment and retention. The bill requires the board of trustees to submit to the Board of Governors (BOG) the bonus scheme, including specified criteria, and requires BOG to approve any bonus scheme so created before its implementation.

School Community Professional Development Act

The bill authorizes a public or private college or university with an approved teacher preparation program to develop a professional development system that includes a master plan for inservice activities.

Florida Postsecondary Comprehensive Transition Program

This bill removes the specification that Florida Postsecondary Comprehensive Transition Program grant funds must be used for start-up and enhancement, and removes the institutional cap on annual grant awards.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 26-14; House 83-32

Committee on Education

CS/CS/HB 131 — Educator Conduct

by Education and Employment Committee; Secondary Education and Career Development Subcommittee; and Reps. Duggan, Buchanan, and others

The bill requires the Department of Education (DOE) to maintain a list of persons permanently disqualified from employment in a public school or a private school that participates in a state educational scholarship program (private scholarship school). Public schools and private scholarship schools are prohibited from employing a person in a position with direct contact with students if the person is included on the disqualification list. The bill also:

- Requires the disqualification list to include the identify of persons who:
 - Have been placed on the list as directed by the Education Practices Commission.
 - Were terminated or resigned in lieu of termination from employment as a result of sexual misconduct with a student.
 - Have been disqualified from owning or operating a private scholarship school, if determined by the Commissioner of Education to have operated a school in a manner contrary or the health, safety, or welfare of the public.
 - Have committed a disqualifying felony offense as specified in law.
- Requires that educational support employees be included to the same extent required for instructional personnel and school administrators in policies establishing standards of ethical conduct and procedures for investigating, reporting, and terminating personnel.
- Requires the complete investigation of complaints of misconduct by public school personnel, regardless of resignation or termination, and provides authority for the DOE to place a person on the disqualification list.
- Requires public school system employee personnel files to include affidavits of separation in instances of termination, or resignation in lieu of termination, as a result of sexual misconduct with a student. The bill requires district school superintendents to ensure the affidavits are reviewed when screening personnel for employment.
- Provides that a person on the disqualification list commits a felony of the third degree for serving or applying for employment in a public or private scholarship school.
- Provides authority for the DOE to remove a person from the disqualification list if the employer that submitted the person for inclusion on the list requests that the person be removed and submits documentation to support the request.
- Adds to the information that must be posted in a prominent place in public and private scholarship schools directions for accessing the DOE's website for more information in reporting acts of suspected child abuse, abandonment, or neglect.
- Changes the time for a law enforcement agency to notify school personnel to within 48 hours after an employee is arrested for child abuse or the sale or possession of a controlled substance, rather than after an employee is charged. The bill requires the school principal to notify parents of children who had direct contact with the employee.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Education

SB 146 — Civic Literacy Education

by Senator Brandes

This bill requires the Commissioner of Education to develop minimum criteria for a civic literacy practicum that helps students evaluate the roles, rights, and responsibilities of United States citizens and identify effective methods of active participation in society, government, and the political system.

The bill authorizes the practicum to be incorporated into a school's curriculum for a high school United States Government course, beginning in the 2022-2023 school year. The bill requires the practicum to provide students with an opportunity to be civically engaged through:

- Participation in an unpaid internship at a governmental entity;
- A series of simulations or observations of governmental entities performing their specified core functions in relation to the public; or
- Learning about the United States naturalization process and attending a United States citizenship naturalization oath ceremony.

The bill specifies that the practicum must require a student to complete a research paper including specified components. The bill further allows hours outside of classroom instruction that a student devotes to a qualifying unpaid civic engagement activity to count toward the community service requirements for the Florida Bright Futures Scholarship Program. The bill encourages school districts to include and accept civic literacy practicum activities and hours toward requirements for academic awards, especially awards including community service.

The bill creates the Citizen Scholar Program within the University of South Florida (USF), to be headquartered at the Center for Civic Engagement at USF St. Petersburg. The bill authorizes, subject to appropriation, USF St. Petersburg to contract with the YMCA to provide students participating in the YMCA Youth and Government program the opportunity to be designated Citizen Scholars and earn undergraduate credit.

The bill requires the Citizen Scholar Program to:

- Combine academic instruction with the implementation of concepts learned in the classroom into the local community to improve civic literacy.
- Provide students with opportunities to deepen their knowledge of American democracy and improve civil discourse.

The bill authorizes high school students completing the program to receive up to 6 undergraduate credit hours and be known as Citizen Scholars.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 114-0

Committee on Education

CS/HB 149 — Students with Disabilities in Public Schools

by Early Learning and Elementary Education Subcommittee and Reps. DuBose, Plasencia, and others

The bill revises the circumstances and procedures required for restraining students with a disability in public schools and prohibits the use of seclusion. The bill also provides enhanced mechanisms for monitoring specified classrooms. Specifically, the bill requires:

- School districts to:
 - Adopt positive behavior interventions, supports, and restraint procedures and training, and identify all school personnel authorized to use the interventions, supports, and restraint.
 - Provide annual training to all school personnel authorized to use positive behavior interventions and supports.
- Restraints to be used only as a last resort, after all available positive behavior interventions and supports have been exhausted, to avoid imminent risk of serious physical injury, and without obstructing or restricting breathing or blood flow, and without placing the student in a facedown position with the student's hands restrained behind the student's back.
- The development of a crisis intervention plan for a student who has been restrained twice during a semester.
- The Commissioner of Education to develop recommendations that incorporate instruction regarding emotional or behavioral disabilities into continuing education or in-service training requirements for instructional personnel.

The bill creates the Video Cameras in Public School Classrooms Pilot Program, beginning in the 2021-2022 school year, which requires:

- Schools within the Broward County School District to install a video camera, upon the request of a parent, in self-contained classrooms where students with a disability are enrolled and specifies the circumstances under which the video recording may be viewed.
- The Department of Education (DOE) to collect information relating to the installation and maintenance of video cameras in self-contained classrooms as part of the pilot program.
- Data maintained by the DOE on the use of restraint to be updated monthly and made available to the public through the DOE's website by October 1, 2021.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

Committee on Education

CS/HB 157 — First Aid Training in Public Schools

by Secondary Education and Career Development Subcommittee and Reps. Hawkins, Busatta
Cabrera and others

The bill requires school districts to provide basic training in first aid, including cardiopulmonary resuscitation (CPR) instruction, for public school students in grades 9 and 11. The bill encourages school districts to provide basic first aid training, including CPR instruction, to students in grades 6 and 8.

The bill provides that the CPR training must be based on a one-hour nationally recognized program that uses the most current evidence-based emergency cardiovascular care guidelines.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 114-0

Committee on Education

CS/CS/HB 173 — Individual Education Plan Requirements for Students with Disabilities

by Education and Employment Committee; Secondary Education and Career Development Subcommittee; and Rep. Tant and others

The bill modifies communication and timeline provisions to facilitate quality planning for a successful transition of a student with a disability to postsecondary education and career opportunities. Specifically, the bill requires:

- An Individual Education Plan (IEP) team to start the transition process during the student's seventh grade year or when the student attains the age of 12, whichever occurs first.
- An IEP team to have an operational plan in place that is implemented on the first day of the student's first year in high school or when he or she attains the age of 14, whichever occurs first.
- School districts to provide to a student with a disability and his or her parent the following information on:
 - The school district's high school-level transition services, career and technical education, and collegiate programs available to such students, and how to access such programs.
 - School-based transition programs and programs and services available through Florida's Center for Student's with Unique Abilities, the Florida Centers for Independent Living, the Division of Vocational Rehabilitation, the Agency for Persons with Disabilities, and the Division of Blind Services.
- A statement of the student's intent to pursue a standard high school diploma must document discussion of the process of deferment of a standard high school diploma and a signed statement of the student's intention to defer the high school diploma, if applicable.
- The Florida Department of Education (FDOE) to conduct a review, in conjunction with the Project 10: Transition Education Network, of existing transition services and programs to establish uniform best practices for such programs to deliver appropriate employment, pre-employment, and independent living skills education to enrolled students. The FDOE must establish and publish on its website uniform best practices by July 1, 2022.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 118-0

Committee on Education

CS/CS/HB 233 — Postsecondary Education

by Education and Employment Committee; Postsecondary Education and Lifelong Learning Subcommittee; and Rep. Roach and others

The bill adds requirements designed to protect the expression of diverse viewpoints at Florida College System (FCS) institutions and state universities. The bill:

- Requires each FCS institution and state university to annually assess the intellectual freedom and viewpoint diversity at that institution using a survey adopted by the State Board of Education (SBE) or the Board of Governors of the State University System (BOG), as applicable. The SBE and the BOG must publish the results by September 1, 2022, and each September 1 thereafter.
- Prohibits the SBE and the BOG, and FCS institutions and state universities, from shielding students, faculty, or staff from protected free speech.
- Includes in the definition of protected expressive activities faculty research, lectures, writings, and commentary, whether published or unpublished. The bill clarifies that expressive activities do not include defamatory speech.
- Authorizes a student to record video or audio of class lectures for personal educational use, in connection with a complaint to the public institution of higher education where the recording was made, or as evidence in, or in preparation for, a criminal or civil proceeding.
- Modifies the cause of action for violations of student expressive rights to authorize a cause of action for persons injured by violations of specified rights to free speech activities, and adds a cause of action for violations related to the recording and publication of classroom lectures.

The bill requires that state university student government associations provide elected or appointed officers a direct appeal to a senior university administrator of any discipline, suspension, or removal from office. In addition, the bill requires all FCS institutions and state universities to adopt student codes of conduct that meet a set of minimum due process protections for students and student organizations.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 23-15; House 77-42

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/HB 311 — Pub. Rec./Assessment Instruments

by Post-Secondary Education and Lifelong Learning Subcommittee and Rep. Silvers

The bill expands the scope of the existing public records exemption that covers examination and assessment instruments relating to statewide, standardized assessments and student progression. The bill makes confidential and exempt from public access:

- The statewide kindergarten screening assessment.
- The assessment of learning gains for students in a Department of Juvenile Justice education program.
- Assessments for the identification of limited English proficient students.
- The civic literacy assessment administered by Florida College System (FCS) institutions and state universities.
- Teacher certification assessments.
- The Preliminary SAT/National Merit Scholar Qualifying Test and the PreACT assessments administered under the Florida Partnership for Minority and Underrepresented Student Achievement.

The bill creates a new public records exemption that covers all examinations and assessments, including related developmental materials and workpapers, which are prepared, prescribed, or administered by an FCS institution, a state university, or the Florida Department of Education. The bill provides that the State Board of Education and the Board of Governors of the State University System are responsible for implementing rules or regulations governing access, maintenance, and destruction of the assessments and related records.

The bill provides a statement of public necessity as required by the Florida Constitution. The bill makes legislative findings that the exemptions are necessary in order to maintain the security of proprietary information included in assessment instruments, prevent academic dishonesty, and ensure the validity of the results derived from the administration of examinations and assessments.

The bill provides that the public records exemptions are subject to the Open Government Sunset Review Act and are repealed on October 2, 2026, unless reenacted by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

Committee on Education

CS/CS/SB 366 — Educational Opportunities Leading to Employment

by Appropriations Committee; Education Committee; and Senators Hutson, Brodeur, and Diaz

The bill enhances work-based learning opportunities for students. The bill provides:

- That a student 18 years of age or younger who is in a paid work-based learning opportunity must be covered by the workers' compensation insurance of his or her employer.
- That a student 18 years of age or younger who is providing unpaid services under a work-based learning opportunity provided by a school district or Florida College System (FCS) institution is considered to be employed by the school district or FCS institution.
- Authority for the Department of Education (DOE) to reimburse employers, including school districts and FCS institutions, for the proportionate cost of workers' compensation insurance premiums for students in work-based learning opportunities in accordance with DOE rules, and appropriates \$2 million to the DOE for this purpose.

The bill requires the development of pathways to college credit programs. Specifically, the bill

- Requires the State Board of Education to develop, by January 31, 2022, alternative methods for assessing communication and computation skills. FCS institutions and dual enrollment programs may use a common placement test or the developed alternative methods for admissions and program eligibility.
- Requires a representative committee of public postsecondary institutions to identify three mathematics pathways aligned to programs, meta-majors, and careers.

The bill authorizes an institution to participate in the Florida Postsecondary Student Assistance Grant (FSAG) Postsecondary program if the institution is an aviation maintenance school in Florida, is certified by the Federal Aviation Administration, and is licensed by the Commission for Independent Education.

The bill renames the Florida Ready to Work Certification Program as the Florida Ready to Work Credential Program (Credential Program) and revises the purpose of the program to enhance the employability skills of Floridians and to better prepare them for successful employment.

Specifically, the bill removes the award of scaled-level credentials and requires:

- The Department of Economic Opportunity (DEO) and the DOE to conduct a comprehensive identification of employability skills currently in demand by employers.
- An employability credential to be awarded to a Credential Program participant who successfully passes assessments which measure the employability skills identified by DEO and DOE.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 116-0

Committee on Education

CS/CS/HB 419 — Early Learning and Early Grade Success

by Education and Employment Committee; PreK-12 Appropriations Subcommittee; and Reps. Grall, Aloupis, and others

The bill (Chapter 2021-10, L.O.F.) modifies the administration of the Voluntary Prekindergarten Education (VPK) Program and the school readiness program and reorganizes the regulatory structure of the Office of Early Learning to consolidate authority and oversight within the State Board of Education (SBE). The bill places early learning coalitions (ELCs) under the authority of the SBE and the Commissioner of Education. The bill also transfers the Gold Seal Quality Care program to the Department of Education (DOE) from the Department of Children and Families, adds standards for accrediting entities, and requires procedures to verify compliance.

The bill repeals the current kindergarten readiness rate and associated assessment, and expands accountability and assessment requirements for VPK providers. The bill requires a coordinated screening and progress monitoring program (CSPM) to be administered at the beginning, middle, and end of every school year for students in VPK through grade 3 to provide information on students' progress in mastering the appropriate grade-level standards to parents, teachers, and school and program administrators. VPK students who demonstrate a substantial reading deficiency must be referred to the school district for intervention. The bill creates the Council for Early Grade Success within the DOE to oversee the CSPM and requires the new screenings and assessments to be administered by qualified individuals.

The bill also requires:

- Beginning in the 2022-2023 program year, a program assessment composite score for each VPK provider based on the results of a program assessment that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages 3 to 5 years, in each VPK classroom. If a VPK provider fails to meet a minimum composite score adopted by the DOE, the provider may not participate in the VPK Program.
- A performance metric that provides a score to each VPK provider based on the results of the CSPM, including learning gains, and the program assessment, beginning in the 2022-2023 program year.
- The assignment of a performance designation for VPK providers beginning with the 2023-2024 program year. The designations must provide for a differential payment to VPK providers based on program performance.

The bill requires the DOE to adopt procedures for merging or terminating ELCs, and must adopt performance standards and outcome measures that include implementation of a customer service survey. Survey results may require ELCs to implement a correction plan.

The bill modifies the market rate schedule paid to school readiness providers to require a market rate schedule based on the prevailing market rate. The bill also authorizes early learning

coalitions to adopt an alternative payment schedule that has been approved by the federal Administration for Children and Families.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

Committee on Education

CS/CS/CS/HB 429 — Purple Star Campuses

by Education and Employment Committee; Local Administration and Veterans Affairs Subcommittee; Secondary Education and Career Development Subcommittee; and Reps. Learned, Maney and others

The bill establishes the Purple Star Campus program to support military-connected children. Specifically the bill:

- Defines a military student as a student enrolled in a school district, charter school, or a school or institution participating in a Florida educational choice scholarship program, who is a dependent of an active-duty or former member of the United States military that is the Army, Navy, Air Force, Marine Corps, or Coast Guard, a reserve component of any of these branches of the military, or the Florida National Guard.
- Requires the Department of Education (DOE) to establish the Purple Star Campus program that requires a participating school to at a minimum:
 - Designate a staff member as a military liaison.
 - Maintain a webpage on a school's website which includes resources for military students and families.
 - Maintain a student-led transition program that assists military students in transitioning into the school.
 - Offer professional development training opportunities for staff members on issues relating to military students.
 - Reserve at least five percent of controlled open enrollment seats for military-connected students.
- Authorizes the DOE to establish additional criteria to identify schools committed to supporting military families such as:
 - Hosting an annual military recognition event;
 - Partnering with a school liaison officer from a military installation;
 - Supporting projects that connect the school with the military community; and
 - Providing outreach for military parents and their children.
- Authorizes a school to partner with a school district to procure digital, professional development, or other assistance necessary to implement the criteria of the Purple Star Campus program.

The bill also requires the State Board of Education to adopt rules to implement the Purple Star Campus program.

If approved by the Governor, these provisions take effect on July 1, 2021.

Vote: Senate 40-0; House 117-0

Committee on Education

CS/HB 519 — Required Health Education Instruction

by Secondary Education and Career Development Subcommittee; and Rep. Yarborough and others

The bill modifies required instruction for members of the instructional staff of public schools and requires that the general health education curriculum for kindergarten through grade 12 must be developmentally and age-appropriate, and include information on the prevention of child sexual abuse, exploitation, and human trafficking.

The bill also shifts health education instruction on abstinence and the consequences of teenage pregnancy from kindergarten through grade 12 to grades 6 through 12.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Education

HB 529 — Moments of Silence in Public Schools

by Rep. Fine and others

The bill requires a moment of silence to be set aside for students during each school day. The bill directs the principal of each public school to require teachers in first-period classrooms in all grades to set aside one to two minutes daily for a moment of silence, during which students may not interfere with other students' participation.

The bill provides that a teacher:

- May not make suggestions as to the nature of any reflection that a student may engage in during the moment of silence.
- Must encourage parents to discuss the moment of silence with their children and to make suggestions as to the best use of this time.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 32-6; House 94-24

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/HB 723 — Juvenile Justice Education Programs

by Education and Employment Committee; and Rep. Massullo and others

The bill modifies how juvenile justice education programs are operated and funded. These modifications include how instructional time is defined and how funds are allocated between school districts and educational providers.

The bill updates the definition of “juvenile justice education programs or schools” to permit the calculation of the mandatory period of operation for nonresidential programs to be expressed in hours. If hours are selected as the means of calculating the period of operation, then the calculation of hours must conform to State Board of Education (SBE) rules and the SBE must review the calculation each year. The bill also permits hours, with similar SBE review requirements, to be used to calculate the optional decrease in instructional days for nonresidential programs.

The bill requires that the SBE rule governing funding of the juvenile justice education programs provide that at least 95 percent of the Florida Education Finance Program funds generated by students in those programs be spent on instructional costs. Additionally, the bill clarifies that Department of Juvenile Justice education programs are entitled to 100 percent of formula-based categorical funds generated by students in the programs.

The bill provides additional requirements for contracts between district school boards and juvenile justice education programs. Specifically, the bill requires:

- All contracts to be in writing between district school boards desiring to contract directly with juvenile justice education programs to provide academic instruction.
- New or renewal contracts to be executed and negotiated within 40 days after the district school board provides the proposal, unless both parties agree to an extension.
- District school boards to satisfy invoices issued by the juvenile justice education program within 15 working days after receipt.
 - If a district school board does not timely issue a warrant for payment, it must pay to the juvenile justice education program interest at a rate of one percent per month, calculated on a daily basis, on the unpaid balance until such time as a warrant is issued for the invoice and accrued interest amount.
 - District school boards may not delay payment to a juvenile justice education program of any portion of funds owed pending the district’s receipt of local funds.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0

Committee on Education

HB 827 — School District Funding

by Rep. Hawkins and others

This bill expands the requirement that each school district allocate at least 80 percent of funds received from the Advanced International Certificate of Education (AICE) bonus FTE funding to the school program that generated the funds, to also include school programs administered by the University of Cambridge Local Examinations Syndicate that prepare prospective students to enroll in AICE courses.

The bill requires these funds to be expended solely for the payment of costs associated with:

- The application and registration process;
- Program fees and site licenses;
- Training, professional development, salaries, benefits, and bonuses for instructional personnel and program coordinators;
- Examination and diploma fees;
- Membership fees;
- Supplemental books;
- Instructional supplies, materials, and equipment; and
- Other activities that identify prospective AICE students or prepare prospective students to enroll in AICE courses.

The bill specifies that the school district is required to distribute specified bonuses to each classroom teacher who provided AICE or International General Certificate of Secondary Education (pre-AICE) instruction.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 38-0; House 118-0

Committee on Education

CS/HB 845 — Higher Education

by Post-Secondary Education and Lifelong Learning Subcommittee and Rep. Smith, D. and others

This bill reinstates the effective date of July 1, 2021, to section 3 of chapter 2020-28, Laws of Florida, to retain current law that makes sections 1006.74 and 468.453, F.S., affecting intercollegiate athlete compensation and rights, effective July 1, 2021.

The bill also prohibits state funds from being used to join or maintain membership in an association whose decisions or proposed decisions are a result of, or in response to, actions proposed or adopted by the Legislature, if such decisions or proposed decisions will result in a negative fiscal impact to the state. The bill requires the Board of Governors to notify any association if its actions or proposed actions may require public postsecondary institutions to withdraw from such association.

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

Vote: Senate 29-10; House 114-2

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/HB 847 — Florida Postsecondary Academic Library Network

by Education and Employment Committee and Reps. Byrd and Silvers

This bill establishes the Florida Postsecondary Academic Library Network (Network) under the joint oversight of the Board of Governors (BOG) and the Department of Education (DOE), in place of the Florida Academic Library Services Cooperative (FALSC).

The bill generally assigns to the Network the functions of the FALSC, with modifications, which include recommending the use of low cost, no cost, or open-access textbooks and innovative pricing techniques; negotiating statewide licensing of electronic library resources; and managing a single library automation system.

The bill repeals the Complete Florida Plus Program (Complete Florida Plus) but retains in the Network purposes from Complete Florida Plus regarding access to distance learning courses and degree programs, and the provision of online academic support services. The bill also assigns to the Network functions formerly under Complete Florida Plus, with modifications, including:

- A statewide Internet-based catalog of distance learning courses, which includes courses, degree programs, and resources offered by public postsecondary institutions.
- Statewide online student advising services and support with specified functions, limited to public postsecondary institutions.

The bill assigns responsibility for determining the host entity for these specified services to the Office of the BOG and the DOE, and requires the Chancellors of the FCS and the BOG to provide oversight for successful delivery of these services. The host entity is required to:

- Develop and disseminate guidelines for the statewide Internet-based catalog of distance learning courses.
- Submit a report to the Chancellors of the FCS and the BOG, by December 31, 2021, and annually thereafter, regarding the implementation and operation of the Network. The Chancellors must provide this report to the Governor, the Legislature, the BOG, and the State Board of Education.

The bill further requires the Commissioner of Education and Chancellor of the BOG to provide, by June 1, 2022, a joint recommendation for a process by which school district career centers and charter technical career centers would access appropriate Network services.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 119-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/CS/SB 1028 — Education

by Appropriations Committee and Senators Hutson and Diaz

The bill modifies policies related to, among others, charter schools, schools of hope, high-performing charter schools, student retention, and transgender student athletes.

Florida College System and State University Charter Schools

The bill authorizes state universities and Florida College System (FCS) institutions to solicit applications and sponsor charter schools, upon approval by the Department of Education (DOE).

The bill specifies funding for such charter schools through the Florida Education Finance Program (FEFP) similar to other charter schools, but requires the DOE to develop a tool to calculate the funding amount for each eligible charter school student.

The bill specifies that the limitation of one developmental research (laboratory) school per university does not apply to a university that establishes a lab school to serve families of a military installation within same county.

Charter School Operations

The bill provides additional requirements relating to charter school sponsors, applications, contracts, enrollment, and termination of a charter. Specifically, the bill:

- Relating to charter school sponsors:
 - Requires the DOE to develop a sponsor evaluation framework with specified components, with results of the evaluation included the annual charter school report.
 - Specifies a sponsor's administrative fee for an exceptional student education center.
- Relating to charter school applications:
 - Removes the February 1 deadline for the submission of charter school applications, and specifies that the applicant determines when the charter school will open.
 - Authorizes reasonable attorney fees related to application disputes, and establishes a financial penalty for school districts that fail to implement a court decision.
- Relating to charter school contracts:
 - Authorizes a charter school to forgo DOE mediation and immediately appeal to an administrative law judge in a dispute regarding a charter contract.
 - Specifies that changes to a charter school's curriculum consistent with state standards are deemed approved, unless the sponsor and the DOE determines in writing that the curriculum is inconsistent with state standards.
- Relating to charter school enrollment:
 - Provides an enrollment preference for students who complete a VPK program at a provider with which the charter school has a written agreement

- Expands the criteria by which a charter school may limit enrollment to include students living in a development in which a developer or charitable foundation contributes to a charter school with a specified value.
- Relating to termination of a charter, provides requirements for a sponsor to immediately terminate a charter; authorizes a sponsor to seek an injunction in circuit court to prohibit continued operation of a charter school for health, safety, or welfare of the students; and authorizes reasonable attorney fees and costs in specified circumstances.

High-Performing Charter Schools

The bill replaces the annual limit on the establishment of high-performing charter schools to specify that a high-performing charter school may have open two applications at a time. Additionally, the bill provides that a charter school may be designated as high performing if it receives funding through the National Fund of the Charter School Growth Fund, and has received no school grade lower than a “C,” during each of the previous 3 school years for the years that the school received a grade.

Schools of Hope

The bill specifies a school of hope or a nonprofit entity that operates more than one school of hope can be designated as an LEA by the DOE and authorizes the nonprofit to report its students to the DOE, rather than the school district, and:

- Specifies that a school of hope operated by a nonprofit entity designated as an LEA may comply with financial reporting requirements by submitting specified financial statements to the school district regarding all schools of hope in that district.
- Authorizes a not for profit entity designated by the DOE as an LEA to use unrestricted current and capital assets at any of its schools of hope within the same district.
- Authorizes a charter school operated as a school of hope to be eligible to receive charter school capital outlay funding

Additionally, the bill authorizes personnel at a school of hope to complete background screening requirements by filing a set of fingerprints with the school of hope, rather than the school district.

Other Charter School Provisions

The bill provides additional charter school provisions, which:

- Specify that an interlocal agreement between a school district and a governmental entity which prohibits or limits the creation of a charter school within the geographic borders of the school district is void and unenforceable.
- Authorize a charter school that is an exceptional student education center and receives two consecutive ratings of “maintaining” or higher to replicate its educational program, subject to verification by the Commissioner of Education.
- Authorize a virtual charter school to provide part-time instruction.
- Authorize career and professional academies to be offered by charter schools.

Student Retention

The bill authorizes, effective upon becoming a law, a parent or guardian to submit a written request, by June 30, 2021, that his or her K-5 public school student be retained, for academic reasons, for the 2021-2022 school year in the grade level to which the student was assigned at the beginning of the 2020-2021 school year.

The bill requires the principal to collaboratively discuss the request with the parent or guardian any basis for agreement or disagreement with the request. However, the bill specifies that the parent or guardian has the final decision whether to retain the student.

Fairness in Women's Sports Act

The bill creates the Fairness in Women's Sports Act to provide female athletes opportunities to demonstrate their skill, strength, and athletic abilities and also provide other opportunities that result from participating in athletic endeavors.

The bill requires interscholastic, intercollegiate, intramural, or club athletic teams or sports sponsored by a public secondary school or public postsecondary institution to be designated as male, female, or coed based on the biological sex at birth of team members:

The bill specifies athletic teams or sports designated for females, women, or girls may not be open to students of the male sex. A statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex if the statement was filed at or near the time of the student's birth.

Other Provisions

The bill modifies other educational provisions, which:

- Authorize high-performing school districts to provide up to two days of virtual instruction as a part of the 180 days, under specified circumstances.
- Authorize district school board special and advisory committees to meet remotely.
- Authorize that students at aviation maintenance schools that are certified by the Federal Aviation Administration (FAA) and are licensed by the Commission on Independent Education may receive Florida Student Assistance Grant (FSAG) awards.
- Require, beginning in 2022-2023 academic year, public schools to provide information on the important role water safety education courses and swimming lessons play in saving lives.

If approved by the Governor, these provisions take effect July 1, 2021, unless otherwise provided.

Vote: Senate 23-16; House 79-37

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/HB 1159 — Education

by Education and Employment Committee and Rep. Busatta Cabrera

This bill alters approved teacher preparation programs to require that the General Knowledge Test be passed by the time of graduation instead of as a prerequisite, and accordingly, removes the option to waive admissions requirements for teacher preparation programs for up to 10 percent of admitted students.

The bill adds to the uniform core curricula for state-approved teacher preparation programs and educator preparation institutes (EPIs) the identification of and referrals regarding student mental health issues and the use of technology in education.

The bill alters educator certification requirements to allow:

- Applicants for a professional certificate to demonstrate professional competence through completion of an approved EPI, rather than by an examination.
- Nondegreed teachers of career programs to substitute specified career education training through an EPI as an alternative to career education training conducted through a school district inservice master plan.
- Documentation of receipt of a master's or higher degree from a postsecondary educational institution that meets specified criteria as a means of demonstrating mastery of general knowledge.

The bill authorizes an organization of private schools or a consortium of charter schools with an approved professional development system to design alternative preparation programs for certified teachers to add additional coverages to their certificates.

The bill expands, from principals to school and district leaders, participation in the William Cecil Golden Professional Development Program for School Leaders, and adds civic education, coaching, mental health awareness, distance learning, and school safety, among others, as goals of the network leadership program.

The bill authorizes a parent or guardian to request his or her K-5 public school student be retained at the same grade level for the 2021-2022 school year. To retain his or her student, a parent or guardian must submit, in writing, a retention request to the school principal. A principal must consider a request received on or before June 30, 2021, but may consider later requests.

The principal must discuss with the parent or guardian any disagreement with the retention request, however, the bill specifies that the parent or guardian holds the final decision whether to retain the student. In lieu of retention, the school and parent or guardian may collaborate to develop an individualized one-year education plan, and must convene an individual education plan (IEP) team, if applicable.

Finally, the bill requires the Commissioner of Education to provide each school district, by July 31 of each year, student learning growth data calculated to measure student performance on specified statewide assessments.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 114-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/HB 1261 — Higher Education

by Education and Employment Committee and Rep. Toledo and others

COVID-19 Liability

The bill provides liability protections for educational institutions for actions related to the COVID-19 pandemic. Specifically, the bill:

- Defines an educational institution as a preschool through secondary school, or postsecondary school, whether public or nonpublic. The Board of Governors (BOG) of the State University System and the State Board of Education (SBE) are also included within these immunity protections.
- Extends the protections to an educational institution that has taken reasonably necessary actions, such as providing online instruction or modifying services, in compliance with federal, state, or local guidance to diminish the impact or the spread of COVID-19 and provides specified immunity relating to such actions.

The bill specifies that in any action against an educational institution, the BOG, or the SBE for the reimbursement of tuition or fees, certain documents and publications of the institution are not evidence of an express or implied contract to provide in-person or on-campus education and related services or access to facilities during the COVID-19 public health emergency.

The bill specifies that to bring an action against an educational institution for compliance with a federal, state, local, BOG, or SBE order or directive to alter the mode of instruction, the burden of proof must be clear and convincing evidence for damages against the institution.

State University Career Planning and Information

The bill establishes a mechanism to connect state university undergraduate students to career information. Specifically, the bill requires:

- The BOG to create an online dashboard of data, by January 1, 2022, regarding state university graduates, which must include post-graduation salary; student loan debt; debt-to-income ratio; estimated loan payment as a percentage of income; and percentage of graduates who have continued their education.
- Each state university board of trustees to adopt procedures to connect undergraduate students to career planning, coaching, and related programs during the first academic year of the student's enrollment.

Tuition and Fee Exemptions and Waivers

The bill clarifies that a specified postsecondary education tuition and fee exemption applies to a student currently in the custody of the Department of Children and Families (DCF), in foster care, under a court guardianship, or adopted from DCF, or who was when the student turned 18 years of age.

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

The bill creates a fee waiver, beginning in the 2021-2022, for Florida students who enroll in one of eight Programs of Strategic Emphasis identified by the Board of Governors. A state university must waive tuition and fees for one upper-level course in that program for every upper-level course in which the student is enrolled.

- The bill also provides that students who receive the fee waiver for these courses will receive their standard award from the Bright Futures Florida Academic Scholars or Florida Medallion Scholars program.
- The waiver is available for up to 110 percent of the degree program credit hours.

The bill creates the State University Free Seat Program for Florida veterans and active duty personnel, and nontraditional students who have been out of school for five years, to enroll in an online baccalaureate program.

- Under the program a state university must waive tuition and fees for one online course. For all other courses in the online program, the state university may not charge more than 75 percent of the standard tuition rate and tuition differential fee.
- The discount is available for up to 110 percent of the program credit hours, and the program is capped at 1,000 student systemwide.

The bill creates an out-of-state fee waiver for nonresident students, starting in the 2022-2023 academic year, who:

- Have a grandparent who is a legal resident of Florida;
- Earn a high school diploma comparable to Florida's;
- Achieve an SAT score in the 89th percentile, or a score on another comparable admissions test; and
- Enroll as a full-time undergraduate student at a state university in the fall academic term immediately following high school graduation.

The waiver is available for up to 110 percent of the degree program credit hours, and is capped at 350 students systemwide.

Financial Aid Programs

The bill makes technical and substantive changes to state financial aid programs, which:

- Modifies the Benacquisto Scholarship Program to remove initial eligibility for non-resident students beginning with the 2022-2023 academic year.
- Codifies existing requirements and establishes additional responsibilities for institutions that receive state financial aid and tuition assistance funds, with penalties for noncompliance.
- Removes from the Florida Student Assistance Grant program obsolete or unused provisions.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 102-11

Committee on Education

CS/HB 7011 — Student Literacy

by Education and Employment Committee; Early Learning and Elementary Education Subcommittee; and Rep. Aloupis and others

The bill (Chapter 2021-9, L.O.F.) includes requirements to identify student deficiencies in literacy and intervene as early as prekindergarten, support students in transitioning to kindergarten, and monitor student progress.

The bill establishes a coordinated screening and progress monitoring system, beginning in the 2022-2023 school year, for students enrolled in the Voluntary Prekindergarten Education (VPK) Program and students enrolled in public schools in kindergarten through grade 8. The bill requires the results to be used to rate the performance of VPK providers instead of the statewide kindergarten screener, which is administered at the beginning of the kindergarten school year. The results are required to inform instruction and identify symptoms of dyslexia and must be provided to teachers and parents.

The bill also requires:

- Participants who enter specified teacher preparation programs and institutes in the 2022-2023 school year, for coverage areas that include reading instruction or intervention for any students in kindergarten through grade 6, to complete all of the competencies for a reading endorsement, including the practicum, prior to graduation or completion of the program. The bill also requires personnel who supervise such students to hold a certificate or endorsement in reading.
- The Department of Education (DOE) to review the competencies for the reading endorsement and provide a new pathway for teachers to achieve the reading endorsement.
- VPK instructors to initially take three emergent literacy training courses and thereafter take an emergent literacy training course every five years.
- The Just Read, Florida! Office (JRFO) to:
 - Identify instructional materials that implement evidence-based reading practices. The bill streamlines the process by which school districts may adopt identified and approved instructional materials.
 - Provide training to reading coaches and school administrators on evidence-based reading strategies.
 - Work with the Office of Early Learning in the development of emergent literacy training courses, which must be consistent with evidence-based reading instructional and intervention programs.
- Early learning coalitions to adopt best-practices plans for transitioning prekindergarten students into kindergarten.
- The Reading Achievement Initiative for Scholastic Excellence (RAISE) Program established in the bill to provide literacy supports statewide through at least 20 regional literacy support teams.
- The DOE to compile resources for each school district to incorporate into read-at-home plans to provide to parents of students with a reading deficiency.

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

- A tutoring program established in the bill to afford high school juniors and seniors the opportunity to satisfy community service requirements and earn a designation as a New Worlds Scholar by providing 75 verified tutoring hours to students with a substantial deficiency in reading in kindergarten through grade 3.
- A renamed “evidence-based reading instruction allocation” that provides funds for comprehensive reading instruction to also include VPK completers who are at risk of being identified as having a substantial deficiency in early literacy skills.

These provisions were approved by the Governor and take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

Committee on Education

CS/HB 7017 — Foreign Influence

by State Affairs Committee; Public Integrity and Elections Committee; and Rep. Grall and others

This bill requires public disclosure of foreign gifts, scrutiny of grant applicants and vendors with certain foreign connections, and thorough scrutiny of foreign applicants for research positions and of foreign travel and activities of employees of major research institutions.

Foreign Gifts and Contracts

The bill requires any state agency or political subdivision to disclose any gift or grant with a value of \$50,000 or more from any foreign source to the Department of Financial Services (DFS) within 30 days of receipt. Further, the bill requires applicants to a state agency or political subdivision for a grant, or those that propose a contract having a value of \$100,000 or more, to disclose any current or prior contract with, or grant or gift received from a specified foreign country of concern with a value of \$50,000 or more.

The bill exempts from disclosure requirements vendors of commodities, but requires, at least once every five years, the Department of Management Services to screen specified vendors participating in a required online procurement system. The bill requires DFS to establish and maintain a website to publish the specified disclosures, and to investigate specified allegations of a violation.

The bill authorizes administrative fines for failures to make a disclosure as specified. The bill specifies penalties for an individual or entity for a third or subsequent violation.

International Cultural Agreements

The bill prohibits a state agency, political subdivision, public school, state college, or state university from participating in any agreement with, or acceptance of any grant from, a foreign country of concern or associated entity, which constrains freedom of contract, allows control by the foreign county of concern, or promotes a detrimental agenda.

Any such agreement must be shared with appropriate federal agencies prior to execution of the agreement, which is subject to prohibition if deemed to be detrimental to the safety and security of the United States. Any such entity may not accept anything of value conditioned upon participation in a specified program or endeavor.

Foreign Gift Reporting

The bill requires each institution of higher education (IHE) to semiannually report any gift or gifts received from a foreign source with a value of \$50,000 or more. An IHE must make its report to the Board of Governors or State Board of Education, as applicable.

The bill requires, beginning July 1, 2022, the applicable inspector general to randomly audit for compliance at least five percent of the total number of gifts or gift agreements received from IHEs the previous year. The bill subjects an IHE that knowingly, willfully, or negligently fails to disclose required information to a civil penalty of 105 percent of the amount of the undisclosed gift, payable from nonstate funds.

The bill provides protection and a reward of 25 percent of any penalty to a whistle-blower who reports an undisclosed foreign gift.

Screening Foreign Researchers

The bill requires each state university or specified entity with a research budget of \$10 million or more to screen applicants for research positions who are citizens of a foreign country or have a specified affiliation with a foreign country of concern, with specified exceptions. The bill requires such screening to take place prior to interviewing or offering such position.

The bill requires the president or chief administrative officer of the state university or applicable entity to designate a research integrity office to review required materials and take reasonable steps to verify information listed in applications. The bill also authorizes the applicable entity to direct the office to approve applicants for hire based on a risk-based determination.

The bill requires the research integrity office to report to the nearest Federal Bureau of Investigation field office, and to an applicable law enforcement agency and specified governing board, the identity of any applicant rejected from employment based on the specified screening.

The bill requires a specified inspector general to perform an operational audit regarding implementation by July 1, 2025.

Foreign Travel and Research Institutions

The bill requires, by January 1, 2022, each state university or specified entity with a research budget of \$10 million or more to establish an international travel approval and monitoring program, which must require preapproval and screening by a research integrity office for any employment-related foreign travel and activities engaged in by faculty, researchers, and research department staff.

Lastly, the bill requires the state university or entity to provide an annual report of foreign travel to countries of concern, with specified information, to the applicable governing entity, and the bill requires a specified inspector general to perform an operational audit regarding implementation by July 1, 2025.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 117-0

Committee on Education

HB 7033 — Task Force on Closing the Achievement Gap for Boys

by Early Learning and Elementary Education Subcommittee and Rep. Koster and others

The bill establishes the Task Force on Closing the Achievement Gap for Boys within the Department of Education (DOE) to examine evidence-based strategies for closing the achievement gap for boys and to make recommendations to the DOE, the Governor, and the Legislature. The recommendations must address:

- Professional development for instructional personnel and school administrators.
- The selection of curriculum, supplemental materials, and classroom activities in early learning programs and K-12 schools.
- Academic, behavioral, and mental health supports to help educate and raise young men who are better prepared for success in school and in life.

The bill establishes the Commissioner of Education or a designee as chair of the task force. Other members of the task force must be appointed by July 1, 2021, including stakeholder appointments by the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill requires the task force to convene by August 1, 2021, and upon the call of the chair thereafter. The task force must submit a report containing its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2021.

The bill requires the DOE to provide staffing, administrative support, data, and other relevant information to the task force to help it carry out its responsibilities.

The task force expires on June 30, 2022.

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

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/HB 7045 — School Choice

by Appropriations Committee; Education and Employment Committee; and Reps. Fine, Fischer, and others

The bill consolidates student scholarship programs and provides parents with flexibility to meet the educational needs of their child. The bill repeals the Gardiner Scholarship Program (GSP) beginning in 2021-2022 and the McKay Scholarship Program for Students with Disabilities (McKay) in 2022-23, and merges similar provisions into the Family Empowerment Scholarship Program (FES). Specifically, the bill:

- Increases the scholarship award for recipients of the FES to 100 percent of the calculated amount under the Florida Education Finance Program (FEFP).
- Expands program eligibility to include students who are dependents of a member of the U.S. Armed Forces and adopted children.
- Provides for transportation scholarship options to another public school.
- Establishes the FES disability scholarship as an education savings account (ESA) allowing parents to choose from both public and private options. In addition, the FES disability scholarship:
 - o Establishes a maximum program capacity of 20,000 students beginning in 2021-2022, but excludes a student from the maximum program capacity if the student received specialized instructional services in VPK the prior school year; attended public school in the prior school year or received a McKay Scholarship in the 2021-2022 school year; is a dependent child of a member of the U.S. Armed Forces, a foster child, or an adopted child;.
 - o Beginning in 2022-2023, annually increases the maximum program capacity by one percent of the state's total exceptional student education full-time equivalent (FTE) enrollment, not including gifted students.
 - o Prioritizes, for the 2021-2022 school year, an eligible student who received a GSP award in the 2020-2021 school year.
 - o Transitions the funding of scholarships to the FEFP with the amount dependent on the student's matrix of services or the physician or psychologist's diagnosis.
 - o Protects the funding of students who received a GSP or McKay scholarship in the 2020-2021 school year to receive the greater of the prior award amount or the new award amount.

- o Authorizes the physician or psychologist who issued the scholarship student's diagnosis or the IEP team to determine if standardized testing is appropriate.
- Removes the prior public attendance requirement for the FES scholarship for families with limited financial resources, and:
 - o Increases the household income eligibility limit to 375 percent of the federal poverty level, or an adjusted maximum percent of the federal poverty level that is increased by 25 percentage points in the fiscal year following any fiscal year in which more than 5 percent of the available scholarships have not been funded.
 - o Maintains that scholarship priority must be given to a student whose household income level does not exceed 185 percent of the federal poverty level or who is in foster care.
 - o Specifies that a sibling of an FES scholarship recipient is eligible for a scholarship.
 - o Excludes from the maximum program capacity a student who: is a dependent child of a member of the U.S. Armed Forces, a foster child, or an adopted child; meets certain eligibility requirements and attended public school in the prior school year; received a Florida Tax Credit (FTC) or Hope scholarship in the prior year that was not renewed due to a lack of available funds, up to 15,000 students; or beginning in 2022-2023, is eligible to enroll in kindergarten.
 - o Authorizes costs required by the private school to provide a digital device, including Internet access to be paid from the total amount of the scholarship.
- Makes additional modifications to FES funding and payment, including:
 - o Requiring all scholarships to be funded in the FEFP with state funds only, not local funds.
 - o Requiring the Florida Department of Education (FDOE) to notify the nonprofit scholarship funding organization (SFO) that scholarships may not be awarded in a school district in which the award will exceed 99 percent of the school district's share of state funds.
 - o Removing the provision excluding the teacher salary increase allocation from the calculation of scholarship amounts under the FEFP.
 - o Requiring the FDOE to transfer the calculated scholarship amount to the SFO for quarterly disbursement to parents of participating students.

- o Requiring the SFO to ensure that the parent endorses the warrant to the private school or that the parent has approved a funds transfer before and scholarship funds are deposited.
- o Authorizing an administrative fee up to 2.5 percent of funded scholarships for the SFOs administering the FES and requiring the administrative fee be collected from eligible contributions under the FTC and Hope scholarship programs.

The bill also makes modifications to the FTC and Hope scholarship programs, including:

- Increasing the scholarship award for recipients to 100 percent of the calculated amount under the FEFP.
- Modifying scholarship eligibility by increasing the household income limit to 375 percent of the federal poverty level, or an adjusted maximum percentage of the federal poverty level authorized in the FES.

Revising the frequency of operational audits of the SFOs receiving eligible contributions under FTC by the Auditor General from every year to at least once every three years.

These provisions were approved by the Governor and take effect on July 1, 2021, except as otherwise provided.

Vote: Senate 25-14; House 79-36

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Environment and Natural Resources

CS/SB 64 — Reclaimed Water

by Environment and Natural Resources Committee and Senator Albritton

The bill requires domestic wastewater utilities that dispose of effluent, reclaimed water, or reuse water by surface water discharge to:

- Submit a plan to the Department of Environmental Protection (DEP) to eliminate nonbeneficial surface water discharges by November 1, 2021;
- Fully implement the plan to eliminate discharges by January 1, 2032; and
- If no plan is timely submitted or approved, eliminate discharges by January 1, 2028.

The bill requires DEP to submit a report to the Legislature by December 31, 2021, and annually thereafter, providing the average gallons per day that discharges are reduced, the average gallons per day of discharges that will continue, the level of treatment discharged water receives, and any modified or new plans submitted by a utility since the last report.

The bill does not apply to domestic wastewater treatment facilities in certain areas with limited fiscal resources and those operated by certain mobile home park operators.

The bill authorizes discharges that are being beneficially used or otherwise regulated, including:

- Discharges associated with an indirect potable reuse project;
- Permitted wet weather discharge;
- Discharges into a stormwater management system, which are subsequently withdrawn for irrigation purposes;
- Utilities that operate domestic wastewater treatment facilities with reuse systems that reuse at least 90 percent of a facility's annual average flow; or
- Discharges that provide direct ecological or public water supply benefits.

The bill also:

- Specifies that potable reuse is an alternative water supply, for purposes of making reuse projects eligible for alternative water supply funding;
- Incentivizes the development of potable reuse projects;
- Incentivizes residential developments that use graywater technologies; and
- Specifies the total dissolved solids allowable in aquifer storage and recovery in certain circumstances.

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

Vote: Senate 32-0; House 118-0

Committee on Environment and Natural Resources

HB 169 — Purchase of Commodities and Services by Water Management Districts

by Rep. Maggard and others (SB 952 by Senator Burgess)

The bill expressly authorizes water management districts to purchase commodities and contractual services from the purchasing contracts of the following entities:

- Special Districts
- Municipalities
- Counties
- Other political subdivisions
- Educational institutions
- Other states
- Nonprofit entities
- Purchasing cooperatives
- The federal government

The purchasing contract of the other entity must have been procured pursuant to competitive bid, request for proposal, request for qualification, competitive selection, or competitive negotiation. The purchasing contract must otherwise be in compliance with general law and must be procured by a process that meets the procurements requirements of the water management district. The bill excludes from the authorization services by professionals in the fields of architecture, professional engineering, landscape architecture, or registered surveying and mapping.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 117-1

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Environment and Natural Resources

HB 217 — Conservation Area Designations

by Reps. Hunschofsky, Overdorf, and others (SB 588 by Senators Book, Ausley, Garcia, Hutson, Mayfield, Simpson, Albritton, Baxley, Bean, Berman, Boyd, Bracy, Bradley, Brandes, Brodeur, Broxson, Burgess, Cruz, Diaz, Farmer, Gainer, Gibson, Gruters, Harrell, Hooper, Jones, Passidomo, Perry, Pizzo, Polsky, Powell, Rodrigues, Rodriguez, Rouson, Stargel, Stewart, Taddeo, Thurston, Torres, and Wright)

The bill designates the Southeast Florida Coral Reef Ecosystem Conservation Area, which consists of sovereignty submerged lands and state waters offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties from the St. Lucie Inlet to the northern boundary of the Biscayne National Park, as the “Kristin Jacobs Coral Reef Ecosystem Conservation Area.”

The bill directs the Department of Environmental Protection to erect suitable markers designating the conservation area.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 119-0

Committee on Environment and Natural Resources

CS/CS/HB 223 — Marina Evacuations

by State Affairs Committee; Pandemics and Public Emergencies Committee; and Rep. Plasencia and others (SB 578 by Senator Wright)

Upon the issuance of a hurricane watch that affects the waters of marinas located in a deepwater seaport, the bill prohibits vessels under 500 gross tons from remaining in the waters of such marinas that have been deemed not suitable for refuge during a hurricane. The bill requires that vessel owners promptly remove their vessels from the waterways upon an evacuation order issued by the deepwater seaport.

A marina owner, operator, employee, or agent (marina owner), is required to remove the vessel, if reasonable, from its slip, if the Coast Guard Captain of the Port sets the port condition to “Yankee” and a vessel owner has failed to remove his or her vessel. The marina owner may charge the vessel owner a reasonable fee for removing the vessel. “Yankee” means that gale force winds (39-54 miles per hour) from a tropical or hurricane force storm are predicted to make landfall at the port within 24 hours, the port is closed to inbound traffic, and vessel traffic control measures are in effect on vessel movements within the port.

The bill provides that a marina owner may not be held liable for any damage to the vessel from a hurricane and is held harmless for removing the vessel. The bill provides that after a hurricane watch has been issued, if a vessel owner has not removed the vessel pursuant to an order from the seaport, the owner may be fined by the deepwater seaport.

The bill does not provide immunity to a marina owner for any damage caused by intentional acts or negligence when removing a vessel. The bill does not require a deepwater seaport to issue an order to evacuate vessels or fine a vessel owner that has failed to remove the vessel.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0

Committee on Environment and Natural Resources

SB 524 — Fish and Wildlife Conservation Commission Trust Funds

by Senator Hooper

The bill revises several of the Fish and Wildlife Conservation Commission's (FWC) trust funds to allow the agency to use trust fund revenues for administrative costs and to specifically authorize the investment of funds within the State Treasury. The bill codifies FWC's existing practices.

The following trust funds are amended to allow for the use of trust fund revenues for administrative costs:

- Florida Panther Research and Management Trust Fund;
- Save the Manatee Trust Fund; and
- Invasive Plant Control Trust Fund.

The following trust funds are amended to authorize the investment of funds into the State Treasury:

- Florida Panther Research and Management Trust Fund;
- Marine Resources Conservation Trust Fund;
- Nongame Wildlife Trust Fund;
- State Game Trust Fund;
- Save the Manatee Trust Fund; and
- Invasive Plant Control Trust Fund.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 115-0

Committee on Environment and Natural Resources

CS/CS/SB 694 — Waste Management

by Appropriations Committee; Community Affairs Committee; and Senators Rodrigues and Perry

The bill requires the Department of Environmental Protection (DEP) to review and update its 2010 report analyzing the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags. DEP must submit the updated report to the Legislature no later than December 31, 2021.

The bill amends requirements for a local government that provides solid waste collection services which displace a private waste company, prohibiting the private company from continuing to provide the same service. The local government must provide three years' notice to the private company before engaging in such services. At the end of the three-year notice period, the local government must pay the displaced company an amount equal to the company's preceding 18 months' gross receipts for the displaced service in the displacement area. The local government and the displaced company may voluntarily negotiate a different notice period or amount of compensation. The bill does not apply to any displacement where the local government provided the three years' notice on or before December 31, 2020.

The bill provides that a private solid waste or debris management service provider is not required to collect storm-generated yard trash, unless otherwise specified in a contract or franchise agreement between a local government and a private solid waste or debris management service provider. The bill defines "storm-generated yard trash."

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 112-2

Committee on Environment and Natural Resources

CS/CS/SB 920 — Liability of Persons Providing Areas for Public Outdoor Recreational Purposes

by Rules Committee; Environment and Natural Resources Committee; and Senator Bradley

The bill authorizes a property owner who makes areas available to the public for outdoor recreational purposes to derive revenue from concessions or special events within the area and still retain the statutory liability protection, if such revenue is used exclusively to maintain, manage, and improve the outdoor recreational area.

The bill expands the definition of “outdoor recreational purposes” to include “traversing or crossing for the purpose of ingress and egress to and from, and access to and from, public lands or lands owned or leased by a state agency which are used for outdoor recreational purposes.” This expanded definition applies for owners and lessees eligible for the general statutory liability protection and for owners who enter into a written agreement with a state agency.

The bill defines “state agency” to mean “the state or any governmental or public entity created by law.” This expands the governmental entities with which property owners may enter into a written agreement concerning an area used for outdoor recreational purposes.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

Committee on Environment and Natural Resources

CS/CS/SB 976 — Protection of Ecological Systems

by Appropriations Committee; Environment and Natural Resources Committee; and Senator Brodeur

The bill creates the Florida Wildlife Corridor Act, which encourages support, incentives, and funding of the Florida Wildlife Corridor to preserve and protect green infrastructure and wildlife habitat. The bill sets out the duties of the Department of Environmental Protection (DEP) with respect to the wildlife corridor. The act does not authorize or affect the use of private property.

The bill requires the St. Johns River Water Management District (SJRWMD), in consultation with DEP, Seminole County, the Fish and Wildlife Conservation Commission, and the Department of Transportation, to issue a report by December 31, 2021, on the implementation of recommendations from the Little Wekiva Watershed Management Plan Final Report from November 2005.

The bill requires DEP and SJRWMD to review any permits which SJRWMD has determined may have contributed to sediment buildup north of State Road 436 to assess whether a permittee is in violation of permit conditions. Appropriate action to resolve compliance issues must be taken if a violation is discovered.

DEP and SJRWMD shall review known permit violations that have occurred since 2018 and attempt to determine what effects such violations may have had on sediment accumulation in the Little Wekiva River.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Environment and Natural Resources

CS/HB 1051 — Environmental Compliance Costs

by Tourism, Infrastructure, and Energy Subcommittee; and Rep. Fernandez-Barquin and others
(CS/SB 964 by Regulated Industries Committee; and Senators Diaz and Taddeo)

The bill revises the definition of “environmental compliance costs” in the Florida Energy Efficiency and Conservation Act to include costs or expenses incurred by an electric utility after July 1, 2021, for the construction and operation of a wastewater reuse system. This revision will allow utilities to petition the Florida Public Service Commission for recovery of such costs through a charge separate from the utility’s base rates.

In order to recover costs, operation of the wastewater reuse system must serve to further compliance with environmental laws or regulations that apply to the electric utility. The system must fully or partially satisfy a local government’s statutory reclaimed water reuse requirements, including those for ocean outfalls.

The bill requires at least 50 percent of reclaimed water produced to be used in conjunction with the water requirements of facilities owned by the electric utility. This is required in order to offset all or part of the electric utility’s water use, as authorized by permit.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

Committee on Environment and Natural Resources

CS/CS/SB 1086 — Operation and Safety of Motor Vehicles and Vessels

by Appropriations Committee; Environment and Natural Resources Committee; and Senator Hutson

The bill contains numerous changes to existing laws administered by the Fish and Wildlife Conservation Commission (FWC) and other law enforcement entities.

Relating to testing for alcohol, chemical substances, and controlled substances, effective October 1, 2021, the bill revises conditions under which a person operating a motor vehicle or vessel commits a misdemeanor by failing to submit to breath or urine testing. The bill deletes the provisions establishing a misdemeanor for the refusal to submit to blood testing.

Relating to boater safety education, the bill adds certain documents from other states, territories, or countries to the list of acceptable boater safety identification documentation.

Relating to boating restrictions, the bill:

- Defines the term “human-powered vessel” and restricts the operation of such vessels within the boundaries of the Florida Intracoastal Waterway.
- Designates Monroe County as an anchoring limitation area within which a vessel may be anchored for a maximum of 90 days, but provides that the area is not effective until the county approves, permits, and opens a certain number of new moorings for public use.
- Requires FWC to designate the area within 1 mile of the Key West Bight City Dock as a priority for the investigation and removal of derelict vessels.
- Revises boating-restricted areas to include certain areas around public or private marinas, superyacht repair facilities, permitted public mooring fields, and within the Florida Intracoastal Waterway.
- Provides that certain vessel-exclusion zones established by ordinance must be marked with uniform waterway markers permitted by FWC, and not be marked by ropes.
- Authorizes FWC to establish anchoring/mooring/beaching/grounding protection zones for springs.
- Prohibits the operation of vessels faster than slow speed, minimum wake upon approaching certain hazardous conditions.

Relating to derelict vessels, the bill:

- Revises the conditions under which a vessel may be determined to be at risk of becoming derelict.
- Authorizes officers to provide in-person notice that a vessel is at risk of becoming derelict if there is a body camera recording.
- Authorizes law enforcement officers to relocate at-risk vessels to a certain distance from mangroves or vegetation.
- Authorizes FWC to establish a derelict vessel prevention program.

- Authorizes local governments to enact and enforce regulations to remove an abandoned or lost vessel affixed to a public mooring.
- Prohibits the Department of Highway Safety and Motor Vehicles (DHSMV) from issuing a certificate of title to an applicant for a vessel that has been deemed derelict, and beginning in 2023, authorizes DHSMV to reject an application for a certificate of title for a vessel that has been deemed derelict.
- Authorizes FWC to provide local government grants for the removal, destruction, and disposal of derelict vessels.
- Revises provisions relating to the removal of derelict vessels and public nuisance vessels, and creates specific procedures for such vessels, including notice and hearing requirements and liability for removal costs.
- Authorizes FWC, law enforcement agencies, and authorized governmental subdivisions to perform relocation, removal, storage, destruction, and disposal activities.

Relating to no discharge zones, the bill:

- Creates a no-discharge zone within statutorily designated aquatic preserves upon approval by the United States Environmental Protection Agency, where the discharge of treated or untreated sewage from a vessel or floating structure is prohibited.
- Provides that a violation is a noncriminal infraction, punishable by a civil penalty of up to \$250. The bill provides for vessel removal after a second violation.
- Requires FWC to maintain and provide a list of state marine sewage pumpout facilities.

Relating to marine sanitation devices, the bill requires the owner/operator of a live-aboard vessel or houseboat equipped with a marine sanitation device, excluding certain marine compost toilets, to maintain records of each pumpout.

Relating to spaceflight, the bill authorizes FWC to establish temporary protective zones in certain water bodies in preparation for a launch service or reentry service, or for the recovery of spaceflight assets before or after a launch service or reentry service.

The bill revises penalties for vessels deemed at risk of becoming derelict and creates penalties for vessels creating special hazards as specified in the bill. The bill creates a noncriminal infraction for violating the prohibitions governing human-powered vessels established under the bill.

If approved by the Governor, these provisions take effect July 1, 2021, except where otherwise provided.

Vote: Senate 39-0; House 114-1

Committee on Environment and Natural Resources

CS/HB 1177 — Biscayne Bay

by State Affairs Committee; Reps. Avila, Duran, and others (CS/SB 1482 by Appropriations Committee and Senators Garcia and Pizzo)

The bill establishes the Biscayne Bay Commission as an advisory council within the Department of Environmental Protection (DEP). The commission must serve as the official coordinating clearinghouse for all public policy and projects related to Biscayne Bay, including developing plans and ensuring projects are funded and implemented. The bill does not affect or supersede the regulatory authority of any government agency or local government, and any responsibilities of a governmental entity relating to Biscayne Bay remain with such entity. DEP must provide, within its available resources, administrative support and service to the commission as requested.

The bill provides for the composition of the commission. Members of the commission must serve four-year terms that are staggered. All nine members of the commission are voting members. Members must serve without compensation.

The commission must meet at least quarterly and may meet monthly. The commission must conduct the following activities:

- Consolidate existing plans and programs into a coordinated strategic plan, which must be monitored and regularly revised, for improving Biscayne Bay and the surrounding areas.
- Prepare a consolidated financial plan, which must be monitored and regularly revised, using the projected financial resources available from the jurisdictional agencies.
- Provide technical assistance and support to help implement the strategic and financial plans.
- Work in consultation with the United States Department of the Interior.
- Provide a forum for the exchange of information.
- Act as a clearinghouse for public information.

The bill requires the commission to produce a semiannual report describing the accomplishments of the commission and each member agency, as well as the status of each pending task. The first report must be submitted by January 15, 2022. The report must be submitted to specified government entities and made available on the websites of DEP and Miami-Dade County.

The bill also prohibits sewage disposal facilities from disposing of any wastes into Biscayne Bay or its tributaries without providing advanced waste treatment.

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

Vote: Senate 38-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Environment and Natural Resources

HB 1309 — Environmental Regulation

by Reps. Payne, Overdorf, and others (CS/SB 7060 by Appropriations Committee and Environment and Natural Resources Committee)

The bill ratifies the Department of Environmental Protection's (DEP's) biosolids rules, Rule Chapter 62-640 of the Florida Administrative Code. The bill exempts the rules from review and approval by the Environmental Regulation Commission.

The bill also ratifies DEP's rules for the Central Florida Water Initiative (CFWI), Rules 62-41.300 – 62-41.305, Florida Administrative Code. Additionally, the bill:

- Revises the required rulemaking to include an annual supplemental irrigation requirement allocation for agricultural uses and a process for examining an agriculture user's average annual supplemental irrigation needs.
- Establishes a grant program for CFWI within DEP, subject to appropriation, which will promote alternative water supply and protect groundwater resources. The bill requires DEP to give priority to certain projects.
- Revises the priority system for the Drinking Water State Revolving Loan Fund to give special consideration to projects that implement water supply plans and develop water sources as an alternative to continued reliance on the Floridan aquifer under the CFWI.

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

Vote: Senate 39-0; House 114-0

Committee on Environment and Natural Resources

CS/CS/CS/SB 1946 — Anchoring Limitation Areas

by Rules Committee; Community Affairs Committee; Environment and Natural Resources Committee; and Senators Polsky and Bean

The bill provides that, notwithstanding the existing prohibition on local regulation of anchoring vessels outside of the marked boundaries of mooring fields, a county may establish an anchoring limitation area, adjacent to urban areas that have residential docking facilities and significant recreational boating traffic, which meets certain requirements imposed under the bill. The bill requires counties proposing to establish an anchoring limitation area to provide notice to the Fish and Wildlife Conservation Commission (FWC) 30 days before final adoption of an ordinance.

The bill prohibits anchoring a vessel for more than 45 consecutive days in a 6-month period in an anchoring limitation area, except under the exceptions in current law. The bill ensures that, upon an inquiry by a law enforcement officer or agency, a vessel owner or operator has the opportunity to provide proof that the vessel has not exceeded this time limitation.

The bill designates Monroe County as an anchoring limitation area within which a vessel may be anchored for a maximum of 90 days. This anchoring limitation area is not effective until the county approves, permits, and opens at least 250 new moorings for public use within 1 mile of the Key West Bight City Dock and at least 50 moorings within the Key West Garrison Bight Mooring Field. The bill requires FWC to designate the area within 1 mile of the Key West Bight City Dock as a priority for the investigation and removal of derelict vessels until the county approves, permits, and opens the new moorings.

The bill declares a vessel that is the subject of more than three violations within 12 months, which resulted in dispositions other than acquittal or dismissal, as a public nuisance.

The bill expressly grandfathers-in the geographic areas already designated as anchoring limitation areas in Florida Statutes.

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

Vote: Senate 39-0; House 116-1

Committee on Environment and Natural Resources

CS/CS/SB 1954 — Statewide Flooding and Sea Level Rise Resilience

by Appropriations Committee; Environment and Natural Resources Committee; and Senators Rodrigues and Garcia

The bill establishes statewide programs for adaptation to flooding and sea level rise. The programs are intended to address flooding all across the state. The bill creates:

- The Resilient Florida Grant Program within the Department of Environmental Protection (DEP) to provide grants to counties or municipalities for community resilience planning, such as vulnerability assessments, plan development, and projects to adapt critical assets. The bill provides a comprehensive definition for “critical asset.” Specified information from such vulnerability assessments must be submitted to DEP.
- The Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment, which must be updated at least every five years. The bill requires DEP to:
 - By July 1, 2022, develop a statewide data set, including statewide sea level rise projections, containing information necessary to determine the risks of flooding and sea level rise to inland and coastal communities.
 - By July 1, 2023, develop a statewide assessment, using the statewide data set, identifying vulnerable infrastructure, geographic areas, and communities. The statewide assessment must include an inventory of critical assets.
- The Statewide Flooding and Sea Level Rise Resilience Plan. By December 1, 2021, and each December 1 thereafter, DEP must develop the plan on a three-year planning horizon and submit it to the Governor and Legislature. The plan must consist of ranked projects addressing the risks of flooding and sea level rise to communities in the state. The funding proposed in the plan may not exceed \$100 million in one year and is subject to review and appropriation by the Legislature. Each project must have a minimum 50 percent cost-share unless it assists or is within a financially disadvantaged small community, as defined in the bill. Counties, municipalities, and regional resilience entities are authorized to submit to DEP lists of proposed projects for inclusion in the plan, and water management districts and flood control districts are authorized to submit to DEP lists of proposed projects specifically relating to water supplies or water resources for inclusion in the plan. DEP must assess projects for inclusion in the plan by implementing a four-tiered scoring system specified in the bill.

The bill authorizes DEP to provide funding to regional resilience entities for providing technical assistance to counties and municipalities, coordinating multijurisdictional vulnerability assessments, and developing project proposals for the statewide resilience plan.

The bill requires DEP to initiate rulemaking by August 1, 2021, to implement the statewide resilience programs.

The bill creates the Florida Flood Hub for Applied Research and Innovation (Hub) within the University of South Florida (USF) College of Marine Science. USF’s College of Marine Science or its successor will serve as the lead institution to coordinate efforts to support applied research

and innovation to address flooding and sea level rise in the state. The Hub must conduct activities specified in the bill, including developing data and modeling, coordinating research funds across participating entities, establishing community-based programs, and assisting with training and workforce development. By July 1, 2022, and each July 1 thereafter, the Hub must submit to the Governor and Legislature an annual comprehensive report on its goals and its efforts and progress on reaching those goals.

The bill requires the Office of Economic and Demographic Research to include in its annual assessment of Florida's water resources and conservation lands an analysis of flooding issues, including resilience efforts. When appropriations or expenditures are made to address flooding, the analysis must identify any gaps between estimated revenues and projected expenditures.

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

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

SB 82 — Sponsorship Identification Disclaimers

by Senators Baxley and Hutson

The bill creates a comprehensive sponsorship disclaimer policy for most text message political advertisements, independent expenditures, and electioneering communications. Text messages must carry a sponsorship disclaimer, or a URL address or hyperlink to a website containing the disclaimer.

The bill specifically exempts texts sent by individuals not being paid and without the assistance of mass distribution, or that require the recipient to sign-up or opt-in to receive it.

The bill requires those individuals and groups subject to texting disclaimer requirements to register and maintain an in-state registered agent for legal process.

The bill condenses and reorganizes all text message and telephone disclaimer requirements into one easily identifiable statutory section.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 40-0; House 111-3

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/CS/CS/SB 90 — Election Administration

by Rules Committee; Governmental Oversight and Accountability Committee; Ethics and Elections Committee; and Senator Baxley

CS/CS/CS/SB 90 revises the Election Code as follows to improve election security, transparency, and administration.

The bill creates:

- Requirements for civil actions challenging the validity of a provision of the Election Code in which a state or county agency or officer is a party in state or federal court.
- A prohibition against a governmental entity's use of private funds for election-related expenses.
- Additional requirements for the periodic risk assessments of the online voter registration system.
- A process by which the Department of Highway Safety and Motor Vehicles must assist the Department of State (DOS) in regularly identifying changes in voter addresses and providing that information to supervisors for their use in updating voter rolls.

Related to vote-by-mail ballots, the bill:

- Revises and creates new requirements for their duplication.
- Modifies the effective period for a ballot request to all elections held through the end of the calendar year of the next regularly scheduled general election and grandfathers in through the end of 2022 any request in place when the bill takes effect.
- Requires an additional elector identifier when a request for a ballot is made.
- Adds new categories to the types of information supervisors must record about each ballot request.
- Prohibits mailing or otherwise providing a ballot without a request.
- Creates new requirements for information that must be displayed on the outside of a return mailing envelope and prohibits display of an elector's political affiliation on a ballot envelope.
- Prohibits a supervisor from using knowledge of a voter's political affiliation during the signature comparison process.
- Extends the period during which tabulation of ballots can occur.
- Revises and creates new requirements for use of drop boxes, including, but not limited to:
 - Limiting use of drop boxes other than at a supervisor's office to early voting hours, and requiring in-person monitoring of all drop boxes while accessible for deposit of ballots.
 - Requiring each supervisor to publish the location of drop boxes at least 30 days in advance of each election.
- Limits a person's lawful possession of ballots to his or her own, those of an immediate family member, and two others; expands the definition of "immediate family member" to

include a grandchild; and clarifies that supervised voting at assisted living facilities and nursing homes is not subject to the limit.

Related to no-solicitation zones, the bill:

- Confirms the distances for statutory no-solicitation zones.
- Adds drop box sites to the locations protected by the zones.
- Expands the definition of “solicitation” and specifies that the definition does not prohibit supervisors’ staff from providing nonpartisan assistance or items to voters within the zone.

Related to county canvassing boards, the bill:

- Requires names of canvassing board members to be published on the supervisor’s website upon completion of the logic and accuracy test.
- Creates new access requirements at meetings for a political party or candidate to observe signature matching and other processes.
- Adds names of canvassing board members and alternates to the types of information that must be noticed in advance of meetings.

Related to election data reporting, the bill:

- Clarifies an existing exception for ballot types or precinct subtotals with fewer than 30 voters voting.
- Creates new requirements for reporting live voter turnout data and vote-by-mail ballot information.
- Combines the required overvote/undervote report and audit report and extends the deadlines for their submission.

To comply with court orders, the bill:

- Returns the language for the declaration of felon voting eligibility to its pre-2019 form and repeals a corresponding public-records exemption that will no longer be necessary.
- Revises provisions governing third-party voter registration organizations.

The bill also:

- Requires submission of an additional elector identifier for requested changes to voter registration.
- Repeals provisions requiring an elective office vacated due to the resign-to-run requirement be filled by election and permitting the unexpired term of an elective charter county officer or elective municipal officer required to resign under the resign-to-run law to be filled in a manner provided by the county or municipal charter.
- Prohibits a person from seeking to qualify for office as a candidate with no party affiliation if he or she has been a registered member of any political party within the 365 days preceding the beginning of the qualifying period, and requires a person seeking nomination as a candidate of a political party to have been a member of the party for the 365 days preceding the beginning of the qualifying period.
- Clarifies a state executive committee’s role in filling certain vacancies in office.

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

- Revises requirements for poll watchers.
- Conforms to federal law the time frame for retention of election materials.
- Extends the deadline by which the DOS must approve or disapprove a voting system submitted for certification.
- Expands the ballot materials that must be made available for public inspection and creates new access provisions for a candidate, political party official, political committee.

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

Vote: Senate 23-17; House 77-40

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/HB 1639 — Pub. Rec./Network Schematics, Hardware and Software Configurations, or Encryption/Supervisors of Elections

by Government Operations Subcommittee and Rep. Grant (CS/SB 1704 by Government Oversight and Accountability and Senator Broxson)

The bill creates a public records exemption for portions of records held by a supervisor of elections that contain network schematics, hardware and software configurations, or encryption, or which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents.

The bill provides that the confidential and exempt records must be made available to the Auditor General and may be made available to another governmental entity for information technology security purposes or in the furtherance of the entity's official duties.

The bill provides for retroactive application of the public records exemption. It also provides that the exemption is subject to the Open Government Sunset Review Act and will repeal on October 2, 2026, unless reviewed and saved from repeal by the Legislature.

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

Vote: Senate 38-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/CS/SB 1890 — Campaign Financing

by Rules Committee; Ethics and Elections Committee; and Senator Rodrigues

CS/CS/SB 1890 adds political committees sponsoring or in opposition to constitutional amendments proposed by initiative to the list of entities subject to a \$3,000 contribution limit from a person or political committee. The contribution limit will no longer apply to such a political committee once the Secretary of State has issued a certificate of ballot position and a designating number for the proposed constitutional amendment.

The bill preempts local governments from enacting or adopting:

- Contribution limits that differ from existing limits specified in statute;
- Any limitation or restriction involving contributions to a political committee or an electioneering communications organization; or
- Any limitation or restriction on expenditures for an electioneering communication or an independent expenditure.

The bill also revises the authorized methods for disposing of surplus campaign funds to:

- Prohibit a candidate from donating such funds to a charitable organization by which he or she is employed; and
- Eliminate restrictions on which candidates may donate to which government funds to allow all candidates for state and local office to deposit surplus funds in the general revenue fund of a political subdivision, the state General Revenue Fund, or the Election Campaign Financing Trust Fund.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 23-17; House 75-40

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Finance and Tax

HB 7059 — Corporate Income Tax

by Ways and Means Committee; and Rep Payne (CS/SB 7082 by Finance and Tax Committee and Appropriations Committee)

The bill adopts provisions of the Internal Revenue Code in effect on January 1, 2021, for purposes of Florida's corporate income tax. The bill does not adopt specified provisions related to:

- The temporary increase in the deduction of business interest expense.
- The temporary increase in expensing available to film and entertainment productions.
- The temporary increase in the deduction for business meals.
- The depreciation of Qualified Improvement Property.

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

Vote: Senate 37-1; House 107-5

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Finance and Tax

HB 7061 — Taxation

by Ways and Means Committee; and Rep Payne (CS/SB 7068 by Finance and Tax Committee and Appropriations Committee)

The bill contains provisions for tax relief, changes to tax policy, and changes to tax administration.

Sales Tax

- The bill provides a 10-day “back-to-school” tax holiday from July 31, 2021, through August 9, 2021, for certain clothing, school supplies, and personal computers.
- The bill provides a 10-day “disaster preparedness” tax holiday from May 28, 2021, through June 6, 2021, for specified disaster items.
- The bill provides a 7-day “recreation” tax holiday from July 1, 2021, through July 7, 2021, for admissions to certain events and purchases of sports equipment, outdoor supplies and items, boating and water activities supplies, camping supplies, and fishing supplies.
- The bill creates a sales tax exemption for independent living items, exempting grab bars, bed transfer handles, bed rails, and shower seats.
- The bill allows businesses to pay sales tax on behalf of their customers.
- The bill extends the date from 2022 to 2027 in which a data center may qualify to receive an exemption certificate that allows the owner or tenants of a data center to purchase certain personal property or electricity exempt from sales tax.

Ad Valorem Tax

- The bill increases the discount for multi-unit property used for affordable housing from 50 percent to 100 percent.
- The bill clarifies the property tax treatment of property damaged by calamity or disaster.
- The bill provides two situations when title to homestead property may change without the property being reassessed at just value.
- The bill provides property tax exemptions for certain property used for educational purposes.
- The bill clarifies the tax treatment of property that is partially exempt.
- The bill implements HJR 1377 (SJR 1182) related to flood mitigation by providing an assessment limitation for properties that are voluntarily elevated. These provisions become effective if HJR 1377 is approved by the electors at the general election in November of 2022.
- The bill repeals charitable hospital reporting requirements.

Corporate Income Tax

- The bill creates a corporate tax credit program for businesses that hire student interns. The program is only for Fiscal Years 2021-2022 and 2022-2023 and is capped at \$2.5 million for each fiscal year.

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

- The bill increases the credits available to corporations that clean contaminated property in Florida by \$17.5 million for Fiscal Year 21-22.

Documentary Stamp Tax

- The bill provides a documentary stamp tax exemption for documents that must be updated with a new interest rate index.

Various Taxes

- The bill creates a tax credit program for businesses contributing to charities that provide counseling for families. The program is capped at \$5.0 million per fiscal year.
- The bill repeals the Sports Development Program.
- The bill increases the distribution of cigarette tax revenues to the H. Lee Moffitt Cancer Center and Research Institute from 4.04 percent to 7 percent beginning July 1, 2021. Beginning July 1, 2024, the distribution increases to 10 percent.

Tax Administration

- The bill requires the Department of Revenue to use the prior year's tax rate on titanium dioxide in the event the index upon which the tax rate is calculated is unavailable.
- The bill removes penalties for persons who choose to pay their property taxes in installments, but fail to pay the first installment timely.
- The bill provides a process for freight forwarding companies to document exempt sales for export.
- The bill allows collection periods to be aggregated when determining the severity of offense committed by a person who fails to remit taxes.
- The bill requires dealers who maintain their records in an electronic format to provide them electronically when under audit.

If approved by the Governor, these provisions take effect July 1, 2021, except as otherwise provided in the act.

Vote: Senate 40-0; House 117-1

Committee on Governmental Oversight and Accountability

CS/CS/HB 37 — Abandoned Cemeteries

by Infrastructure and Tourism Appropriations Subcommittee; Government Operations Subcommittee; and Rep. Driskell and others (CS/SB 222 by Governmental Oversight and Accountability Committee and Senators Cruz and Stewart)

The bill creates a 10-member Task Force on Abandoned African-American Cemeteries (task force), adjunct to the Department of State, to study the extent that unmarked or abandoned African-American cemeteries and burial grounds exist throughout the state and to develop and recommend strategies for identifying and recording cemeteries and burial grounds while preserving local history and ensuring dignity and respect for the deceased.

The task force must hold its first meeting by August 1, 2021, and may meet as many times as it deems necessary to complete its duties. The task force must submit a report by January 1, 2022, detailing its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives.

The bill provides that the section establishing the task force expires on March 11, 2022.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

Committee on Governmental Oversight and Accountability

CS/CS/CS/HB 53 — Public Works

by State Affairs Committee; Public Integrity and Elections Committee; Government Operations Subcommittee; and Rep. DiCeglie and others (CS/CS/CS/SB 1076 by Rules Committee; Community Affairs Committee; Governmental Oversight and Accountability Committee; and Senator Brodeur)

For competitive solicitations for construction services, the bill prohibits a local ordinance or regulation that prevents the participation of specified entities in the bidding process based upon: (1) maintaining an office or place of business within a particular local jurisdiction; (2) hiring employees or subcontractors from within a particular local jurisdiction; or (3) prior payment of local taxes, assessments, or duties within a particular local jurisdiction. The prohibitions apply if such solicitations will be paid for with any state-appropriated funds.

The bill provides that the definition of “public works project” applies to pre-bid prohibitions to activities that exceed \$1 million in value and that are paid for with any state-appropriated funds. The bill prohibits the state or any political subdivision that contracts for a public works project from preventing a certified, licensed, or registered contractor, subcontractor, or material supplier or carrier, from participating in the bidding process based on the geographic location of the company headquarters or offices of the contractor, subcontractor, or material supplier or carrier submitting a bid on a public works project or the residences of employees of such contractor, subcontractor, or material supplier or carrier.

The bill requires the Office of Economic & Demographic Research (EDR), beginning with the annual assessment due January 1, 2022, to include an analysis of the expenditures necessary to repair, replace, and expand water-related infrastructure in their annual assessment of Florida's water resources and conservation lands.

By June 30, 2022, and every five years thereafter, the bill requires each county, municipality, or special district providing wastewater or stormwater services to develop a needs analysis for its jurisdiction over the subsequent 20 years. The analysis must be compiled and submitted to EDR, which must evaluate the compiled documents for the purpose of developing a statewide analysis for inclusion in the annual assessment due January 1, 2023. This bill provides that the analysis requirement applies to a rural area of opportunity as defined in s. 288.0656, F.S., unless such requirement would create an undue economic hardship for the county, municipality, or special district in the rural area of opportunity.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 24-16; House 79-34

Committee on Governmental Oversight and Accountability

SJR 204 — Abolishing the Constitution Revision Commission

by Senator Brandes

The joint resolution proposes to abolish the Constitution Revision Commission by repealing provisions establishing commission in the State Constitution. Currently, the State Constitution requires that a constitution revision commission be convened once every 20 years to examine the State Constitution and propose any amendments that it deems appropriate.

The joint resolution will be placed on the 2022 General Election ballot or at an earlier special election specifically authorized by law for that purpose. If approved by at least 60 percent of the votes cast on the measure, the proposed amendment will take effect January 3, 2023.

If approved by the voters, this amendment will take effect January 3, 2023.

Vote: Senate 27-12; House 86-28

Committee on Governmental Oversight and Accountability

CS/SB 400 — Public Records

by Governmental Oversight and Accountability Committee and Senator Rodrigues

The bill amends s. 119.07, F.S., to prohibit an agency that receives a public record request from responding to the request by filing an action for declaratory relief against the requester to determine whether that record meets the definition of a public record or if it is confidential or exempt.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 113-0

Committee on Governmental Oversight and Accountability

CS/CS/HB 781 — Public Records

by State Affairs Committee; Government Operations Subcommittee; and Rep. Robinson, W. (CS/CS/CS/SB 844 by Rules Committee; Community Affairs Committee; Governmental Oversight and Accountability Committee; and Senator Hooper)

The bill provides that certain exempt information, including home addresses, may be disclosed to the following persons, upon presentation of photo identification and affirmation by sworn affidavit to the county recorder, for the purpose of conducting a title search of the Official Records:

- An authorized title insurer and its affiliates.
- A title insurance agent or title insurance agency.
- An attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

For each document requested within the sworn affidavit, the bill requires the requestor to identify the Official Records book and page number, instrument number, or the clerk's file number, and to include a description of the lawful purpose and identify the individual or property that is the subject of the search within the sworn affidavit.

For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with the request by October 1, 2021. However, a county property appraiser or county tax collector may not remove the street address, legal description, or other information identifying real property within the agency's records if the name or personal information otherwise exempt from inspection and copying is not associated with the property or otherwise displayed in the public records of the agency. Further, any information restricted from public display, inspection, or copying pursuant to a written request must be provided to the individual whose information was removed.

The bill provides that upon the death of a protected party any party can request the county recorder to release a protected decedent's removed information unless there is a related request on file with the county recorder for continued removal of the decedent's information or unless such removal is otherwise prohibited by statute or by court order.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

Committee on Governmental Oversight and Accountability

CS/HB 909 — Cultural and Historical Programs

by Infrastructure & Tourism Appropriations Subcommittee and Rep. Sirois and others (CS/SB 1404 by Appropriations Committee and Senator Hooper)

The bill designates the Museum of Florida History as the official state history museum and makes several changes relating to the Division of Cultural Affairs and the Division of Historical Resources, including:

- Renaming the “Division of Cultural Affairs” to the “Division of Arts and Culture” and providing that the Secretary of State be known as “Florida’s Chief Arts and Culture Officer.”
- Transferring the Florida Folklife Program from the Division of Historical Resources to the newly named Division of Arts and Culture.
- Transferring the operation of the Museum of Florida History from the Division of Cultural Affairs to the Division of Historical Resources. Placing a duty on the Division of Historical Resources to establish professional standards for the preservation of the collections under state ownership.
- Transferring and revising provisions relating to property on loan to museums and property abandoned at museums.
- Revising inventory responsibilities of the Division of Historical Resources for objects of historical or archaeological value.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

Committee on Governmental Oversight and Accountability

CS/CS/SB 1040 — Duties of the Attorney General

by Appropriations Committee; Governmental Oversight and Accountability Committee; and Senator Brodeur

The bill repeals several functions of the Department of Legal Affairs (DLA) and the Attorney General and transfers several functions to other state agencies.

The bill eliminates the DLA's duties and responsibilities relating to neighborhood improvement districts.

The bill also transfers the duties and responsibilities of the DLA relating to claims for restitution from the DLA to the Department of Children and Families, the Department of Health, the Department of Juvenile Justice, the Department of Corrections, or the Agency for Persons with Disabilities.

The bill transfers the duties relating to the security of convenience businesses, their training curriculums, and enforcement authority from the DLA and the Attorney General to the Department of Business and Professional Regulation.

The bill provides that during a declared state of emergency, the sale or rental of a dwelling unit or self storage facility at an unconscionable price is only prohibited if the rental or sale was necessary for inhabitation or use as a direct result of the declared emergency. The bill allows the governor, by executive order, rather than by renewals of the declared state of emergency, to extend the prohibition.

The bill extends the repeal date for the Attorney General to have access to records ordered by a court in regard to the prescription drug monitoring program. The repeal date is delayed from June 30, 2021, to June 30, 2023.

If approved by the Governor, these provisions take effect June 30, 2021.

Vote: Senate 39-0; House 117-0

Committee on Governmental Oversight and Accountability

CS/HB 1055 — Pub. Rec./Trade Secrets

by Government Operations Subcommittee and Rep. Gregory and others (SB 1446 by Senator Boyd)

The bill makes confidential and exempt from public records copying and inspection requirements those trade secrets, as defined in in the Uniform Trade Secrets Act, held by an agency. This public records exemption expires October 2, 2026, unless reviewed and saved from repeal by the Legislature. An agency employee, acting in good faith and within the scope of his or her duties, is immune from criminal or civil liability for the release of the protected trade secrets.

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

Vote: Senate 40-0; House 112-2

Committee on Governmental Oversight and Accountability

CS/CS/HB 1079 — Agency Contracts for Commodities and Contractual Services

by State Affairs Committee; Government Operations Subcommittee; and Rep. Mariano and others (CS/CS/SB 1616 by Appropriations Committee; Governmental Oversight and Accountability Committee; and Senator Brodeur)

The bill includes several provisions for the evaluation, management, and oversight of competitively procured contracts for commodities and contractual services. Specifically, the bill:

- Prohibits an agency from initiating a competitive solicitation that would require a change in law or a change to the agency's budget, unless specifically authorized by the Legislature.
- Requires each agency contract to include authorization for the agency to inspect certain financial and programmatic records of the contractor relevant to the performance of the contract.
- Prohibits a contract by a state agency from containing a nondisclosure clause exempting certain information from disclosure by the contractor.
- For contract renewals or amendments that result in a longer contract term or increased payments, decreases from \$10 million to \$5 million the total contract threshold for when a report concerning contract performance must be submitted to the Governor and Legislature before executing the renewal or amendment.
- Requires the Secretary of Management Services to evaluate contracts let by the Federal Government, another state, or a political subdivision for the provision of commodities and contract services and make a determination in writing that the contract will provide the best value to the state.
- Requires an agency issuing a request for quote for contractual services for any contract with 25 approved vendors or fewer, to issue a request for quote to all approved vendors. For any contract with more than 25 approved vendors, the agency must issue a request for quote to at least 25 of the approved vendors.
- Requires a description of the commodities or contractual services subject to a single source contract be electronically posted for at least 15 business days.
- Requires each agency inspector general to complete a risk-based compliance audit of all contracts executed by the agency for the preceding three fiscal years and requires the audit to identify and evaluate any trend in vendor preference.
- Requires the creation of a "continuing oversight team" for each contractual services contract of \$5 million or greater and establishes meeting and reporting requirements for the teams.
- Expands training requirements and delineates the roles and responsibilities of contract managers, contract negotiators, and contract administrators.
- Requires supervisors of certain contract managers and contract administrators to annually complete training in public procurement.
- Provides that a vendor who is placed on the suspended vendor list is disqualified from bidding on or renewing a contract with the state.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 118-0

Committee on Governmental Oversight and Accountability

CS/CS/HB 1137 — Information Technology Procurement

by State Affairs Committee; Government Operations Subcommittee; and Rep. Fabricio and others (CS/CS/SB 1448 by Appropriations Committee; Governmental Oversight and Accountability Committee; and Senator Jones)

The bill expands the powers, duties, and functions of the Florida Digital Service (FDS).

The bill requires the FDS to establish technical standards to ensure that state agencies' information technology (IT) projects comply with the enterprise architecture.

The bill decreases the cost threshold that triggers the FDS oversight of cabinet agency IT projects from \$25 million to \$20 million and removes the requirement that a cabinet agency IT project impact one or more other agencies before triggering the FDS project oversight.

The bill requires the FDS to include in its IT-related policies a requirement that IT commodities and services purchased by the state meet the National Institute of Standards and Technology Cybersecurity Framework.

For an IT project where project oversight is required, the FDS must include in its IT-related policies a requirement that independent verification and validation (IV&V) be employed throughout the project lifecycle. Entities providing IV&V may not have a technical, managerial, or financial interest.

For state agency IT projects totaling \$10 million or more, a state agency must provide written notice to the FDS of any planned procurements. For these IT projects, the FDS must participate in the development of specifications and recommend modification of any planned procurements to ensure it complies with the enterprise architecture and must participate in post-award contract monitoring.

The bill provides that if an agency issues a request for quote (RFQ) to purchase information technology commodities, consultant services, or staff augmentation contractual services from the state term contract, for any contract with 25 approved vendors or fewer, the agency must issue a RFQ to all vendors approved to provide such commodity or service. For any contract with more than 25 approved vendors, the agency must issue a RFQ to at least 25 of the vendors approved to provide such commodity or contractual service.

Beginning October 1, 2021, and annually thereafter, the Department of Management Services must prequalify firms and individuals to provide IT staff augmentation contractual services on a state term contract.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 107-10

Committee on Governmental Oversight and Accountability

CS/CS/HB 1297 — Cybersecurity

by State Affairs Committee; Government Operations Subcommittee; and Reps. Giallombardo, Byrd and others (CS/CS/SB 1900 by Appropriations Committee; Governmental Oversight and Accountability Committee; and Senator Boyd)

The bill expands the duties and responsibilities of the Florida Digital Service (FDS) relating to the state's cybersecurity governance framework.

The bill defines "cybersecurity" to mean the protection afforded to an automated information system in order to attain the applicable objectives of preserving the confidentiality, integrity, and availability of data, information, and information technology (IT) resources. The bill makes conforming changes across several provisions by replacing all versions of the term "information technology security" with the term "cybersecurity."

The bill requires that a cybersecurity audit plan be included in the long-term and annual audit plans that agency inspectors general are required to complete.

The bill specifies the Department of Management Services (DMS), acting through the FDS, is the lead entity responsible for assessing state agency cybersecurity risks and determining appropriate security measures to combat such risks. The bill creates new, and amends current, cybersecurity-related duties and responsibilities of the DMS. The bill also expands the responsibilities of each state agency head in relation to cybersecurity.

The bill creates the Florida Cybersecurity Advisory Council (council) within the DMS. The purpose of the council is to assist the state in protecting the state's IT resources from cyber threats and incidents, and to assist the FDS in implementing best cybersecurity practices. The bill outlines membership requirements of the council, term requirements of each member, and duties and responsibilities of the council as a whole. The bill requires the members of the council to maintain the confidential or exempt status of information received in the performance of their duties and responsibilities as members of the council.

Beginning June 30, 2022, and annually thereafter, the council is required to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives outlining any recommendations considered necessary by the council to address cybersecurity.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

Committee on Governmental Oversight and Accountability

SB 7018 — Employer Contributions to Fund Retiree Benefits

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, 2021. 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 \$373.5 million more in revenue on an annual basis beginning July 1, 2021. The public employers that will incur these additional costs are state agencies, state universities and colleges, school districts, counties, municipalities, and other governmental entities that participate in the FRS.

The bill will have a fiscal impact on state funds appropriated by the Legislature for employee salaries and benefits. The bill will increase the amounts, in the aggregate, employers participating in the FRS must pay for retiree benefits.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 118-0

Committee on Governmental Oversight and Accountability

SB 7072 — Social Media Platforms

by Governmental Oversight and Accountability Committee and Senator Rodriguez

The bill establishes a violation for social media deplatforming of a political candidate or journalistic enterprise and requires a social media platform to meet certain requirements when it restricts speech by users. The bill prohibits a social media platform from willfully deplatforming a candidate for political office and allows the Florida Elections Commission to fine a social media platform \$250,000 per day for deplatforming a candidate for statewide office and \$25,000 per day for deplatforming any other candidate, in addition to the remedies provided in ch. 106, F.S. If a social media platform willfully provides free advertisements for a candidate, such advertisement is deemed an in-kind contribution, and the candidate must be notified.

The bill establishes restrictions for receiving economic benefits or contracting with public entities for certain social media platforms who have violated antitrust laws and who have been placed on the Antitrust Violator Vendor List. The Department of Management Services is required to maintain the Antitrust Violator Vendor List of the names and addresses of the people or affiliates who have been disqualified from the public contracting and purchasing process. The Attorney General is authorized to place an entity on the Antitrust Violator List on a temporary basis under specified circumstances. The bill provides for exceptions from the applicability of the antitrust violator provisions.

A social media platform that fails to comply with the requirements under the bill may be found in violation of the Florida Deceptive and Unfair Trade Practices Act by the Department of Legal Affairs. Additionally, a user of a social media platform may bring a private cause of action against a social media platform for failing to apply consistently certain standards and for censoring or deplatforming without proper notice.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 23-17; House 77-38

Committee on Governmental Oversight and Accountability

SB 7074 — Public Records/Social Media Platform Activities

by Governmental Oversight and Accountability Committee

The bill makes confidential and exempt from public records copying and inspection requirements information received by the Attorney General in an investigation into whether a social media platform has committed an antitrust violation based on a case brought by a governmental entity; or failed to meet certain requirements before restricting a user's speech. All such information remains confidential and exempt during the active investigation. Once the investigation ceases to be active, the following information remains confidential and exempt:

- All information to which another public records exemption applies;
- Personal identifying information;
- A computer forensic report;
- Information that would otherwise reveal weaknesses in a business's data security; and
- Proprietary business information.

This public records exemption expires October 2, 2026, unless saved from repeal by the Legislature.

If approved by the Governor, and if SB 7072 becomes law, these provisions take effect July 1, 2021.

Vote: Senate 27-13; House 79-39

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

HB 17 — Podiatric Medicine

by Reps. Bell, Killebrew, and others (CS/SB 170 by Health Policy Committee and Senators Hooper and Gruters)

The bill modifies three aspects of podiatric medicine.

The bill amends s. 461.007, F.S., to require that a minimum of two continuing education (CE) hours related to the safe and effective prescribing of controlled substances must be added to the CE hours that the Board of Podiatric Medicine may require as a condition of podiatric physician licensure renewal.

The bill creates s. 461.0155, F.S., to specify that podiatric physicians, when supervising medical assistants, are governed by s. 458.3485, F.S.

Finally, the bill amends s. 624.27, F.S., to add podiatric physicians to the list of health care providers who are authorized to enter into direct health care agreements with patients for the provision of health care services, without such agreements being considered insurance.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 183 — Office of Minority Health and Health Equity

by Professions and Public Health Subcommittee and Reps. Brown, Joseph, and others (CS/SB 404 by Health Policy Committee and Senator Rouson)

The bill creates s. 381.735, F.S., to assign duties and responsibilities to the Office of Minority Health and Health Equity (Office) within the Department of Health (DOH), which currently administers the Closing the Gap grant program. The bill requires the Office to develop and promote the statewide implementation of policies, programs, and practices that increase health equity in this state, including increased access to and quality of health care services for racial and ethnic minority populations. The bill also requires the Office to coordinate with agencies, organizations, and providers across the state to perform certain tasks, including gathering and analyzing data relating to health disparities.

The bill establishes that a representative from each county health department will serve as a liaison to the Office and that the Office will serve as a liaison to the federal Offices of Minority Health and Regional Health Operations. The bill requires the DOH to maintain specified information and data on its website that must be updated at least annually. The bill authorizes the DOH to adopt rules to implement the provisions of the bill.

The bill requires the Office to use all available resources and pursue opportunities for increased funding to implement its duties and responsibilities. The bill is projected to increase the DOH's workload and operational costs.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 38-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

HB 245 — Massage Therapy

by Reps. Chaney and others (CS/SB 352 by Health Policy Committee and Senator Rodriguez)

The bill replaces the term “massage” with “massage therapy” throughout ch. 480, F.S., and specifies that massage therapy is a therapeutic health care practice. The bill revises the legislative purpose for the necessity of regulating massage practice. Under current law, the Legislature had recognized the practice of massage as being potentially dangerous to the public. Under the bill, the Legislature recognizes that unregulated massage therapy poses a danger to the public.

The bill expands the scope of practice of massage therapy to include:

- Manipulation of the soft tissues of the human body to include use of the knee, whereas current law authorized the massage therapist to use only his or her hand, foot, arm, or elbow during the course of massage therapy treatment; and
- “Massage therapy assessments,” which the bill defines as the massage therapist’s determination of the course of a patient’s massage therapy treatment, for compensation.

Additionally, the bill provides an avenue for a massage therapist to bill health insurers and HMOs for massage-related services that are not applicable under current law.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 38-1; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/SB 262 — Dispensing Medicinal Drugs

by Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Harrell

The bill amends s. 465.019, F.S., to authorize medicinal drugs to be dispensed by a hospital that operates a Class II or Class III institutional pharmacy to a patient of the hospital's emergency department or a hospital inpatient upon discharge if a prescriber treating the patient in the hospital determines that:

- The medicinal drug is warranted; and
- Community pharmacy services are not readily accessible to the patient, geographically or otherwise.

If prescribing and dispensing occurs, the bill requires that a supply of the drug must be dispensed that will last for the greater of up to 48 hours or through the end of the next business day, and that during a declared state of emergency, a 72-hour supply may be dispensed by a hospital located in an area affected by the emergency.

Any of these new circumstances that authorize the prescription of a controlled substance must comply with existing regulations and restrictions on the prescribing of a controlled substance.

The bill has an insignificant fiscal impact on the Department of Health that can be absorbed within existing resources.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 272 — Rare Disease Advisory Council

by Appropriations Committee; Health Policy Committee; and Senator Baxley

The bill creates s. 381.99, F.S., to establish the Rare Disease Advisory Council (Council) adjunct to the Department of Health (DOH). The Council is tasked with providing recommendations to improve the health outcomes of Floridians who have a rare disease, defined as a disease that affects fewer than 200,000 people in the United States. The bill establishes the membership of the Council, as well as the length of the members' terms. The bill requires that the Council first meet by October 1, 2021, and provide its recommendations to the Governor and the State Surgeon General by July 1 of each year beginning in 2022.

The Council is tasked with:

- Consulting with experts and soliciting public comment to develop recommendations on improving the treatment of rare diseases in Florida;
- Developing strategies for academic research institutions to facilitate continued research on rare diseases;
- Developing strategies for health care providers to be informed on how to recognize and treat patients with a rare disease; and
- Providing input and feedback to the DOH, the Medicaid program, and other state agencies on matters that affect people with a rare disease.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/SB 348 — Medicaid

by Health Policy Committee and Senator Rodriguez

The bill requires Florida Medicaid to reimburse for Medicare crossover claims for non-emergency ambulance services provided to persons enrolled in both Medicare and Medicaid. Under preexisting law, Medicaid pays for emergency transportation crossover claims but not for non-emergency transportation crossover claims.

The bill requires Florida Medicaid to pay all deductibles and coinsurance for Medicare-covered services provided to Medicare-eligible recipients by ambulances licensed pursuant to ch. 401, F.S., according to the corresponding procedure codes for such services.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

SB 388 — Injured Police Canines

by Senators Wright, Book, Garcia, and Taddeo

The bill authorizes an emergency service transport vehicle permit holder to transport a police canine injured in the line of duty to a veterinary clinic or similar facility if no person requires medical attention or transport at that time. The bill authorizes emergency medical technicians (EMTs) and paramedics to provide emergency medical care to an injured police canine at the scene of an emergency or while the canine is being transported.

The bill authorizes EMTs and paramedics to provide emergency care to a police canine injured in the line of duty, exempts EMTs and paramedics from the application of the veterinary practice act for the provision of such care, and provides civil and criminal immunity to EMTs and paramedics for such care that is provided in good faith.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 114-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 431 — Practice of Physician Assistants

by Health and Human Services Committee; Professions and Public Health Subcommittee; Rep. Rommel and others (CS/CS/SB 894 by Appropriations Committee; Health Policy Committee; and Senator Diaz)

The bill expands the scope of practice of physician assistants (PA) by allowing them to:

- Prescribe psychiatric mental health controlled substances to minors under certain circumstances;
- Procure certain medical equipment and devices;
- Supervise medical assistants; and
- Sign and certify documents that currently require a physician's signatures including, but not limited to, Baker Act commitments, do-not-resuscitate orders, school physicals, and death certificates. The bill specifies that a PA may not sign for medical marijuana certifications under s. 381.986, F.S., or workers compensation medical examinations required to determine maximum medical improvement under s. 440.02, F.S., and an impairment rating under s. 440.15, F.S.

Current law requires that an applicant for a PA license must provide a certificate of completion of a board approved PA program. The bill establishes new educational requirements for PA licensure, based on an applicant's year of graduation from an approved PA program, as follows:

- For an applicant who has graduated after December 31, 2020, he or she must have received a master's degree in accordance with the Accreditation Review Commission on Education for the Physician Assistant;
- For an applicant who graduated on or before December 31, 2020, he or she must have received a bachelor's or master's degree from an approved program;
- For an applicant who graduated before July 1, 1994, has graduated from an approved program of instruction in primary health care or surgery; and
- For an applicant who graduated before July 1, 1983, has received a certification as a PA from boards.

The bill further authorizes the board to grant a license to an applicant who does not meet the above specified educational requirements, but who has passed the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physician Assistants before 1986.

The bill also authorizes physician assistants to directly bill for and receive payments from public and private insurance companies for the services they deliver.

Current law limits the number of physician assistants a physician can supervise to four. The bill expands the number of PAs that a physician can supervise to 10.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 38-2; House 111-1

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

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 485 — Personal Care Attendants

by Health and Human Services Committee; Finance and Facilities Subcommittee; Reps. Garrison; Rayner and others (CS/CS/SB 1132 by Appropriations Committee; Health Policy Committee; and Senator Bean)

The bill establishes in law a personal care attendant (PCA) program for nursing homes. The bill authorizes a nursing home to hire PCAs who are participating in the training program developed by the Agency for Health Care Administration (AHCA) in accordance with federal requirements for nurse aide training. Each PCA may only work for a single nursing home for a period of four consecutive months before becoming a certified nursing assistant. During the four month period, the nursing home may count the hours worked by the PCA as CNA hours for the purposes of staffing requirements; however, the bill specifies that a PCA may not perform any task that requires clinical assessment, interpretation, or judgement.

Prior to having direct contact with a resident, the PCA must complete 16 hours of required education developed by the AHCA. The bill specifies what topics, at a minimum, must be covered by such education and allows the AHCA to add to the content areas covered. The bill requires the AHCA to develop the PCA training program and adopt rules to implement the provisions of the bill.

The bill specifies that should the Governor's Executive Order 20-52 (related to COVID-19) be terminated before the AHCA adopts rules to implement the PCA program that the current PCA program, which is authorized on an emergency basis, be allowed to continue until the adoption of such rules.

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

Vote: Senate 32-7; House 106-11

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

SB 530 — Nonopioid Alternatives

by Senator Perry

The bill amends s. 456.44, F.S., to allow a specific educational pamphlet, which must be provided to health care patients or their representatives under certain circumstances, to be provided electronically or in printed form, instead of only in printed form as required under current law. The pamphlet contains information on the use of nonopioid alternatives for the treatment of pain and must be provided when a patient will receive anesthesia or will be prescribed certain opioid medications.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 108-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 716 — Consent for Pelvic Examinations

by Judiciary Committee; Health Policy Committee; and Senator Book

The bill amends, narrows, and simplifies the definition of “pelvic examination.” It amends current law requiring written consent for all pelvic examinations performed by health care practitioners and trainees, to requiring written consent for health care practitioners and trainees to performing pelvic examinations on anesthetized or unconscious patients. The bill further requires verbal consent, in addition to written consent, if the patient is conscious. The bill provides exceptions to the need to obtain consent as follows:

- The bill maintains current law exception for court orders.
- The bill modifies the current law exception allowing a pelvic examination without consent to avert a serious risk of imminent, substantial and irreversible physical impairment of a major bodily function, to permit a pelvic examination without consent when it is necessary to provide emergency services and care.
- The bill adds three new exceptions, thereby allowing an examination without consent when:
 - A patient has emergency medical conditions;
 - Administered as part of a child protective investigation; or
 - The examination is administered pursuant to a criminal investigation alleging certain offenses related to child abuse and neglect.

The bill further provides that a single written consent for a pelvic examination may authorize multiple health care practitioners or students to perform a pelvic examination on a pregnant woman having contractions in a hospital.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 768 — Administration of Vaccines

by Rules Committee; Children, Families, and Elder Affairs Committee; and Senator Baxley

The bill expands the types of vaccines that pharmacists and pharmacy interns may administer to adults within the framework of an established protocol with a supervising physician licensed under ch. 458 or 459, F.S.

The bill authorizes pharmacists and pharmacy interns who are certified by the Board of Pharmacy (BOP) and have completed specified educational and other requirements, to administer to adults any immunization or vaccine that is:

- Listed in the federal Centers for Disease Control and Prevention’s (CDC) Adult Immunization Schedule, as of April 30, 2021;
- Recommended by the CDC for international travel, as of April 30, 2021; or
- Licensed for use in the United States, or authorized for emergency use, by the federal Food and Drug Administration (FDA), as of April 30, 2021.

The BOP may authorize additional immunizations and vaccines that may be administered to adults by certified pharmacists and pharmacy interns as they are added to the lists of approved immunizations and vaccines as denoted in the paragraph above.

Additionally, the bill authorizes pharmacists who are certified to administer vaccines and immunizations to adults to also administer influenza vaccines to children seven years of age or older.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 29-11; House 112-4

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/CS/HB 805 — Volunteer Ambulance Services

by Health and Human Services Committee; Local Administration and Veterans Affairs Subcommittee; Professions and Public Health Subcommittee; and Reps. Caruso, McClure, and others (CS/SB 1084 by Health Policy Committee and Senators Pizzo, Book, and Rodriguez)

The bill authorizes vehicles of certain not-for-profit faith-based volunteer ambulance services (“volunteer ambulance services,”) as authorized by the chief of police of an incorporated city or any sheriff of any county, to display red lights and operate emergency lights and sirens while responding to an emergency. The bill also authorizes privately owned vehicles belonging to medical staff physicians and technicians of volunteer ambulance services to use red lights on privately owned vehicles and to disregard specified traffic laws and ordinances while responding to an emergency. Under the bill any emergency medical technician, doctor, or paramedic who is using his or her personal vehicle with a red light to respond to an emergency call must have completed a 16-hour emergency vehicle operator course.

The bill provides a legislative finding that is in the public interest to foster the development of emergency medical services that address religious sensitivities and recognizes the value of augmenting existing county and municipal emergency medical services with those provided by volunteer service organizations.

Under current law, to be licensed as a basic or advanced life support service by the Department of Health, an applicant must obtain a certificate of public convenience and necessity (COPCN) from each county in which it will operate. The bill exempts certain not-for-profit faith-based volunteer first responder agencies who have been operating in this state for at least 10 years, and which provide advanced or basic life support services solely through at least 50 unpaid licensed emergency medical technician or paramedic volunteers, from COPCN requirements. To be exempt from the COPCN requirements, the volunteer ambulance service must also provide services free of charge, not receive government funding (excluding specialty license plate proceeds), provide a disclaimer on all written materials that the volunteer ambulance service is not associated with the state’s 911 system, and meet other requirements as outlined in the bill. The COPCN exemption created in the bill may be granted to no more than four counties.

The bill requires an applicant to take all reasonable efforts to enter into a memorandum of understanding with the emergency medical services licensee within whose jurisdiction the applicant will provide services in order to facilitate communications and coordinate emergency services for situations beyond the scope of the applicant's capacity and for situations of advanced life support that are deemed priority 1 or priority 2 emergencies.

The bill prohibits county and municipal governments from limiting, prohibiting, or preventing volunteer ambulance services from responding to emergencies or providing emergency medical services or transport; and from requiring volunteer ambulance services to obtain a license or certificate or pay a fee.

Under the bill, an emergency medical services provider or fire rescue services provider operated by a county, municipality, or special district is responsible for the care and transport of an unresponsive patient if a volunteer ambulance service arrives at the scene of an emergency simultaneously with such a provider and a person authorized to consent to the medical treatment of the unresponsive patient is not present.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 98-12

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 833 — Unlawful Use of DNA

by Judiciary Committee and Rep. Tomkow and others (CS/SB 1140 by Rules Committee and Senators Rodrigues and Garcia)

The bill establishes the “Protecting DNA Privacy Act.” The bill establishes four new crimes related to the unlawful use of deoxyribose nucleic acid (DNA). The bill provides that:

- It is a first degree misdemeanor for a person to willfully, and without express consent, collect or retain another person’s DNA sample with the intent to perform DNA analysis.
- It is a third degree felony for a person to willfully, and without express consent, submit another person’s DNA sample for DNA analysis or to conduct or procure the conducting of another person’s DNA analysis.
- It is a third degree felony for a person to willfully, and without express consent, disclose another person’s DNA analysis results to a third party except that a person who discloses another person’s DNA analysis that were previously voluntarily disclosed by the person whose DNA was analyzed, or such person’s legal guardian or authorized representative, does not commit the crime.
- It is a second degree felony for a person to willfully, and without express consent, sell or otherwise transfer another person’s DNA sample or the results of another person’s DNA analysis to a third party, regardless of whether the DNA sample was originally collected, retained, or analyzed with express consent.

The bill specifies that each instance of the above crimes constitutes a separate violation which entails a separate penalty. The bill amends s. 760.40, F.S., which is the current law governing DNA privacy, to define the terms “express consent,” “exclusive property,” and “DNA sample” and to conform to the changes made by the bill. The definitions established in s. 760.40, F.S., also apply to the newly created s. 817.5655, F.S.

The bill provides exceptions to the crimes established in the bill for:

- Criminal investigations and prosecutions;
- Complying with a subpoena, summons, or other lawful court order;
- Complying with federal law;
- The medical diagnosis and treatment of a patient under certain circumstances;
- The newborn screening program established in s. 383.14, F.S.;
- Determining paternity under ss. 409.256 or 742.12(1), F.S.;
- Performing any activity authorized in s. 943.325, F.S., pertaining to the criminal DNA database; and
- Conducting research pursuant to specified federal requirements.

The bill specifies that its provisions only apply to DNA samples collected in Florida and only to the use, retention, maintenance, and disclosure of DNA samples or analysis results after the bill’s effective date.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 22-18; House 85-28

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 905 — Program of All-Inclusive Care for the Elderly

by Health and Human Services Committee and Reps. Roach, Rommel, and others (CS/CS/SB 1242 by Appropriations Committee; Health Policy Committee; and Senator Book)

The bill codifies the Program of All-Inclusive Care for the Elderly (PACE) in s. 430.84, F.S., by establishing a statutory process for the review, approval, and oversight of future and current PACE organizations. The bill authorizes the Agency for Health Care Administration (AHCA), in consultation with the Department of Elder Affairs (DOEA), to approve entities that have submitted the required application and data to the federal Centers for Medicare and Medicaid Services (CMS) as PACE organizations pursuant to federal regulations. The bill requires all PACE organizations to meet specific quality and performance standards established by the federal CMS and the AHCA. The bill authorizes a PACE organization that has received funding for slots in a given geographic area to use the funding and slots to provide services in an authorized contiguous geographic area, upon approval from AHCA. The bill directs the AHCA to provide oversight and monitoring of Florida's PACE program and organizations.

The bill also exempts all PACE organizations from the requirements of ch. 641, F.S., which regulates health maintenance organizations, prepaid health clinics, and other health care service programs.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 1057 — Agency for Health Care Administration

by Finance and Facilities Subcommittee and Rep. Garrison (CS/SB 1292 by Health Policy and Senator Bean)

The bill:

- Eliminates the requirement that the Agency for Health Care Administration (AHCA) submit a report to the Legislature by January 1 of each year on the operation of the Pharmaceutical Expense Assistance Program.
- Updates provisions setting reimbursement rates for providers of prescribed drugs. Under the bill, a provider of prescribed drugs will be reimbursed in an amount not to exceed the lesser of:
 - The actual acquisition cost based on the federal CMS National Average Drug Acquisition Cost pricing files plus a professional dispensing fee;
 - The wholesale acquisition cost plus a professional dispensing fee;
 - The state maximum allowable cost plus a professional dispensing fee; or
 - The usual and customary charge billed by the provider.
- Deletes obsolete language relating to the Medicaid payment of professional dispensing fees. Effective April 1, 2017, federal CMS implemented the use of the term “professional dispensing fee” and mandated that certain criteria be met in setting the dispensing fee. In response, the AHCA updated the Medicaid state plan with a new professional dispensing fee that does not conform to s. 409.908(14)(b) and (c), F.S.
- Deletes a provision requiring the AHCA to ensure that any therapeutic class of drugs, including drugs that have been removed from distribution to the public by their manufacturer or by the federal Food and Drug Administration (FDA) or that have been required to carry a black box warning label by the federal FDA because of safety concerns, is reviewed by the Medicaid Pharmaceutical and Therapeutics Committee at its next regularly scheduled meeting. If drugs covered by Florida Medicaid are removed from distribution for safety reasons or because of an FDA-mandated black box warning, the AHCA does not wait for the quarterly committee meetings or for its recommendations because the safety of enrollees could be at stake.
- Corrects a provision in current law to reflect that the AHCA is responsible for Medicaid fair hearings in which preferred drug formulary decisions are appealed, rather than the Department of Children and Families.
- Clarifies that AHCA must timely respond to requests for “prior authorizations” associated with prescribed drugs under the Medicaid fee for service (FFS) program, rather than responding to requests for “prior consultations.”
- Deletes outdated provisions requiring the AHCA to expand home delivery of pharmacy products. The FFS and managed care plans currently provide for mail order delivery of drugs.
- Deletes an obsolete provision limiting the doses of sexual or erectile dysfunction drugs, as Florida Medicaid does not cover such drugs based on a federal prohibition. In 2005, federal law was amended to prohibit Medicaid federal financial participation for drugs

used for the treatment of sexual or erectile dysfunction, unless such drugs were approved by the federal Food and Drug Administration to treat a different condition.

- Eliminates the requirement that the AHCA report quarterly to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the progress made on implementing s. 409.912(5), F.S., relating to Medicaid prescribed drug spending and its effect on expenditures.
- Repeals s. 409.91213, F.S., to eliminate the requirement that the AHCA submit a quarterly progress report and an annual report relating to the 1115 Managed Medical Assistance waiver to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability.
- Creates an exception to the requirement that determinations of medical necessity must be made by a licensed physician employed by or under contract with the AHCA. The exception enables doctoral-level, board-certified behavior analysts to make determinations of medical necessity for behavior analysis services in addition to licensed physicians. The bill also requires a determination of medical necessity to be based on information available at the time the goods or services are requested, rather than when they are provided. This change will bring Florida law into line with federal regulations.
- Repeals s. 765.53, F.S., to dissolve the Organ Transplant Advisory Council.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 1157 — Freestanding Emergency Departments

by Health and Human Services Committee and Rep Koster and others (CS/SB 1976 by Appropriations Committee and Senator Brodeur)

The bill defines the term “hospital-based off-campus emergency department” (HBOCED) and amends current law to draw a stronger distinction between HBOCEDs and urgent care centers (UCC). The bill restricts an HBOCED from holding itself out as a UCC and requires that a HBOCED clearly identify itself as an emergency department (ED) and post signage in conspicuous areas that specified that the HBOCED is an ED and not a UCC. The bill also includes similar identity transparency requirements for all HBOCED advertising.

The bill requires the Agency for Health Care Administration (AHCA) to publish the following information on its website, which must be updated at least annually:

- A description of the differences between an HBOCED and a UCC;
- At least two examples illustrating the cost differences between non-emergent care provided in a hospital ED setting and a UCC;
- An interactive tool for consumers to locate local urgent care centers; and
- Steps to take in the event of a true emergency.

Hospitals must post a link to the information provided by AHCA on a prominent location on their websites.

The bill also requires a health insurer to post on its website at least two examples illustrating the impact on insured and insurer paid amounts of inappropriate utilization of nonemergent services and care in a hospital ED setting, compared to a UCC and an interactive tool to locate in-network and out-of-network UCCs.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-1; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 1381 — Maternal Health Outcomes

by Professions and Public Health Subcommittee and Rep. Brown and others (CS/SB 1540 by Health Policy Committee and Senator Gibson)

The bill authorizes Closing the Gap grants to be awarded to projects that aim to decrease racial and ethnic disparities in severe maternal morbidity rates and other maternal health outcomes. The bill requires the Department of Health (DOH) to coordinate with existing community-based maternal health programs.

The bill creates telehealth minority maternity care pilot programs in Duval and Orange counties to use telehealth to expand capacity for positive maternal health outcomes in racial and ethnic minority populations. The bill provides detailed requirements for the pilot programs, including specifying services that the programs must provide, or coordinate with prenatal home visiting services to provide to eligible pregnant women. The bill authorizes the DOH to adopt rules to implement the pilot programs.

The bill requires the DOH to use funds appropriated by the Legislature for the Closing the Gap grant program to fund the pilot programs. The bill also requires the DOH's Division of Community Health Promotion and its Office of Minority Health and Health Equity to work together to apply for available federal funds to assist in the implementation of the bill.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/SB 1770 — Genetic Counseling

by Health Policy Committee and Senator Jones

The bill creates a new licensed and regulated profession, genetic counseling, within the Department of Health (DOH) in ch. 483, Part III, F.S., and authorizes the new practice act to be cited as the “Genetic Counseling Workforce Act.” The bill provides:

- Legislative intent and findings to establish a new profession and definitions for:
 - Genetic counselor; and
 - Scope of practice of genetic counseling.
- Requirements for initial licensure, renewal, and continuing education;
- Grounds for disciplinary action and penalties; and
- Exemptions from genetic counseling regulation for:
 - Commissioned medical officers of the United States Armed Forces or Public Health Service while on active duty; and
 - Health care practitioners as defined in s. 456.001, F.S., other than genetic counselors, who are practicing within the scope of their education, training, and licensure.

The bill includes a “conscience clause” allowing a genetic counselor to refuse to participate in counseling that conflicts with his or her deeply held moral or religious beliefs. The license of a genetic counselor may not be contingent upon participation in such counseling. A genetic counselor’s refusal to participate in counseling that conflicts with his or her deeply held moral or religious beliefs may also not form the basis for any claim of damages or for any disciplinary action against a genetic counselor, provided:

- The genetic counselor informs the patient that he or she will not participate in such counseling; and
- Offers to direct the patient to the online health care practitioner license verification database maintained by the DOH.

The bill amends s. 456.001, F.S., to include genetic counselors in the definition of a health care practitioner and makes a technical change to s. 20.43, F.S. Genetic Counselors are regulated by the DOH under the department’s general regulatory authority established in s. 20.43, F.S.

The bill appropriates \$41,535 in recurring and \$4,429 in nonrecurring funds from the Medical Quality Assurance Trust Fund for the purpose of implementing the act.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 36-4; House 116-1

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/SB 1934 — Health Care Practitioner Discipline

by Rules Committee and Senators Book and Taddeo

The bill creates s. 456.074(5), F.S., to specify offenses that require the Department of Health (DOH) to issue an Emergency Suspension Order (ESO) against any health care practitioner who is arrested for such offenses. The bill requires the DOH to issue an ESO if a health care practitioner is arrested for committing or attempting, soliciting, or conspiring to commit any one of the listed criminal offenses involving a child, an individual with mental or physical disabilities, or the elderly, or a similar offense in another jurisdiction.

The bill also amends s. 456.072, F.S., to expand the list of offenses that are grounds for disciplinary action against the license of a health care practitioner regulated by the DOH, to include:

- Being convicted, found guilty, pleading guilty, or pleading nolo contendere, regardless of adjudication, to any of the crimes listed in s. 456.074(5), F.S.; or
- Attempting, soliciting, or conspiring to commit an act that would constitute a crime listed in s. 456.074(5), F.S., or similar crime in another jurisdiction.

The bill amends s. 456.074(1), F.S., to add homicide to list of offenses that require the DOH to issue an ESO and broadens the application to any health care practitioner, instead of those currently listed in statute, if he or she pleads guilty to, is convicted or found guilty of, or who pleads nolo contendere regardless of adjudication.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

HB 7001 — OGSR/Nurse Licensure Compact

by Government Operations Subcommittee and Reps. Garrison and others (SB 7000 by Health Policy Committee)

The bill amends s. 464.0096, F.S., to save from repeal the following public records and meeting exemptions relating to the Nurse License Compact (NLC):

- The personal identifying information of a registered nurse or licensed practical nurse who holds a multistate license under the NLC, other than the nurse's name, licensure status, or license number, which is held by the Department of Health or the Board of Nursing and was received from the NLC's Coordinated Licensure Information System;
- The recordings, minutes, and records generated during an exempt meeting of the Interstate Commission of Nurse Licensure Compact Administrators (Commission); and
- A public meeting, or portion of a meeting, of the Commission at which matters specifically exempt from disclosure under the State Constitution, or under federal or state statute, are discussed.

The public record and meeting exemptions in s. 464.0096, F.S., stand repealed on October 2, 2021, unless reviewed and reenacted by the Legislature. This bill removes the scheduled repeal of these exemptions.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 39-0; House 115-0

Committee on Judiciary

CS/HB 35 — Legal Notices

by Judiciary Committee and Reps. Fine, Fischer, and others (CS/CS/SB 402 by Appropriations Committee; Judiciary Committee; and Senator Rodrigues)

The bill provides an option for governmental agencies required by law to publish certain legal notices to publish those notices on a newspaper's website in lieu of a paper-based publication. An agency wishing to exercise this option may only do so upon the agency finding, pursuant to a publicly noticed hearing, that such an Internet-based publication is in the public interest and that residents have sufficient access to the Internet in order to review any legal notices published in this format. This determination must be made by a majority vote of the governing body.

If a governmental agency exercises the option to publish legal notices on a newspaper website, the agency must provide an additional notice at least once per week in a print edition newspaper of general circulation. This notice must contain a statement that legal notices pertaining to the agency do not all appear in the print edition of the local newspaper and that a full listing may be accessed on the statewide legal notice website located at the website managed by the Florida Press Association.

The bill expands the types of publications that qualify to publish legal notices. Currently, a newspaper must, among other requirements, be "for sale to the general public" and be qualified to be admitted and entered as a periodical matter the local post office. By removing these two requirements, the bill will allow for legal notices to be published in some smaller publications that are free to the public.

The bill requires the Florida Press Association to ensure that minority populations throughout the state have equitable access to legal notices that are posted on the statewide website. Additionally, the association must publish a quarterly report with the following information:

- A list of all newspapers that placed notices on the statewide legal notices website;
- The number of unique visitors to the statewide legal notices website;
- The number of legal notices published in print;
- The number of legal notices published by Internet-only publication; and
- The statutory criteria that qualified each newspaper to publish legal notices and advertisements.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 105-9

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

HB 67 — Public Defender Duties

by Rep. Fernandez-Barquin (SB 752 by Senator Gruters)

The bill specifies that a court may not appoint a public defender when the defendant has already retained private counsel. However, the bill does not prohibit the appointment of a public defender in situations where a defendant is no longer represented by private counsel.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/SB 72 — Civil Liability for Damages Relating to COVID-19

by Rules Committee and Senators Brandes, Perry, Baxley, and Hutson

The bill (Chapter 2021-1, L.O.F.) creates civil liability protections for individuals, businesses, governmental entities, and other organizations against COVID-19-related claims. The bill provides lesser liability protections to health care providers, who are defined in the bill, and provides procedures for civil actions against them.

Liability Protections for COVID-19-Related Claims

For a claim against a person, business, or other entity, but generally not a health care provider, the bill establishes preliminary requirements that a plaintiff must complete before the case may proceed. A court must determine whether:

- The complaint was pled with particularity.
- The complaint is supported by a physician's affidavit attesting to the physician's belief, within a reasonable degree of medical certainty, that the defendant caused, through acts of omissions, the plaintiff's damages, injury, or death. If the plaintiff did not meet these requirements, the court must dismiss the action, but the plaintiff may correct the deficiencies and refile the claim.
- The defendant made a good faith effort to substantially comply with authoritative or controlling health standards when the actions accrued.

If the court determines that the defendant made the requisite good faith effort, the defendant is immune from civil liability. However, if the court determines that the defendant did not make the requisite good faith effort, the lawsuit may proceed.

If the defendant is not immune, the plaintiff must meet the heightened standard of proving that the defendant's acts or omissions were grossly negligent by the clear and convincing evidence standard.

Liability Protections for Health Care Providers

The liability protections for COVID-19-related claims against a health care provider mainly relate to claims:

- Arising from the diagnosis or treatment of a person for COVID-19;
- The provision of a novel or experimental COVID-19 treatment;
- The transmission of COVID-19; and
- The delay or cancellation of a surgery or medical procedure.

To prevail in a claim against a health care provider, the plaintiff must plead the claim with particularity and generally must prove by the greater weight of the evidence that the health care provider was grossly negligent or engaged in intentional misconduct.

A COVID-19-related lawsuit against any type of defendant must be brought within 1 year after a cause of action accrues unless the cause of action occurred before the effective date of the bill. However, if a cause accrues before the effective date of the bill, the plaintiff has 1 year from the effective date of the act to bring the claim.

While the bill takes effect upon becoming a law, it applies retroactively. However, the bill does not apply in a civil action against a particular named defendant to a suit filed before the bill's effective date.

These provisions became law upon approval by the Governor on March 29, 2021.

Vote: Senate 24-15; House 83-31

Committee on Judiciary

CS/CS/CS/SB 88 — Farming Operations

by Rules Committee; Environment and Natural Resources Committee; Judiciary Committee; and Senators Brodeur, Baxley, Albritton, and Perry

The bill (Chapter 2021-7, L.O.F.) amends the Florida Right to Farm Act. The general purpose of the act is to protect reasonable agricultural activities conducted on farm land from nuisance lawsuits. The bill provides stronger liability protections to farms that comply with best management practices and environmental regulations.

The definition of “farm operations” is expanded to add “agritourism” activities to the list of farm operations that receive limited legal protections from nuisance suits and other similar civil actions. The definition is further revised to include the generation of “particle emissions” to the list of conditions or activities that constitute farm operations.

The bill defines “established date of operation” for an agritourism activity as the date the specific agritourism activity commenced, providing for a separate established date of operation for an agritourism activity than for the farm operation.

The bill defines “nuisance” to mean any interference with the reasonable use and enjoyment of land, including, but not limited to, noise, smoke, odors, dust, fumes, particle emissions, or vibration. The term also includes all legal claims that meet the requirements of the definition of nuisance, regardless of whether a plaintiff designates those claims as brought in an action for nuisance, negligence, trespass, personal injury, strict liability, or some other tort.

The burden of proof that a plaintiff must meet in a nuisance action is raised to the clear and convincing evidence standard if the claim is based upon allegations that the defendant’s conduct did not comply with state or federal environmental laws, regulations, or best management practices.

The bill limits those who may bring a nuisance action against a farm operation to people whose real property that is alleged to be damaged is located within one-half mile of the alleged source of the nuisance.

The bill limits compensatory damages in a private nuisance action to the reduction in the fair market value of the plaintiff’s property, which may not exceed the fair market value of the property.

The bill prohibits a plaintiff from recovering punitive damages for a farm operation in a nuisance action unless the alleged nuisance is based on substantially the same conduct that was subject to a civil enforcement judgment or criminal conviction and the conviction or judgment occurred within 3 years of the first action that formed the basis of the nuisance action.

A losing plaintiff is liable for a farm's litigation costs and expenses incurred defending a nuisance action if the farm operation has been in existence for 1 year or more before the legal action was instituted and the farm operation conforms to generally accepted agricultural and management practices or government environmental laws.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 37-1; House 110-7

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

HB 241 — Parents’ Bill of Rights

by Reps. Grall, Byrd, and others (CS/CS/SB 582 by Education Committee; Judiciary Committee; and Senators Rodrigues, Baxley, and Albritton)

The bill establishes the “Parents’ Bill of Rights.” The bill provides that the state, its political subdivisions, any other governmental entity, or other institution may not infringe upon the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of a minor child. If those entities infringe upon a parent’s fundamental right, they must demonstrate that the action is reasonable and necessary to achieve a compelling state interest, and the action must be narrowly tailored and not otherwise served by less restrictive means.

The bill enumerates a list of rights that a parent possesses in order to direct the education of his or her child and be informed about the child’s educational programs. The bill also requires a school district to promote parental involvement in the public school system by providing access to the child’s studies and instructional materials while recognizing a parent’s right to withdraw the child from objectionable portions of the school’s curriculum.

The bill further requires a parent’s permission before a health care practitioner may provide services, prescribe medicine to the child, or perform a medical procedure, unless otherwise provided by law. The bill provides a misdemeanor penalty for a health care practitioner or similar person who violates the health care provisions and subjects these persons to disciplinary actions.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 24-15; House 78-37

Committee on Judiciary

CS/CS/HB 259 — Safety of Religious Institutions

by Judiciary Committee; Education and Employment Committee; and Reps. Williamson, Byrd, and others (CS/SB 498 by Criminal Justice Committee; and Senators Gruters, Brandes, Hutson, Baxley, Rodriquez, Rodrigues, Broxson, Albritton, Bradley, and Simpson)

The bill addresses the possession of a concealed weapon or firearm for defensive or other lawful purposes on property used by a religious institution that is co-located with a school. Under existing law, a person who has a concealed weapon or firearm license may legally carry a firearm inside a church, synagogue, or other religious institution. However, the person is generally prohibited from carrying a firearm on property that is located in an area where firearms are prohibited, such as a school. Under the bill, a person who has a concealed weapon or firearm license may carry a concealed weapon or firearm on the property of a religious institution regardless of whether the property is also used as a school.

The bill further states that it “does not limit the private property rights of a church, synagogue, or other religious institution to exercise control over property that the church, synagogue, or other religious institution owns, rents, leases, borrows, or lawfully uses.” Accordingly, religious institutions and owners of property borrowed or used by a religious institution may continue to regulate and prohibit firearms on their own property.

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

Vote: Senate 24-16; House 76-37

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/SB 354 — Restitution

by Rules Committee; Judiciary Committee; and Senator Harrell

The bill amends criminal law and juvenile delinquency law to provide that restitution owed to a victim must be determined on a fair market value basis unless the state, victim, or defendant shows that using another basis, including, but not limited to, replacement cost, purchase price less depreciation, or actual cost of repair, is equitable and better furthers the purposes of restitution. The bill specifies that the primary purpose of restitution is to compensate the victim, and that restitution also serves the rehabilitative and deterrent goals of the criminal and juvenile justice systems. The court may consider hearsay evidence for the purpose of determining restitution, provided that the hearsay evidence has a minimal indicia of reliability.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 114-1

Committee on Judiciary

CS/CS for HB 421 & HB 1101 — Relief from Burdens on Real Property Rights

by Judiciary Committee; Local Administration and Veterans Affairs Subcommittee; and Reps. Tuck, Persons-Mulicka, and others (CS/CS/SB 1876 by Rules Committee; Judiciary Committee; and Senator Albritton)

The bill amends the Bert J. Harris, Jr., Private Property Rights Protection Act and the Florida Land Use and Environmental Dispute Resolution Act. Both acts provide procedures and remedies to land owners whose property is inordinately burdened by a local government regulation. In the Bert Harris Act, the definitions of an “action of a governmental entity” is revised to include government actions that affect “real property including acting on an application or permit or adopting or enforcing any ordinance, resolution, regulation, rule, or policy.” The term “real property” is amended to mean, in part, land and any surface, subsurface, or mineral estates and any appurtenances and improvements to the land, including other relevant interests.

The bill also revises the definition of “land” or “real property” in The Florida Land Use and Environmental Dispute Resolution Act to match, by cross-reference, the newly amended definition of real property in the Bert Harris Act.

Additionally, the bill revises the Bert Harris Act to:

- Reduce the timeframe under which a claimant must notify the government before filing an action for compensation;
- Specify that written settlement offers are presumed to protect the public interest;
- Allow the claimant to have the court, rather than a jury, determine damages;
- Extend the point in time from which a prevailing claimant may recover attorney fees and costs; and
- Authorize a property owner to pursue a claim for compensation in certain circumstances without first formally pursuing an application for a development order, development permit, or building permit when doing so is deemed to constitute a waste of resources.

The Bert Harris Act is also amended to provide that a real property owner who files a claim under the Act remains entitled to relief for that claim even if he or she subsequently relinquishes legal title to the real property in question before the conclusion of proceedings to resolve the claim. (This appears to reverse the holding in a recent Second District Court of Appeals case in which the plaintiff, who sold the property while litigating a claim, was determined to no longer be a “property owner” entitled to relief under the Act. The appellate court certified the issue raised in the case to the Florida Supreme Court as an issue of great public importance.)

The bill also allows a property owner to sue for injunctive relief, and a court to declare, that a prohibited exaction is invalid. Current law defines a “prohibited exaction” as a condition imposed by a governmental entity on a property owner’s proposed use of real property that does not have an essential nexus to a legitimate public purpose and is not roughly proportionate to the

impacts of the proposed use that the governmental entity is seeking to avoid, minimize, or mitigate. The bill revises the statutes relating to prohibited exactions to expressly allow a property owner to sue for injunctive relief, and a court to declare, that a prohibited exaction is invalid. Additionally, the bill provides that the property owner does not have to exhaust all administrative remedies before filing suit to declare a prohibited exaction invalid and recover damages.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 34-6; House 79-37

Committee on Judiciary

CS/HB 583 — Interception of Wire, Oral, or Electronic Communications Made in Violation of Protective Orders

by Judiciary Committee and Rep. Joseph and others (CS/SB 1802 by Criminal Justice Committee and Senator Pizzo)

The bill provides that it is lawful for a person who is protected by an injunction for repeat violence, sexual violence, dating violence, domestic violence, stalking, or any other court-imposed prohibition of conduct toward the person, to intercept and record a wire, oral, or electronic communication received in violation of the injunction or order. Therefore, the bill creates an exception to the general prohibition against interceptions of wire, oral, or electronic communications without the consent of all parties.

If the subject of the injunction or order has been served the injunction or is on notice that the conduct was prohibited, the bill allows a person to provide the recording only to a law enforcement agency, attorney, or a court for the limited purpose of proving a violation of the injunction or court order.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

Committee on Judiciary

CS/HB 625 — Attorney Compensation

by Judiciary Committee and Rep. Yarborough and others (CS/CS/SB 954 by Rules Committee; Judiciary Committee; and Senator Bean)

Under current law, the fee charged by an attorney for probate or trust administration services is presumed reasonable if it conforms to a statutory fee schedule based on the percentage of the value of an estate or trust. This fee structure is presumed reasonable regardless of the hours or complexity of work conducted for the estate or trust.

Under the bill, an attorney must provide a series of disclosures to the personal representative or trustee if the attorney intends to charge a fee using the statutory fee schedule. These disclosures state that:

- There is not a mandatory statutory attorney fee for estate or trust administration;
- The attorney fee is not required to be based on the size of the estate or trust and that the presumption of reasonableness may not be appropriate to every estate administration;
- The fee is subject to negotiation between the personal representative or trustee and the attorney;
- The selection of the attorney is made at the discretion of the personal representative or trustee;
- The personal representative or trustee is entitled to a summary of ordinary and extraordinary services rendered for the fees agreed upon at the conclusion of the representation.

Additionally, the attorney is required to obtain a timely signature acknowledging these disclosures. If the attorney does not make the disclosures required under the bill, the attorney may not be paid for legal services without prior court approval or the written consent of the interested parties to an estate proceeding or the written consent of the trustee and all qualified beneficiaries of a trust.

Under current law, an interested person may petition a court to increase or decrease an attorney's compensation for ordinary services or award additional compensation based on extraordinary services. Under the bill, a court may consider any agreement relating the attorney's compensation and whether the above disclosures were made to the personal representative or trustee in a timely manner in order to determine reasonable compensation.

Lastly, the bill provides that the complexity of an estate or trust may be considered when determining additional compensation based on an attorney's extraordinary services during the estate or trust administration.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 39-0; House 113-1

Committee on Judiciary

CS/CS/SB 838 — Clerks of the Circuit Court

by Appropriations Committee; Judiciary Committee; and Senators Boyd, Bracy, Wright, Torres, and Hooper

The bill amends laws related to the funding of the clerks of court to:

- Require the Clerk of Courts Operations Corporation to establish and maintain a budget reserve of up to 16 percent of the budget from the previous year;
- Specify that portions of certain service charges that are required to be transferred to the General Revenue Fund only apply for performing services related to a “court record”; and
- Change the procedure for clerks of the circuit court to receive payments for management of the jury process to a reimbursement basis.

The bill amends laws related to monies collectible by a clerk of court to:

- Specify that fines, costs, service charges, and court costs are due immediately upon assessment;
- Require that a person owing monies who cannot immediately pay must contact the clerk and set up a payment plan; except that a person incarcerated must contact the clerk within 30 days after release from incarceration to pay or set up a payment plan;
- Require that the clerks of court create a statewide uniform payment plan form for monies owed; and
- Require that notice of the availability of payment plans be given to a person when receiving a traffic infraction or a notice of suspension of driving privilege.

If approved by the Governor, the provisions regarding clerk’s budgeting take effect upon becoming law, the provisions regarding jury reimbursement and designation of court-related fees take effect July 1, 2021, and the remaining provisions take effect October 1, 2021.

Vote: Senate 40-0; House 117-0

Committee on Judiciary

CS/CS/SB 1060 — Limitation of Liability for Voluntary Engineering or Architectural Services

by Regulated Industries Committee; Judiciary Committee; and Senator Bradley

The bill creates immunity from civil liability for an engineer, architect, or structures specialist furnishing engineering or architectural services as a volunteer under the direction of, or in connection with, a community emergency response team, a local emergency management agency, the Division of Emergency Management, or the Federal Emergency Management Agency, in response to a declared federal, state, or local emergency. The liability protection does not apply to an act or omission that was done with gross negligence or willful misconduct. The liability protection applies only to services provided within 90 days after the first declaration of a particular emergency.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

Committee on Judiciary

CS/CS/SB 1070 — Estates and Trusts

by Community Affairs Committee; Judiciary Committee; and Senator Berman

The bill amends laws on the transfer of property through wills, probate, and trusts.

The bill creates a comprehensive statutory framework for the creation and operation of a directed trust. Directed trusts are authorized by current law. In a directed trust, someone other than a trustee is allowed to direct some actions of a trustee of the trust.

The bill creates a comprehensive statutory framework for the creation and operation of a community property trust. Community property trusts are not addressed in current law. A community property trust holds property owned by a married couple as if the property was in a community property state, which has certain tax and estate planning advantages.

The bill amends probate law to provide that, absent specific intent in the divorce judgment, an ex-spouse is not a beneficiary of the former spouse's will, regardless of when the will was signed. Currently, an ex-spouse remains as a beneficiary after divorce if the will was signed prior to the wedding and the deceased failed to change the will after divorce.

The bill also requires a probate court to allow a surety bond in lieu of the requirement to use a depository account; provides that the limitations periods for an action against a trust's trustee apply to directors, officers, and employees of the trustee; and applies homestead property law applicable to wills to homestead property held in a decedent's revocable trust.

If approved by the Governor, the provisions of the bill relating to the effect of divorce and depository accounts take effect upon becoming a law, and the remaining provisions take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/SB 1108 — Education

by Appropriations Committee; Judiciary Committee; and Senator Diaz

The bill revises several areas of education law, primarily relating to graduation requirements and statewide standardized assessments. Specifically, the bill:

- Requires every school district, alternative school, and the Department of Juvenile Justice to offer either the SAT or ACT to every student in the 11th grade free of charge, subject to an appropriation for that purpose.
- Amends the civic literacy requirement for post-secondary education to include both an assessment and a course, as opposed to one or the other.
- Creates a process to allow students in high school to earn the civic literacy requirement before enrolling in a public college or university in this state.
- Requires the statewide, standardized math and English learning assessments in grades 3 through 6 to be paper-based.
- Deletes obsolete language relating to prior statewide standardized assessments, and updates the assessment publication requirement in anticipation of the implementation of new state standards.
- Authorizes the Department of Education (DOE) to hold certain intellectual property rights, including the right to patent, copyright, and trademark. This authority will allow the DOE to protect certain materials, such as state authored assessments, from being sold or distributed without authorization.
- Creates the Innovative Blended Learning and Real-Time Student Assessment Pilot Program, which involves the combination of in-person and remote students in the same classroom environment.
- Requires the character development curriculum for public school students in the 11th and 12th grades to include instructions on voting using the uniform primary and general election ballot.
- Allows certain students participating in the English for Speakers of Other Languages Program to demonstrate grade-level expectations on formative assessments in lieu of passing the grade 10 English Language Arts assessment.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 116-0

Committee on Judiciary

CS/HB 1197 — Courts

by Civil Justice and Property Rights Subcommittee and Rep. Aloupis and others (CS/CS/SB 748
by Appropriations Committee; Judiciary Committee; and Senator Brandes)

The bill revises a broad range of statutes that govern the operation of the court system. Some of the diverse changes are made to accommodate developments in technology, some reflect the impact that COVID-19 has had on the court system, and one change recognizes the effect of inflation on the monetary jurisdictional limit of the county courts.

- The bill updates provisions controlling the maintenance of appellate court records to allow the electronic storage of court records at a remote location. These provisions are updated to keep pace with electronic technology rather than require the court clerk to keep manual control of the records.
- The clerks of court, working with the Florida Courts Technology Commission, must prepare a plan to procure or develop a statewide electronic solution that identifies all civil and criminal mandatory financial assessments required by statute.
- The jurisdictional limit for county courts will be adjusted beginning in 2030, and every 10 years afterwards, to account for inflation based on changes in the Consumer Price Index. The jurisdictional limit must be rounded to the nearest \$5,000, but no lower than \$50,000. The Office of Economic and Demographic Research (EDR) must calculate the adjusted jurisdictional limit and certify it to the Chief Justice of the Supreme Court beginning January 31, 2030 and every 10 years thereafter. The EDR and the Office of the State Courts Administrator (OSCA) must publish the adjusted jurisdictional limit on their websites.
- The bill authorizes a person to postpone jury service for up to 1 year when a public health emergency or a state of emergency is declared.
- Finally, the bill revises three criminal statutes to authorize the taking and certification of fingerprints when a guilty judgment is entered in a proceeding that is conducted remotely. The fingerprints no longer must be taken in open court and in the judge's presence.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 114-0

Committee on Judiciary

CS/HB 6077 — Assets of an Estate in Administration

by Insurance and Banking Subcommittee and Rep. Robinson, W. (CS/SB 1288 by Judiciary Committee and Senator Boyd)

A court having jurisdiction over the administration of an estate may order that part or all of the personal assets of the estate be placed with a financial institution designated by the court. Currently, the financial institutions where a court may order assets placed are “a bank, trust company, or savings and loan association (which savings and loan association is a member of the Federal Savings and Loan Insurance Corporation and doing business in this state).” The Federal Savings and Loan Insurance Corporation (FSLIC) was created in 1934 in order to insure deposits of savings and loan associations. However, the FSLIC was abolished in 1989 after the savings and loan crisis of the 1980s. Savings and loan associations are now insured by the Federal Deposit Insurance Corporation, as are commercial banks.

The bill removes a statutory reference to the FSLIC along with other obsolete language.

The bill has no impact on local governments or the state. The bill has an indeterminate but likely positive impact on the private sector.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/CS/HB 221 — Recovery of Spaceflight Assets

by Judiciary Committee; Criminal Justice & Public Safety Subcommittee; and Representative Sirois and others (CS/SB 936 by Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Wright)

CS/HB 221 protects space vehicles, their parts, and other “spaceflight assets” that have fallen to earth. Under the bill, “spaceflight assets” include any item or part of an item that is used in spaceflight activities, including launch and reentry.

The bill provides that a spaceflight entity retains ownership over a spaceflight asset until the entity expressly abandons ownership of the asset.

The bill prohibits a person to use a spaceflight asset that he or she finds. Instead, the person must report the asset’s location to law enforcement, which must make a reasonable effort to identify and contact the asset’s owner.

If a law enforcement officer determines that exigent circumstances require that a spaceflight asset’s owner enter private property to recover the asset, the officer may authorize the entry. Exigent circumstances include, without limitation, a situation in which failure to enter the property would result in immediate danger to public safety or destruction of the asset.

The bill provides that a person who finds a spaceflight asset and knowingly uses it or refuses to surrender it commits a first degree misdemeanor, punishable by imprisonment for 1 year or less and a fine not exceeding \$1,000. Moreover, the person must pay restitution to the owner.

Finally, the bill expressly provides that it “does not limit liability protection for private property under state or federal law.”

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 38-0; House 115-1

Committee on Military and Veterans Affairs, Space, and Domestic Security

HB 231 — Services for Veterans and Their Families

by Representative Zika and others (CS/SB 260 by Appropriations Committee and Senators Harrell, Wright, Rodriguez, Cruz, Stewart, Burgess, and Perry)

The bill creates the Florida Veterans' Care Coordination Program (program), to provide veterans and their families dedicated behavioral health care referral services, primarily for mental health and substance abuse. Through the program, a veteran may call a separate veteran-dedicated support line to receive assistance and support from a trained, fellow veteran.

The bill authorizes the Florida Department of Veterans' Affairs (FDVA) to establish the program. If the FDVA does create the program, the FDVA may contract with a nonprofit entity that has statewide phone capacity and is accredited by both the Council on Accreditation and the National Alliance of Information and Referral Services. The contracting entity must enter into agreements with Florida 211 Network participants to provide services to veterans. In fulfilling an agreement, a 211 network participant may provide services in more than one geographic area under a single contract.

The bill models the program after the pilot program established in 2014 by the Crisis Center of Tampa Bay and the FDVA in Hillsborough, Pasco, Pinellas, Polk, and Manatee Counties.

The bill specifies goals, services, and follow-up requirements. In addition to mental health and substance abuse services, a goal of the program is to prevent suicides by veterans.

The FDVA must compile data collected by the Florida 211 Network into a report for the Governor, President of the Senate, and Speaker of the House of Representatives by December 15, 2022.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/CS/HB 327 — Public Records Exemption for Persons in Public Shelters

by State Affairs Committee; Government Operations Subcommittee; and Representatives Rommel and Leek (CS/SB 418 by Governmental Oversight and Accountability Committee and Senator Burgess)

CS/CS/HB 327 exempts from public inspection and copying requirements the address and telephone number of a person who takes refuge at a public emergency shelter during a storm or catastrophic event.

The bill provides that the exemption created under the bill is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and will be repealed on October 2, 2026, unless reviewed and saved from repeal by the Legislature.

As the bill itself states, the bill is necessary in order to limit the amount of privacy a person must forfeit by choosing to enter a shelter, and to protect a person from those who might seek to exploit their vulnerability following a catastrophic event.

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

Vote: Senate 39-1; House 115-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/SB 416 — POW-MIA Vietnam Veterans Bracelet Memorial

by Military and Veterans Affairs, Space, and Domestic Security Committee and Senators Burgess, Hooper, Bean, Harrell, Perry, Rodriguez, Gruters, Torres, Stewart, Gibson, Book, and Mayfield

The bill establishes the POW-MIA Veterans Bracelet Memorial to memorialize the sacrifices and experiences of those captured or missing in combat during the Vietnam War.

The memorial will be funded and administered by the Big Bend Chapter 96, Vietnam Veterans of America, without state funding.

By July 1, 2022, the Department of Management Services (department) must identify and make available an appropriate area for construction and placement of the memorial in Tallahassee, specifically along South Monroe Street and on or near the premises of the Capitol Complex. The department will consult with the Vietnam Veterans of America and the Florida Historical Commission on the monument's design and placement.

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

Vote: Senate 38-0; House 117-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

HB 435 — Veterans Employment and Training

by Representative Sirois and others (SB 586 by Senators Wright, Perry, Stewart, and Farmer)

This bill designates Florida is for Veterans as the state's principal assistance organization under the United States Department of Defense's (department) SkillBridge program (program) for employers and transitioning servicemembers. Under the existing SkillBridge program, a servicemember is eligible to participate in his or her last 180 days of military service.

In its role under the program, Florida is for Veterans is required to:

- Establish and maintain its certification for either the Skillbridge program or a similar workforce training and transition program established by the department;
- Educate businesses, business associations, and transitioning servicemembers on the SkillBridge program and its benefits, and educate military command and personnel within the state on opportunities available to transitioning servicemembers through the program;
- Assist businesses in obtaining approval for skilled workforce training curricula under the program, including apprenticeships, internships, or fellowships; and
- Match transitioning servicemembers who are deemed eligible for program participation by their military command with training opportunities offered by Florida is for Veterans or participating businesses, with the intent of having transitioning servicemembers achieve gainful employment in the state upon completion of their training.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/HB 873 — Military Affairs

by Local Administration and Veterans Affairs Subcommittee and Representative Giallombardo and others (SB 770 by Senator Burgess)

CS/HB 873 revises several provisions relating to courts-martial of the Florida National Guard (FLNG), modifies the minimum prior-service requirement for a candidate for Adjutant General or Assistant Adjutant General, and specifies that the Adjutant General is the commanding general of the FLNG with authority to convene a general or special courts-martial.

Regarding courts-martial, the bill provides:

- The Uniform Code of Military Justice and the Manual for Courts-Martial, together with ch. 250, F.S., is to be referred to as the Florida Code of Military Justice (FCMJ).
- Members of the FLNG are subject to discipline under the FCMJ while in civilian status; under current law, members are subject to discipline only for offenses committed during military status.
- A court-martial has subject matter jurisdiction over an offense if a nexus exists between an offense and the state military force, regardless of whether the offense is an offense under military law.
- A civilian court has jurisdiction over a nonmilitary offense of both the FCMJ and local criminal law.
- The military judge in a general or special court-martial must be qualified by attendance at Judge Advocate General school *or* be certified as qualified by the Adjutant General—current law requires both.
- Increased possible punishments in a general court-martial.
- Modified punishment options in special and summary courts-martial.

Additionally, the bill provides more nonjudicial punishment options, greater specificity for existing punishment options, and authorization for a commander to suspend punishment.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

SB 922 — Veterans' Preference in Employment

by Senator Burgess

The bill expands the benefit of a veterans' preference in employment and also increases points used in appointment and retention determinations. In expanding the benefit of a veterans' preference, the bill authorizes a state or a political subdivision of the state to waive a postsecondary educational requirement for a position of employment if the applicant is otherwise qualified. The education waiver applies to:

- A current member of a reserve component of the United States Armed Forces (U.S.A.F.);
- A current member of the Florida National Guard; or
- An honorably-discharged veteran.

As is the case for other veteran benefits in law, the education waiver is not available if the person is applying for a position designated as exempt. The bill, however, narrows the exemptions. A personal secretary of a public officer, a head of a department, and a position that requires licensure as a physician, osteopathic physician, or a chiropractic physician will now not be exempt from preference and priority requirements.

In increasing points used in appointment and retention determinations, the bill adds points used in assessing an applicant for employment of any given position as follows:

- From 15 to 20 points for an honorably-discharged veteran who has served on active duty and has a service-connected, compensable disability; a spouse of a person who has a total, permanent, service-connected disability and cannot qualify for employment; or a spouse of a person missing in action, captured, or forcibly detained or interned by a foreign government or power;
- From 10 to 15 points for a person who is an honorably-discharged veteran and has served at least 1 day during wartime; an unremarried widow or widower of a veteran who died from a service-connected disability; or a parent, legal guardian, or unremarried widow or widower of a servicemember of the U.S.A.F. who died in the line of duty under verified combat-related conditions;
- From 5 to 10 points for a person who is an honorably-discharged veteran or a current member of the reserves of the U.S.A.F. or the Florida National Guard.

The bill requires, rather than authorizes under current law, a political subdivision of the state to develop a written veterans' recruitment plan.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 38-0; House 118-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/CS/CS/HB 1069 — Public Records/Department of Military Affairs

by State Affairs Committee; Government Operations Subcommittee; Local Administration and Veterans Affairs Subcommittee; and Representative Payne (CS/CS/SB 654 by Rules Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Bradley)

This bill makes exempt from public disclosure information held by the Department of Military Affairs that is stored in a Department of Defense system of records, transmitted using a Department of Defense network or communications device, or that pertains to the Department of Defense pursuant to the federal military cybersecurity law of 10 U.S.C. s. 394.

The bill identifies as sensitive military information held by the Department of Military Affairs information on military missions, units, personnel, deployments, and troop concentration.

In the required public necessity statement, the bill provides as justification for the exemption that it is a public necessity that this information be made exempt from disclosure as national security and the safety of military members could otherwise be adversely affected.

The bill is subject to the Open Government Sunset Review Act and will repeal on October 2, 2026 unless the exemption is saved from repeal by the Legislature before that date.

The public records exemption applies retroactively.

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

Vote: Senate 40-0; House 116-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/CS/SB 1892 — Emergency Preparedness and Response Fund

by Appropriations Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Diaz

CS/CS/SB 1892 creates the Emergency Preparedness and Response Fund as a trust fund within the Executive Office of the Governor. Moneys specifically appropriated to the fund are available as a primary funding source for the Governor for purposes of preparing or responding to a disaster declared by the Governor as a state of emergency that exceeds regularly appropriated funding sources.

In accordance with Art. III, s. 19(f)(2), State Constitution, the Emergency Preparedness and Response Fund terminates on July 1, 2025, unless terminated sooner. Before the fund terminates, the Division of Emergency Management and the Governor must recommend to the Legislature whether to recreate the fund or allow it to terminate.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 37-0; House 113-1

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/CS/SB 2006 — Emergency Management

by Rules Committee; Appropriations Committee; and Senator Burgess

The bill better equips Florida to address a pandemic or other public health emergency, prohibits requirements of COVID-19-vaccination documentation to access, enter, or receive service from businesses, governmental entities, and educational institutions, and protects Floridians from local orders that unnecessarily infringe rights or liberties in the name of addressing a purported emergency.

The bill requires state agencies to take the following actions to prepare for the next public health emergency:

- The Department of Health must create a state public health emergency management plan, and requires the Division of Emergency Management to incorporate that plan into the state's comprehensive emergency management plan; and
- The Division of Emergency Management must:
 - Maintain an inventory of state-owned personal protective equipment; and
 - Include provisions in its statewide emergency shelter plan to address sheltering during a pandemic that requires distancing.

The bill also provides additional transparency and legislative oversight of the executive branch's emergency powers. The bill:

- Limits emergency orders, proclamations, and rules to 60-day durations that can be renewed as long as the emergency conditions persist;
- Requires the Governor, if he or she closes schools or businesses, to state specific reasons why the schools or businesses need to close and reassess the closure regularly; and
- Authorizes the Legislature to pass a concurrent resolution to terminate orders and directives issued under a state of emergency, instead of just the state of emergency itself.

The bill also targets county and city emergency orders that address purported emergencies but that also infringe the rights or liberties of Floridians. To protect Floridians from these orders the bill:

- Requires the governmental entity imposing an ordinance or other measure that deprives a person of a right or liberty to prove that the measure is “narrowly tailored” to address a “compelling public health or safety purpose”;
- Authorizes the Governor to invalidate an order that “unnecessarily restricts individual rights or liberties”; and
- Limits the duration of emergency orders to 7 days, with the option to renew the orders up to 5 times.

The bill also prohibits requirements of COVID-19-vaccination documentation to access, enter, or receive service from businesses, governmental entities, and educational institution. The bill

prohibits such entities from requiring Floridians to provide proof of vaccination or post-infection recovery from COVID-19 but does not restrict the use of screening protocols.

Finally, the bill includes several provisions to better address the financial strain that emergencies place on state and local government. Specifically the bill:

- Provides legislative intent that during an emergency, spending will first come from funds specifically appropriated to state and local agencies for disaster relief.
- Provides that the second recourse for funding is the newly created Emergency Response Fund.
- Provides that if additional funds are needed during an emergency beyond what is already appropriated in the new Emergency Response Trust Fund, the Governor can request additional funds by submitting a budget amendment through the LBC, requesting more funds in the Trust Fund.

These provisions take effect July 1, 2021, except where otherwise provided. (Ch. 2021-8, L.O.F.)

Vote: Senate 23-15; House 78-36

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/HB 7023 — Veterans Treatment Court Programs

by Judiciary Committee; Criminal Justice and Public Safety Subcommittee; and Representative Byrd and others (CS/CS/SB 764 by Criminal Justice Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Burgess)

This bill redesignates the Military Veterans and Servicemembers Programs as the Veterans Treatment Court Program. The bill authorizes courts to develop and operate a veterans treatment court with an emphasis on employing a nonadversarial approach to resolving an underlying cause of behavior. An underlying cause of behavior is a service-related mental illness, traumatic brain injury, substance use disorder, psychological problem, or military sexual trauma.

Like existing law, the program is open to a servicemember, veteran, and a current or former defense contractor or military member of a foreign allied country. However, the bill expands participation to include a member of Space Force.

The state attorney, in consultation with the court, will decide whether to admit a defendant into the program. Unlike the current program which is open to all veterans regardless of discharge status, the chief judge and state attorney of each circuit jointly decide whether to admit dishonorably discharged veterans.

The bill encourages the court to develop policies and procedures, including employing a nonadversarial approach; identifying participants early in the process; and engaging in partnerships among other veterans treatment courts, the United States Department of Veterans Affairs, the Florida Department of Veterans' Affairs, public agencies, and community-based organizations.

A Military Veterans and Servicemembers Court Program in operation as of June 30, 2021, is grandfathered in to continue as a Veterans Treatment Court Program but must comply with changes made under this bill.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/SB 46 — Craft Distilleries

by Commerce and Tourism Committee; Regulated Industries Committee; and Senators Hutson and Rouson

The bill revises the licensing requirements for craft distilleries. The bill permits certain craft distilleries to qualify for a vendor's license for the sale of beer, wine, and liquor if the craft distillery is located on a property within a destination entertainment venue, as defined by the bill, and open for tours during normal business hours. Under current law, a manufacturer of craft distilleries, such as a craft distillery, may not qualify for a vendor's license unless an exemption from the prohibition is provided by law.

The bill increases the production limit for distilleries to qualify as craft distilleries from 75,000 gallons per year to 250,000 gallons per year. Craft distilleries may only sell up to 75,000 gallons of branded products in gift shops or tasting rooms and may not ship products to customers. A maximum of 10 craft distilleries meeting certain requirements may share common ownership.

Effective July 1, 2026, a minimum of 60 percent of a craft distillery's total finished branded products must be distilled in the state and contain one or more of Florida's agricultural products.

Under the bill, craft distilleries must keep records of all alcoholic beverages received from within or outside the state for a period of three years.

The bill also allows craft distilleries to qualify for a permit to conduct tastings at Florida fairs, trade shows, farmers markets, expositions, and festivals.

If approved by the Governor, these provisions take effect July 1, 2021, unless otherwise provided.

Vote: Senate 39-0; House 116-1

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/SB 56 — Community Association Assessment Notices

by Rules Committee; Community Affairs Committee; and Senator Rodriguez

The bill provides additional notice requirements for condominium, cooperative, and homeowners' associations when collecting assessments.

For community associations that send out invoices for assessments or statements of the account to unit or parcel owners, the bill revises how an association may deliver and change its method of delivery:

- Requires any invoice for assessments or statement of account to be sent by first-class mail or electronic transmission to the owner's email address maintained in the association's official records.
- Requires the association, before changing the method of delivery for any invoice for assessment or statement of account, to deliver the written notice of such change to the owner.
- Requires the notice to be sent by first-class mail and delivered to the owner's address maintained in the association's official records at least 30 days before the delivery method is changed.
- Requires the owner to affirmatively acknowledge his or her understanding that the association has changed its method of delivering the invoice for assessment or statement of account to delivery by electronic transmission before the association may change its method of delivery.
- Requires the owner's affirmative acknowledgment to be maintained by the association as an official record, but such record is not accessible to other owners as an official record.

The bill provides that community associations may not require the payment of attorney fees related to past due assessments without first delivering a written notice of late assessment to the unit or parcel owners. The written notice must specify the amount owed and allow the owner to pay past due assessments without paying additional attorney fees. The bill provides the form of this written notice. The bill authorizes the use of a sworn affidavit as the method for associations to provide a rebuttable presumption that the association complied with these notice and delivery requirements for the notice of late assessment.

The bill also increases the period of time a condominium or cooperative unit owner has to pay a monetary obligation after receiving an association's Notice of Intent to Record a Claim of Lien. This period is increased by the bill from 30 days to 45 days. The bill revises the timeframe for condominium and cooperative unit owners to conform to current law's 45-day payment period to parcel owners in a homeowners' association.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 114-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/SB 148 — Beverage Law

by Regulated Industries Committee and Senator Bradley

The bill permits certain public food service establishments (restaurants) with an alcoholic beverage vendor license to sell and deliver for off-premises consumption alcoholic beverage drinks prepared and sealed by the vendor under certain conditions. Alcoholic beverages sold for off-premises consumption in containers sealed by the vendor must be accompanied by the sale of food within the same order.

The bill applies to restaurants with a “quota alcoholic beverage” license, i.e., vendors licensed to sell beer, wine and liquor for on-premises consumption and “special restaurant” alcoholic beverage licensees, known as “SRX licensees.”

Current law permits SRX licensees to sell beer, wine and liquor for on-premises consumption with certain conditions, including the requirements that the business derive at least 51 percent of gross food and beverage revenue from the sale of food and nonalcoholic beverages, and may not sell alcoholic beverages after the hours of serving or consumption of food have elapsed. Under current law, an SRX licensee may not sell manufacturer-sealed containers of beer, wine, or liquor for off-premises consumption. The bill permits an SRX licensee to sell manufacturer-sealed containers of beer and wine for off-premises consumption. The bill also permits an SRX licensee to sell and deliver alcoholic beverage drinks in containers sealed by the licensee. However, the bill prohibits an SRX licensee from selling bottles of distilled spirits for off-premises consumption.

Current law permits a restaurant with a consumption on-premises quota license (quota licensee) to sell manufacturer-sealed containers of beer, wine, and liquor for off-premises consumption. Under the bill, a quota licensee may sell containers of alcoholic beverages sealed by the licensee or its employees only if: the quota licensee is also licensed as a public food service establishment under ch. 509, F.S., the sale or delivery of the sealed containers is accompanied by the sale of food within the same order, the charge for the sale of food and nonalcoholic beverages is at least 40 percent of the total charge for the order, and the sale or delivery of the sealed containers does not occur after food preparation has stopped for the day or midnight, whichever is earlier. The percentage of food sales requirement does not apply to sales by SRX licensees.

The bill requires alcoholic beverage drinks prepared by the licensee to be sealed by the licensee with an unbroken seal that prevents the beverage from being consumed, and placed in a bag or other container secured in such a manner that it is visibly apparent if the container has been opened or tampered with. A dated receipt of the beverage and meal must be provided and attached to the container. Alcoholic beverages prepared and sealed by the licensee that are delivered or transported by motor vehicle must be placed in a locked compartment, locked trunk, or other area behind the last upright seat of the motor vehicle.

Additionally, the bill provides that allowing a person under 21 years of age to deliver an alcoholic beverage on behalf of an alcoholic beverage vendor is a violation of the prohibition against selling, giving, or serving alcoholic beverages to a person under 21 years of age. It also requires an alcoholic beverage vendor or an agent or employee of a vendor to verify that the person making a delivery of an alcoholic beverage is at least 21 years of age.

The bill also amends s. 564.09, F.S., which under current law permits a restaurant patron to take home a partially consumed bottle of wine under certain conditions if the restaurant patron purchases and consumes a full course meal consisting of an entrée, salad or vegetable, beverage, and bread. The amendment repeals the requirement that the meal purchased and consumed by the patron be a full course meal consisting of an entrée, salad or vegetable, beverage, and bread.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 111-1

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/SB 286 — Fire Sprinklers

by Regulated Industries Committee and Senator Perry

The bill revises the scope of fire protection system work for persons certified as a contractor by the Division of State Fire Marshal (Division) within the Department of Financial Services.

Under the bill, a Contractor I or a Contractor II as defined in ch. 633, F.S., relating to Fire Prevention and Control, is authorized to design new fire protection systems of 49 or fewer sprinklers. A Contractor I and II would also be allowed to design the alteration of an existing system regardless of the size of the system, if the alteration relocates or deletes 249 or fewer sprinklers. Such authorization is conditioned on the occupancy and water demand, as defined in applicable codes, being unchanged, and the occupancy hazard classification must be reduced or unchanged. The bill eliminates the authorization for a Contractor IV to similarly design or alter such fire protection systems.

The bill clarifies that a Contractor I, Contractor II, or Contractor IV is authorized to design a new fire protection system, or design the alteration of an existing fire sprinkler system, when the system meets a specified standard for installation in a one-family or two-family dwelling or manufactured home.

The bill revises the work authorized to be undertaken by a person certified as a Contractor V. Under the bill, a Contractor V would be authorized to inspect underground piping for a water-based fire protection system only under the direction of a Contractor I or Contractor II. A Contractor V may continue to fabricate, install, alter, repair, and service the underground piping for a water-based fire protection system.

The bill clarifies that fire protection systems include tanks providing water supply or pump fuel, and piping for such tanks.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

SB 346 — Florida Real Estate Appraisal Board

by Senators Rodriguez and Hutson

The bill maintains the number of members in the nine-member Florida Real Estate Appraisal Board (board) within the Department of Business and Professional Regulation. This bill removes one of the two members representing the appraisal management industry, and increases from two members to three the number of members representing the general public and not connected in any way with the practice of real estate appraisal.

The board regulates real estate appraisers under ch. 475, part II, F.S. The Governor appoints the members of the board.

If approved by the Governor, these provisions take effect November 1, 2021.

Vote: Senate 40-0; House 119-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

HB 369 — Construction Contracting Regulation Exemption

by Reps. Rodriguez, Fernandez-Barquin, and others (SB 1212 by Senator Rodriguez)

The bill exempts members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida from the provisions of ch. 489, part I, F.S., relating to Construction Contracting, when constructing a chickee. A chickee is an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 463 — Community Association Pools

by Professions and Public Health Subcommittee and Rep. Roach and others (CS/SB 902 by Regulated Industries Committee and Senator Rodrigues)

The bill exempts from supervision by the Department of Health (DOH) swimming pools serving homeowners' associations and other property associations that have no more than 32 units or parcels and are not operated as public lodging establishments. Under the bill, swimming pools in such communities are not required to have a permit issued by the DOH.

The bill authorizes the DOH to supervise such pools when necessary to ensure water quality and for required safety features, such as an anti-entrapment system or device, systems or devices that protect against evisceration and body-and-limb suction entrapment, and systems that cease the operation of the pump when a blockage is detected.

Under the bill, the DOH may impose fines of up to \$500 per violation. The bill also authorizes the county health department or the DOH to bring an action to abate or enjoin the use of an exempted public swimming pool that is a nuisance because it presents a significant risk to public health by failing to meet sanitation and safety standards.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/SB 616 — Public Accountancy

by Rules Committee and Senator Gruters

The bill permits a nonresident Florida-licensed certified public accountant (CPA) to renew his or her license if the CPA has complied with the continuing education requirements in the state in which his or her office is located. However, a nonresident CPA must satisfy Florida's ethics-related continuing education requirements. If the state in which the nonresident CPA's office is located does not have continuing education requirements as a condition for license renewal, the nonresident CPA must comply with the continuing education requirements in Florida.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 113-1

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/SB 630 — Community Associations

by Rules Committee; Regulated Industries Committee; and Senators Baxley, Hutson, and Rodriguez

The bill revises the regulation and governance of condominium, cooperative, and homeowners' associations under chs. 718, 719, and 720, F.S., respectively. The bill authorizes condominium, cooperative, and homeowners' associations to extinguish discriminatory restrictions in recorded title transactions.

For condominium associations, the bill:

- Prohibits a unit owner's insurance policy from including rights of subrogation against the association if the association's policy does not provide subrogation rights against the unit owner;
- Provides that a multicondominium association may adopt a consolidated or combined declaration of condominium if such declaration complies with the requirements for the creation of a condominium, does not merge the condominiums, or change the legal descriptions of the condominium parcels, unless accomplished in accordance with law;
- Reduces the time period an association must maintain official records of bids for work, equipment, or services to be performed from seven years to one year after receipt of the bid;
- Allows a renter to inspect and copy the declaration of condominium.
- Permits associations with 150 or more units to make official records available for inspection through an application that can be downloaded to a mobile device;
- Provides that only a board member's service that occurs on or after July 1, 2018, may be used when calculating a board member's term limit;
- Permits associations to electronically transmit the written notice of a meeting;
- Increases the maximum permissible fee an association may charge for the transfer of a unit from \$100 to \$150, and provides for the adjustment of the fee every five years to an amount equal to the total annual increases in the Consumer Price Index during that period;
- Removes the prohibition against an association employing or contracting with any service provider that is owned or operated by a board member or person who has a financial relationship with a board member or officer;
- Permits unit owners to install a charging station for an electric vehicle or a natural gas fuel vehicle on a parking area exclusively designated for use by the unit owner. The unit owner is required to be responsible for the costs related to the installation, maintenance, and removal of the charging station for an electric vehicle or a natural gas fuel vehicle;
- Authorizes the board of administration to make available, install, or operate an electric vehicle charging station or a natural gas fuel station upon the common elements or association property, and to establish the charges or the manner of payments for the unit owners, residents, or guests who use the electric vehicle charging station or natural gas fuel station;

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

- Provides that a condominium developer may expend escrow funds to satisfy actual costs of construction and development, but excludes other specified costs, such as marketing costs, loan expenses, professional fees, and insurance costs;
- Repeals the requirement that the condominium ombudsman must maintain his or her office in Leon County.

For cooperative associations, the bill:

- Provides that an interest in a cooperative unit is an interest in real property; and
- Permits board or committee members to appear and vote by telephone, real-time video conferencing, or similar real-time electronic or video communication.

For homeowners' associations, the bill:

- Removes an association's rules and regulations from the definition of the term "governing documents;"
- Permits an association to adopt, by rule, procedures for posting meeting notices and agendas on a website and emailing members meeting notices and agendas;
- Requires sign-in sheets, voting proxies, ballots, and all other papers related to voting to be maintained as official records for at least one year after the event;
- Makes confidential any information an association obtains in connection to guests visiting homeowners in a gated community;
- Clarifies the situations in which an association is obligated to create or fund association reserve accounts;
- Specifies the types of expenses the developer is not obligated to pay;
- Provides that any governing document or an amendment to a governing document of a homeowners' association enacted after July 1, 2021 prohibiting rentals or regulating rental rights applies only to a parcel owner who acquires title to the parcel after the effective date of the governing document or amendment or who consents, individually or through a representative, to the governing document or amendment;
- Allows associations to prohibit or regulate rentals for less than six months or to prohibit rentals more than three times in a calendar year and to apply such prohibitions or regulations to all parcel owners, regardless of when the parcel owner acquired title to their parcel or whether they consent to the amendment;
- Exempts homeowners' associations with 15 or fewer parcel owners from the provisions in the bill related to rental rights;
- Provides that a change of ownership does not occur for purposes of applying an amendment restricting rental rights when a parcel owner conveys the parcel to an affiliated entity, when beneficial ownership of the parcel does not change, or when an heir becomes a parcel owner; and
- Revises the conditions under which non-developer members of a homeowners' association are entitled to elect the majority of the board, to consistently distinguish between developer members and non-developer members.

For condominium and cooperative associations, the bill:

- Prohibits an association from requiring members to demonstrate any purpose or state any reason for inspecting official records; and
- Provides a process to resolve disputes by initiating presuit mediation as an alternative to mandatory nonbinding arbitration by the Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation.

For condominium, cooperative, and homeowners' associations, the bill:

- Provides that recall and election disputes are not eligible for mediation and must be arbitrated by the division or filed in court;
- Provides additional emergency powers to respond to injury and to an anticipated declared state of emergency; and
- Clarifies that payment of a fine is due five days after notice of the fine is provided to the unit owner, tenant, or invitee of the unit owner.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 114-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 649 — Petition for Objection to Assessment

by Civil Justice and Property Rights Subcommittee and Rep. Fernandez-Barquin (SB 996 by Senators Garcia and Hutson)

The bill authorizes condominium and cooperative associations to represent the association's unit owners in court proceedings that relate to an association's joint petition to a value adjustment board.

Current law permits a condominium, cooperative, and mobile homeowners' association to petition the value adjustment board on behalf of the unit owners to challenge the property appraiser's tax assessment. Current law also permits associations to appeal the decision of the value adjustment board in circuit court. However, an association may not defend unit owners on an appeal by the property appraiser in circuit court.

The bill requires an association to provide unit owners with notice of its intent to represent the unit owners' interests in the court proceedings and advise the unit owners that they may opt out of being represented by the association within 14 days of receiving the notice. The notice must advise the parcel or unit owners that they may elect to retain their own counsel to defend the appeal for their units or parcels, choose not to defend the appeal, or be represented by the association.

The notice must be hand delivered or sent by certified mail, return receipt requested, except that such notice may be electronically transmitted to a unit or parcel owner who has expressly consented in writing to receiving such notices by electronic transmission. However, the notice must also be posted conspicuously on the condominium or cooperative property in the same manner for notice of board meetings. An association must give unit or parcel owners 14 days to opt out of the association's representation. Unit or parcel owners who do not respond to the association's notice will be represented in the response or answer filed by the association.

Tax collectors must accept payment of the estimated amount in controversy, as determined by the tax collector, as to a specific unit or parcel. Upon the payment, the unit or parcel would be released from any lis pendens, i.e., the pending lawsuit or a recorded notice in the chain of title that the property is the subject of a matter on litigation, and the unit or parcel owner may elect to remain in or be dismissed from the action.

The bill provides that the ability of the association to represent the individual property owners in related judicial proceedings is intended to clarify existing law and applies to cases pending on July 1, 2021.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 663 — Cottage Food Operations

by Regulatory Reform Subcommittee and Reps. Salzman, Botana, and others (CS/SB 1294 by Rules Committee and Senator Brodeur)

The bill revises the regulations on cottage food operations and cottage food sales. Under current law, a cottage food operation is a natural person who produces or packages cottage food products, defined by the Department of Agriculture as any food that is not a potentially hazardous food, at his or her residence.

The bill allows individual cottage food operations to sell, offer for sale, and accept payment for cottage food products as a business entity. The bill also allows cottage food products to be sold, offered for sale, and paid for by mail order, and permits cottage food products to be delivered by mail.

Under current law, cottage food operations are exempt from food permitting requirements if the cottage food seller complies with s. 500.80, F.S., and has annual gross sales of up to \$50,000. The bill increases the maximum allowable gross sales to \$250,000.

The bill preempts the regulation of cottage food operations to the state. However, cottage food operations must comply with all applicable county and municipal laws and ordinances regulating traffic, parking, noise, signage, and hours of retail operation.

The bill provides that this act may be cited as the “Home Sweet Home Act.”

Under the bill, cottage food operations must comply with the conditions for the operation of home-based businesses under s. 559.955, F.S., which is a provision created by CS/HB 403 to prohibit the licensing and regulation of home-based businesses by local governments. CS/HB 403 also establishes standards for the conduct of a home-based business, including requiring compliance with relevant traffic, noise, and signage requirements. CS/HB 403 was adopted by the Legislature during the 2021 Regular Session. If approved by the Governor, CS/HB 403 takes effect July 1, 2021.

If approved by the Governor, these provisions take effect on the same date that HB 403 or similar legislation takes effect, if such legislation is adopted in this legislative session and becomes law.

Vote: Senate 30-10; House 90-28

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

HB 735 — Preemption of Local Occupational Licensing

by Rep. Harding and others (CS/SB 268 by Regulated Industries Committee and Senator Perry)

The bill expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations, with the exception of local government licensing of occupations authorized by general law or occupational licenses imposed by a local government before January 1, 2021. However, the exception for local government licensing imposed by a local government expires July 1, 2023. Local government occupational licensing requirements in place by January 1, 2021 may not be increased or modified thereafter.

The bill specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman type licensed by the Construction Industry Licensing Board, within the Department of Business and Professional Regulation. It specifically precludes local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, handyman services, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, and canvas awning and ornamental iron installation.

The bill authorizes counties and municipalities to issue journeyman licenses in the plumbing, pipe fitting, mechanical, and HVAC trades, as well as the electrical and alarm system trades, which is the current practice by counties and municipalities. As a result of this authorization in general law, local journeyman licensing is excepted from the preemption of local licensing to the state under the bill.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 22-18; House 82-32

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 823 — Alarm System Contractors

by Regulatory Reform Subcommittee and Rep. Mariano (SB 998 by Senator Brodeur)

The bill revises s. 489.521, F.S., relating to alarm system contractors, and s. 553.7921, F.S., relating to fire alarm permit applications.

Current law requires an alarm system contractor's registration or certification number to be stated in each offer of services, business proposal, or advertisement. Under the bill, if a contractor maintains an Internet website that contains the contractor's registration number or certification number, and an advertisement directs consumers to the website, then advertisements in a newspaper, magazine, flyer, billboard, phone book, Internet, or broadcast advertisement need not include the contractor's registration or certification number.

The bill amends the fire alarm permit application procedure in s. 553.7921, F.S., when a local enforcement agency requires a fire alarm permit to repair a previously permitted alarm system. Under the bill, a contractor must file a Uniform Fire Alarm Permit Application, but may begin the repair work before receiving the permit. However, until the required permit has been issued and the local enforcement agency has approved the repair, a repaired fire alarm system is not in compliance with applicable codes and standards. The bill removes a requirement in the Uniform Fire Alarm Permit Application that a contractor certify that no work or installation has commenced before the filing of the application.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/HB 839 — Express Preemption of Fuel Retailers and Related Transportation Infrastructure

by Local Administration and Veterans Affairs Subcommittee; Tourism, Infrastructure and Energy Subcommittee; and Rep. Fabricio and others (CS/CS/SB 856 by Community Affairs Committee; Regulated Industries Committee; and Senator Hutson)

The bill expressly preempts a municipality, county, special district, or political subdivision from adopting a law, an ordinance, a regulation, a policy, or a resolution that:

- Prohibits the siting, development, or redevelopment of a fuel retailer or its necessary related transportation infrastructure;
- Results in a de facto prohibition on a fuel retailer or its necessary related transportation infrastructure;
- Requires a fuel retailer to install or invest in a particular kind of fuel infrastructure.

The bill does not preempt any such action which is consistent with zoning, land use, and other allowable uses and general law, as long as it does not result in a de facto prohibition of fuel retailers or related transportation infrastructure. Definitions for the terms “fuel retailer,” and “related transportation energy infrastructure” are provided for in the bill.

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

Vote: Senate 26-12; House 79-38

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

HB 855 — Barber Services

by Reps. Morales and others (SB 1176 by Senators Stewart and Bracy)

The bill permits a barber to shampoo, cut, or arrange hair at a location other than a registered barbershop without arranging the barber service through a registered barbershop. Current law requires arrangements for the performance of barber services at a location other than a registered barbershop to be made through a registered barbershop.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/SB 896 — Renewable Energy

by Rules Committee; Regulated Industries Committee; and Senators Brodeur and Hutson

The bill requires solar facilities to be a permitted use in all agricultural land use categories in a local government's comprehensive plan and all agricultural zoning districts within an unincorporated area. Under the bill, such facilities are required to comply with certain criteria including setback and landscaped buffer areas and counties may adopt ordinances specifying buffer and landscaping requirements. However, such requirements may not exceed those of similar uses in agricultural land use categories and zoning districts. The bill provides that s. 163.3205, F.S., as created by the bill, relating to solar facility approval process, is not applicable to any site that was the subject of an application to construct a solar facility submitted to a local governmental entity before July 1, 2021.

Additionally, the bill expands the term "renewable energy," and adds the terms "biogas" and "renewable natural gas." "Renewable energy," is expanded to mean electrical energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced or resulting from energy sources other than fossil fuels, biomass, solar energy, geothermal energy, wind energy, ocean energy, and hydroelectric power. "Biogas," is defined as a mixture of gases, largely comprised of carbon dioxide, hydrocarbons, and methane gas, that is produced by the biological decomposition of organic materials. "Renewable natural gas" is defined as anaerobically generated biogas, landfill gas, or wastewater treatment gas, which is refined to a methane content of 90 percent or more, that may be used as transportation fuel, for electric generation, or is of a quality capable of being injected into a natural gas pipeline.

The bill provides that the Public Service Commission may approve cost recovery by a gas public utility for renewable natural gas purchase contracts in which the pricing provisions exceed the current market price of natural gas, but which are otherwise deemed reasonable and prudent by the commission.

The bill includes conforming changes in ss. 366.92, 373.236, and 403.973, F.S., to reflect the revised definition of "renewable energy" and reenacts s. 288.9606(7), F.S., without modification, to incorporate the changes made to s. 366.91, F.S.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 25-14; House 86-29

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/HB 919 — Preemption Over Restriction of Utility Services

by Commerce Committee; Tourism, Infrastructure and Energy Subcommittee; Rep. Tomkow, and others (SB 1128 by Rules Committee; Community Affairs Committee; Regulated Industries Committee; and Senator Hutson)

The bill prohibits municipalities, counties, special districts, or other political subdivisions from enacting or enforcing a resolution, ordinance, rule, code, or policy that restricts or prohibits, or has the effect of restricting or prohibiting the types or the fuel sources of energy production used, delivered, converted, or supplied to customers by:

- Public or electric utilities;
- Entities created pursuant to an interlocal agreement that generate, sell, or transmit electrical energy;
- Natural gas utilities or transmission companies; or
- Liquid petroleum gas dealers, dispensers, or cylinder exchange operators.

The bill expressly states that a municipality's board or a governmental entity is not prevented from passing rules, regulations, or policies governing an electric or natural gas utility that it owns or operates and directly controls. The bill further states that it does not expand or alter the jurisdiction of the Public Service Commission over public or electric utilities. The bill voids any charter, resolution, ordinance, rule, code, policy, or action by any municipality, county, special district, or political subdivision, existing on or before the bill's effective date, which is preempted by this bill.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 27-13; House 81-34

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/SB 1080 — Tobacco and Nicotine Products

by Health Policy Committee; Regulated Industries Committee; and Senator Hutson

The bill revises the regulation of the retail sale of tobacco products and nicotine products. The bill:

- Increases the minimum age to lawfully purchase and possess tobacco products and nicotine products from 18 years of age to 21 years of age. However, the bill keeps the exemption in current law for underage persons in the military and persons acting in the scope of lawful employment.
- Creates a new part of ch. 569, F.S., to regulate the sale of, and create a separate licensing structure for, the retail sale of “nicotine dispensing devices” and nicotine products. Under the bill, nicotine products and “nicotine dispensing devices” are not classified as tobacco products.
- Regulates tobacco products under ch. 569, part I, F.S., which consists of the current-law provisions.
- Regulates nicotine products under ch. 569, part II, F.S., which includes the requirements in current law for the sale of nicotine products, including applicable penalties for the illegal possession or sale, and provides additional provisions for the regulation of nicotine product sales that are the same as currently apply to the regulation of tobacco product sales.
- Requires retail dealers of nicotine products to have a permit issued by the Division of Alcoholic Beverages and Tobacco, but does not require a fee for the permit. However, the holder of a retail tobacco products dealer permit may sell nicotine products without an additional permit.
- Requires applicants for a retail tobacco products dealer permit and a retail nicotine products dealer permit to be at least 21 years of age.
- Preempts to the state the establishment of a minimum age for purchasing or possessing tobacco or nicotine products as well as regulation of the marketing, sale, or delivery of tobacco or nicotine products.
- Prohibits smoking and vaping by any person under 21 years of age on or near school property. (Current law applies the prohibition to persons under 18 years of age).
- Requires age verification before a sale or delivery of tobacco products and nicotine products to persons who appear to be under 30 years of age.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 29-9; House 103-13

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/HB 1239 — Broadband Internet Infrastructure

by Commerce Committee; Ways and Means Committee; and Rep. Tomkow and others
(CS/CS/SB 1592 by Appropriations Committee; Finance and Tax Committee; and Senators Burgess, Diaz, and Albritton)

The bill, which may be cited as the “Florida Broadband Deployment Act of 2021,” revises the Office of Broadband’s (office) strategic plan related to goals and strategies for increasing and improving broadband availability and access; creates the Broadband Opportunity Program to award grants; provides an appropriation to the Department of Economic Opportunity (DEO) for geographic information system mapping of broadband internet service; and establishes a promotional period for one dollar pole attachments of broadband facilities to municipal electric utility poles.

As to the office and its strategic plan, the bill revises the duties of the office to include improving the availability of, access to, and use of broadband. The bill requires the strategic plan to incorporate applicable federal broadband activities and identify available federal funding. The strategic plan must be submitted to the Governor, the Senate President, and the Speaker of the House by June 30, 2022, and updated biennially. Local technology planning teams are required by the bill to work with rural communities in order to help communities understand current broadband availability, locate unserved and underserved businesses and residents, identify assets relevant to deployment, build partnerships with providers, and identify opportunities. It requires the teams to be proactive in fiscally constrained counties to apply for federal grants.

The terms “broadband Internet service,” “deployed,” “sustainable adoption,” “underserved,” and “unserved,” are provided for in this section of the bill.

A non-recurring sum of \$1,500,000 for Fiscal Year 2021-2022 is appropriated from the General Revenue Fund to the DEO, to develop geographic information system maps of broadband Internet service availability though the state. The bill specifies the content required to be included in the maps and that they must be developed by June 30, 2022.

The bill creates the Broadband Opportunity Program, housed in the office, to award grants, subject to appropriation, to applicants who seek to install or deploy infrastructure that expands broadband service to unserved areas. The bill specifies the types of entities eligible for such grants, provides application requirements and evaluation criteria, and requires the office to enter into an agreement with each grant recipient that specifies performance conditions, including potential sanctions. The bill establishes a process by which an existing broadband provider may challenge a grant application on the grounds that the provider already offers or plans to offer service in the area at issue. The bill limits grant awards to 50 percent of the total cost of a project, but no more than five million dollars per grant, and prohibits grant awards for projects that receive other federal funding. The bill requires the office to prepare an annual report summarizing the activity under this program.

The bill creates s. 288.9963, F.S., relating to attachment of broadband facilities to municipal electric utility poles, which requires municipal electric utilities to provide broadband providers access for attachments to utility poles at a promotional rate of one dollar per attachment per pole, from July 1, 2021, to July 1, 2024. The bill provides terms for these discounted attachments and specifies each party's responsibility for costs associated with replacement poles necessary to make attachments. The bill requires these attachments to be made following the higher of the safety standards in the National Electrical Safety Code or the standards set by the utility. The promotional rate is available after application and can be lost if unserved or underserved customers are not provided with broadband Internet access within twelve months of the attachments being made and the provider may be required to pay the prevailing rate for the attachments that failed to make broadband available to the intended customers. The bill prohibits municipal electric utilities from raising their current pole attachment rates for broadband providers between July 1, 2021, and July 31, 2022.

The bill also provides procedures for wireline attachments and allows for a one dollar promotional rate until July 1, 2024. Such attachments must comply with safety and reliability standards, however, wireline attachments that complied with safety and reliability standards when installed, do not need to be modified to comply with new requirements unless necessary for safety reasons as determined by municipal electric utilities.

The bill also provides for procedures and costs for replacement of utility poles by the municipal electric utilities where necessary to comply with applicable engineering and safety standards. If the replacement is necessary to correct an existing violation, to bring the pole into compliance, or because the pole is at the end of its useful life, the replacement cost may not be charged to the broadband provider.

Definitions for the terms "broadband provider," "broadband service," "safety and reliability standards," "underserved," "unserved," "wireline attachment," are provided for in this section.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 1311 — Public Records and Public Meetings/Public Service Commission

by Commerce Committee and Rep. Payne (SB 7066 by Regulated Industries Committee)

The bill creates a public meeting and a public record exemption under s. 350.01, F.S., relating to the Florida Public Service Commission (PSC). Under the bill, portions of a PSC hearing discussing proprietary confidential business information that is confidential or exempt from public record requirements are made exempt from public meeting requirements. The bill provides that the entire hearing, including exempt portions must on the record, recorded, and transcribed.

The bill also creates a public record exemption for the recordings and transcripts. The recordings and transcripts are confidential and exempt from disclosure unless a court of competent jurisdiction, after an in camera review, determines that such portions of the hearing were not restricted to discussion of proprietary confidential business information, under ss. 364.183, 366.093, 367.156, and 368.108, F.S. If such a judicial determination is made, only the portion of the recording and transcript which reveals nonexempt information may be disclosed to a third party.

As required by the State Constitution, the bill provides a statement of public necessity, subjects the exemptions to the Open Government Sunset Review Act, and will stand repealed on October 2, 2026, unless reenacted by the Legislature.

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

Vote: Senate 39-1; House 113-5

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/SB 1966 — Department of Business and Professional Regulation

by Appropriations Committee; Regulated Industries Committee; and Senators Diaz and Garcia

The bill revises provisions relating to the licensing and regulation of cosmetics manufacturers, construction contractors, tobacco products, alcoholic beverages, pugilistic events, condominium associations, and public food and lodging establishments by the Department of Business and Professional Regulation (DBPR).

Relating to reporting requirements for tobacco product wholesalers, the bill:

- Requires tax and sales reports to be filed with the Division of Alcoholic Beverages and Tobacco through the agency's electronic system; and
- Revises the reporting requirements.

Relating to construction contracting, the bill deletes the deadline for registered contractors to apply for a statewide certified contractors' license if they otherwise meet the local licensure, examination, experience, discipline, and financial requirements.

Relating to construction and electrical contractors, the bill repeals the \$4 fee all certificate holders and registrants must pay to the DBPR at the time of application or renewal, to fund projects relating to the building construction industry or continuing education programs offered to building construction industry workers in Florida.

Relating to cosmetic manufacturers, the bill:

- Creates an exemption from the cosmetic manufacturing permit requirements for a person who manufactures limited cosmetic products, such as soaps, and has annual gross sales of \$25,000 or less;
- Requires each unit of an exempted cosmetic product to a statement indicating that the product is made by a manufacturer exempt from Florida's cosmetic manufacturing permit requirements;
- Authorizes a temporary permit for 90 calendar days to allow continued operation of a cosmetics establishment when there is a change of ownership, controlling interest, or location; and
- Authorizes the DBPR to issue remedial, non-disciplinary citations for violations that do not pose a substantial threat to the public health, safety, or welfare.

Relating to regulation of pugilistic events, the bill:

- Changes the name of the Florida State Boxing Commission to the Florida Athletic Commission (commission);
- Authorizes the commission to establish the need for gloves and the weight of any gloves used in pugilistic matches by rule; and
- Deletes the requirement for all participants in pugilistic matches to wear gloves.

Relating to alcoholic beverage regulations, the bill:

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

- Deletes the definition for the obsolete “carrier permit.”
- Requires applicants for an alcoholic beverage license to submit fingerprints to the DBPR electronically, provide proof of the applicant’s right of occupancy for the entire premises they are seeking to license, and maintain a current electronic mailing address with the DBPR;
- Authorizes the use of a lottery drawing for a quota license that has been cancelled;
- Requires licensees to submit alcohol sales reports through the DBPR’s electronic system;
- Requires notices related to a vendor’s delinquent payment to a distributor be provided by the DBPR through electronic mail;
- Revises the compliance audit timeframes for special restaurant licensees;
- Removes “grains of paradise” from the list of prohibited ingredients in liquor under the crime of “adulterating liquor;” and
- Prohibits alcoholic beverage vendors from storing or keeping alcoholic beverages in any building or room that is not the licensed premises; any building or room approved by the Division of Alcoholic Beverages and Tobacco that is located in the county where the vendor is licensed; or a building or room approved by the division and used only in conjunction with a catered event operated by an entity licensed to sell beer, wine, and liquor only sealed containers for off-premises consumption (a package store) or on-premises consumption.

Relating to condominium and cooperative associations, the bill:

- Requires a proposed annual budget to be provided to members of the association and adopted by its board of directors no later than 14 days before the beginning of the fiscal year; and
- Provides the board’s failure to timely adopt the annual budget a second time is a minor violation and the prior year’s budget will continue in effect until a new budget is adopted.

Relating to condominium associations, the bill:

- Provides that a person is delinquent in a payment due to the association if the payment is not made by the due date identified in the association’s governing documents, or the first day of the assessment period if no due date is specifically identified in the governing documents;
- Deletes the requirement that the condominium ombudsman keep his or her principal office in Leon County; and
- Authorizes the DBPR to adopt rules for submitting complaints against condominium associations.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

HB 7003 — OGSR/State Boxing Commission

by Government Operations Subcommittee and Rep. Rizo (SB 7026 by Regulated Industries Committee)

The bill saves from repeal the public records exemption for proprietary confidential business information provided by a promoter to the Florida State Boxing Commission (commission) or through an audit of the promoter's books and records. In current law, a "promoter" is any person, and includes any officer, director, employee, or stockholder of a corporate promoter, who produces, arranges, or stages any match involving a professional. Within seventy-two hours after a match, the promoter of that match must file a written report with the commission. The promoter's report must include information about the number of tickets sold, the amount of gross receipts, and any other facts that the commission requires.

This public records exemption would stand repealed on October 2, 2021, unless it is reenacted by the Legislature under the Open Government Sunset Review Act. The bill removes the scheduled repeal to continue the confidential and exempt status of the information.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

**SB 7022 — Open Government Sunset Review/Proprietary Confidential
Business Information**

by Regulated Industries Committee

The bill revises and saves from repeal the public records exemption for proprietary confidential business information submitted by voice communications services providers to the E911 Board, the Division of Telecommunications within the Department of Management Services, or the Department of Revenue as an agent of the E911 Board. The bill narrows the exemption by deleting trade secrets, including trade secrets as defined in s. 812.081, F.S., relating to trade secrets, theft, embezzlement, unlawful copying, definitions, and penalty, from the definition of “proprietary confidential business information.” The bill removes the scheduled repeal date of October 2, 2021, to continue the confidential and exempt status of the information.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 114-2

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

SB 7028 — OGSR/Data Processing Software

by Regulated Industries Committee

The bill revises the public records exemptions in s. 119.071(1)(f), F.S. The bill repeals the public records exemption for data processing software obtained by an agency under a licensing agreement that prohibits its disclosure and which software is a trade secret, as defined in s. 812.081, F.S.

Additionally, the bill saves from repeal the public records exemption for agency-produced data processing software that is designated as sensitive.

The public records exemption for agency-produced data processing software that is sensitive would stand repealed on October 2, 2021, unless it is reenacted by the Legislature under the Open Government Sunset Review Act. The bill removes the scheduled repeal to continue the exempt status of agency-produced data processing software that is sensitive.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 38-2; House 113-3

Committee on Rules

HB 7051 — Law Enforcement and Correctional Officer Practices

by Judiciary Committee and Reps. Byrd, Driskell, and others

The bill makes several changes to requirements for the operations and standards of law enforcement and correctional agencies and training for law enforcement officers, correctional officers, and correctional probation officers.

The bill provides legislative findings that promoting effective policing and correctional practices fulfills an important state interest in protecting the safety of both law enforcement and correctional officers and the public. Further, the bill provides legislative intent that the bill's requirements operate as minimum standards and that the bill does not prevent an employing agency from adopting policies that exceed the bill's requirements.

An applicant for employment as a law enforcement officer, correctional officer, or a correctional probation officer must disclose by affidavit if the applicant is the subject of any pending investigation by a local, state, or federal agency or entity for criminal, civil, or administrative wrongdoing and whether the applicant separated or resigned from previous criminal justice employment while under investigation.

As part of the pre-employment background investigation of the applicant, a law enforcement or correctional agency must include the facts and reasons for any of the applicant's previous separations from private or public employment or appointment, as the applicant understands them. Further, each employing agency must maintain an officer's employment information for a minimum of five years following the date of an officer's termination, resignation, or retirement.

The Criminal Justice Standards and Training Commission must establish standards for the instruction of officers in the subject of use of force and each employing agency must develop policies in the subject of use of force, including:

- Proportional use of force;
- Alternatives to use of force, including de-escalation techniques;
- If the agency authorizes use of chokeholds, limits on such use to circumstances where the officer perceives an immediate threat of serious bodily injury or death to the officer or another person;
- The duty of an on-duty officer who observes another officer engaging or attempting to engage in excessive use of force to intervene to end the excessive use of force or attempted excessive use of force when such intervention is reasonable based on the totality of the circumstances and the observing officer may intervene without jeopardizing the officer's own health or safety;
- The duty to render medical assistance following use of force when an officer knows, or when it is otherwise evident, that a person who is detained or in custody is injured or requires medical attention and the action is reasonable based on the totality of the circumstances and the officer may do so without jeopardizing the officer's safety; and

- Instruction on the recognition of the evident symptoms and characteristics of a person with a substance abuse disorder or mental illness and appropriate responses to such person.

Beginning July 1, 2023, these standards must be included in every basic skills course required in order for a law enforcement officer, correctional officer, or correctional probation officer to obtain the officer's initial certification.

The bill defines a "chokehold" as the intentional and prolonged application of force to the throat, windpipe, or airway of another person that prevents the intake of air. The term does not include any hold involving contact with another person's neck that is not intended to prevent the intake of air. The bill also defines "excessive use of force" as a use of force that exceeds the degree of force permitted by law, policy, or the observing officer's employing agency.

Each law enforcement agency must develop and maintain policies regarding use of force investigations conducted when a law enforcement officer's use of force results in the death of any person or the intentional discharge of a firearm that results in injury or death to any person. At a minimum, these policies must incorporate an independent review of the use of force by:

- A law enforcement agency that did not employ the law enforcement officer under investigation at the time of the use of force;
- A law enforcement officer who is not employed by the same employing agency as the law enforcement officer under investigation; or
- The state attorney of the judicial circuit in which the use of force occurred.

The agency, officer, or state attorney conducting the independent review must complete an independent report upon completion of the independent review. This report must be submitted to the state attorney of the judicial circuit in which the use of force occurred.

Beginning July 1, 2022, each law enforcement agency must report quarterly to the Florida Department of Law Enforcement data regarding use of force by the law enforcement officers employed by the agency that results in serious bodily injury, death, or discharge of a firearm at a person. This data must include all information collected by the Federal Bureau of Investigation's National Use-of-Force Data Collection, on use of force incidents that result in serious bodily injury, death, or discharge of a firearm at a person.

Finally, the bill prohibits a child younger than seven years of age from being arrested, charged, or adjudicated delinquent for a delinquent act or violation of law, unless the violation of law is a forcible felony as defined in s. 776.08, F.S.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 113-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/HB 6503 — Relief of the Estate of Emilio Jesus Vizcaino-Aday by Miami Dade County

by Civil Justice and Property Rights Subcommittee and Rep. Rodriguez (CS/SB 398 by Judiciary Committee and Senator Rodriguez)

The bill provides \$350,000 from Miami-Dade County for the relief of the estate of Emilio Jesus Vizcaino-Aday. Mr. Vizcaino-Aday died after being struck in his vehicle by a Miami-Dade Police Department patrol car, which was negligently operated by a county employee.

The attorney fee is limited to \$70,000 and the lobbying fee will not exceed \$17,500.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 37-3; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Special Master on Claim Bills

CS/HB 6511 — Relief of the Estate of Crystle Marie Galloway/Hillsborough County Board of County Commissioners

by Civil Justice and Property Rights Subcommittee and Rep. DiCeglie (CS/SB 26 by Judiciary Committee and Senators Cruz and Thurston)

The bill authorizes and directs the Hillsborough County Board of County Commissioners to draw a warrant for \$2.45 million payable to the Estate of Crystle Marie Galloway. Ms. Galloway died after experiencing a medical emergency and receiving negligent medical care from county paramedics.

The attorney fee is limited to \$612,500 and the lobbying fee will not exceed \$122,500.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 38-2; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/HB 77 — Diesel Exhaust Fluid

by Commerce Committee and Rep. Overdorf and others (CS/CS/SB 1082 by Appropriations Committee; Transportation Committee; and Senator Albritton)

The bill addresses safety issues associated with airport use of diesel exhaust fluid (DEF). The bill directs each public airport with specified uses of DEF to require a safety mitigation and exclusion plan for each fixed-base operator that performs onsite treatment of aviation fuel with a fuel system icing inhibitor and provides minimum requirements for the plan. By January 1, 2022, each airport must make the plan available for review during inspections by the Florida Department of Transportation (FDOT).

The bill also requires the FDOT, by November 1, 2021, to convene a workgroup of public airport representatives to develop uniform industry standards based on a National Air Transportation Association best practice relating to the handling of DEF, and authorizes the FDOT to adopt rules to develop a uniform industry standards form for the required plans based on the workgroup recommendations.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 40-0; House 114-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/SB 100 — Highway Projects

by Appropriations Committee and Senators Harrell and Taddeo

The bill repeals the Multi-use Corridors of Regional Economic Significance (M-CORES) program and related provisions and instead creates programs related to arterial highway projects. More specifically, the bill:

- Authorizes the Florida Department of Transportation (FDOT) to upgrade existing arterial roadways with targeted improvements, such as adding new tolled or non-tolled limited access alignments to manage congestion points and retrofitting roadways with tolled or non-tolled grade separations that provide alternatives to a signalized intersection for through traffic.
- Prohibits reduction of any non-tolled general use lanes of an existing facility, requires maintenance of existing access points, and limits the location of any tolling points such that a non-tolled alternative exists for local traffic.
- Provides that all existing applicable requirements relating to FDOT or turnpike projects apply to any projects undertaken. Further, the FDOT and the Florida Turnpike Enterprise must take into consideration the guidance and recommendations of any previous studies or reports relevant to the projects.
- Directs the FDOT to develop by December 31, 2035, and include in the work program, construction of controlled access facilities to achieve free flow of traffic on U.S. 19 and requires the facility to be developed using existing or portions of existing roadway by specified improvements.
- Directs the FDOT to identify and include in the work program projects to widen certain two lane arterial rural roads serving high volumes of truck traffic to four lanes.
- Directs the FDOT to begin the project development and environmental phase for a project to extend the Florida Turnpike from its current terminus in Wildwood to a terminus as determined by the FDOT, and to submit a summary report by December 31, 2022.

The revenue redirected to the State Transportation Trust Fund (STTF) as a result of the 2019 M-CORES legislation is retained in the STTF and is dedicated for purposes of funding the authorized controlled access facility projects and widening projects on arterial rural highways. Additionally, beginning July 1, 2023, the distribution of \$35 million to the Florida Turnpike Enterprise for feeder roads and related projects is discontinued; such funds will remain in the STTF to support statewide transportation priorities.

If approved by the Governor, these provisions take effect July 1, 2021, except as otherwise provided.

Vote: Senate 39-1; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/HB 139 — Motor Vehicle and Vessel Registration Data

by Tourism, Infrastructure and Energy Subcommittee and Rep. Fernandez-Barquin (CS/SB 754 by Transportation Committee and Senator Diaz)

The bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to provide integration of other tax collection systems used by tax collectors and their vendors with the Florida Real Time Vehicle Information System (FRVIS) with respect to motor vehicle, mobile home, trailer, and vessel registration renewals.

Specifically the bill:

- Authorizes the DHSMV, upon a tax collector's request, to provide information technology hardware and/or software to allow for the seamless communication between the state information technology systems and other tax collection systems used by tax collectors in order to provide tax collectors with data access and uniform interface functionalities for registration renewal transactions performed at a tax collector's office or online through a tax collector's website;
- Requires the DHSMV to provide a tax collectors' vendor with the ability to record registration renewals in FRVIS in real time and with the ability to do bulk data reporting;
- Requires the DHSMV to ensure that the ancillary technology and other tax collection systems protect consumer data and privacy; and
- Provides that the data and functionalities may be used only for purposes of fulfilling the tax collector's statutory duties and may not be resold or used for any other purpose.

The specified data access and requested system interface must be developed no later than July 1, 2023.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 119-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/SB 184 — Purple Alert

by Appropriations Committee; Transportation Committee; and Senator Berman

The bill requires the Division of Emergency Management to identify and maintain an inventory of available digitally displayed automatic changeable facing signs capable of providing the immediate distribution of critical information to the public in times of declared emergency and regarding missing endangered persons.

Effective July 1, 2022, the bill also establishes criteria and processes for issuing Purple Alerts to assist in finding a missing adult:

- Who has a mental or cognitive disability that is not Alzheimer’s disease or a dementia-related disorder; an intellectual disability or a developmental disability; a brain injury; another physical, mental, or emotional disability that is not related to substance abuse; or a combination of any of these;
- Whose disappearance indicates a credible threat of immediate danger or serious bodily harm to himself or herself, as determined by the local law enforcement agency;
- Who cannot be returned to safety without law enforcement intervention; and
- Who does not meet the criteria for activation of a local Silver Alert or the Silver Alert Plan of the Department of Law Enforcement.

The bill provides the Florida Department of Law Enforcement with budget authority of \$199,901 (\$92,790 nonrecurring) in the Operating Trust Fund and 2 FTE in order to accommodate increased workload and make technology improvements.

If approved by the Governor, the provisions take effect July 1, 2021, except where otherwise provided.

Vote: Senate 40-0; House 116-1

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/SB 342 — Vehicle and Vessel Registration

by Transportation Committee and Senator Diaz

The bill provides that a tax collector may exercise his or her authority to contract with a privately owned license plate agent, and may determine any additional service charges that will be collected by the license plate agent. Any additional service charges must be fully itemized and disclosed to a person paying the service charges.

The bill requires the license plate agent to enter into a contract with the tax collector regarding the disclosure of additional service charges.

The bill also requires tax collectors and their approved license plate agents to enter into a memorandum of understanding with the Department of Highway Safety and Motor Vehicles regarding use of the Florida Real Time Vehicle Information System.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

HB 353 — Bicycle Operation Regulations

by Rep. Hage (CS/SB 738 by Rules Committee and Senator Baxley)

The bill amends a current prohibition against a person operating a bicycle other than upon or astride a permanent and regular attached seat, providing that the prohibition applies unless the bicycle was designed by the manufacturer to be ridden without a seat. Under the bill, a person riding a bicycle manufactured without a seat would not be subject to an existing penalty for a violation of the prohibition.

The bill also amends existing electric bicycle regulations that afford an electric bicycle or electric bicycle operator the same rights, privileges, and duties of a bicycle or bicycle operator, providing that such regulations do not prevent a municipality, county, or agency of the state with jurisdiction over a beach or dune from restricting or prohibiting the operation of an electric bicycle on such beach or dune.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/SB 676 — Special and Specialty License Plates

by Appropriations Committee; Transportation Committee; and Senators Baxley, Pizzo, Harrell, Stewart, Berman, and Garcia

The bill provides that the Department of Highway Safety and Motor Vehicles (DHSMV) may allow the purchaser of a voucher for a specialty license plate that has met its presale requirement but has not been issued, to use the annual fee that was collected towards any other specialty license plate or apply for a refund.

The bill requires the DHSMV to discontinue the existing specialty license plate of an independent college or university which elects to use the standard template specialty license plate.

The bill revises provisions regarding license plate eligibility or uses of annual use fees for the following existing specialty license plates:

- Florida Indian River Lagoon;
- Wildlife Foundation of Florida; and
- Divine Nine.

The bill creates the following specialty license plates and specifies the design and the distribution of the associated annual use fees:

- Florida State Parks;
- Support Healthcare Heroes;
- Biscayne Bay;
- Disease Prevention & Early Detection;
- Honor Flight;
- Protect Marine Wildlife; and
- 30A.com/Scenic Walton.

The bill also creates one new special military plate for recipients of the Army of Occupation Award and revises requirements for the issuance of certain special license plates.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 39-0; House 115-2

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/SB 950 — Bicycle and Pedestrian Safety

by Committee on Transportation and Senator Book

The bill addresses issues relating to bicycle and pedestrian safety. In summary, the bill:

- Defines the terms “bicycle lane” and “separated bicycle lane”;
- Provides requirements for a vehicle overtaking a bicycle or other nonmotorized vehicle, or an electric bicycle occupying the same travel lane;
- Requires the Department of Highway Safety and Motor Vehicles (DHSMV) to provide an awareness campaign regarding vehicles overtaking a bicycle, other nonmotorized vehicle, or an electric bicycle;
- Provides that no-passing zones do not apply to drivers who safely and briefly drive to the left of center of the roadway to overtake a bicycle, other nonmotorized vehicle, or an electric bicycle;
- Requires a vehicle making a right turn while overtaking and passing a bicycle proceeding in the same direction, to do so only if the bicycle is at least 20 feet from the intersection, and is of such a distance that the driver of a vehicle may safely turn;
- Authorizes bicyclists riding in groups, after coming to a full stop, to go through an intersection in groups of 10 or fewer;
- Provides riders may ride two abreast if certain conditions exist; and
- Requires at least 25 questions in the test bank for the driver license test to address bicycle and pedestrian safety.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 114-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/SB 1126 — Department of Transportation

by Appropriations Committee and Senator Harrell

The bill contains a number of revisions to current law relating to the Florida Department of Transportation (FDOT) including:

- Adds road and bridge maintenance or construction vehicles to the list of vehicles subject to the Move Over Law.
- Increases from \$275 to \$300 million the authorized dollar amount representing an alternative debt service cap on Right-of-Way Acquisition and Bridge Construction Bonds issued to finance or refinance the cost of acquiring real property for state roads or the cost of bridge construction.
- Removes the expiration date for the Legislative Budget Commission chair and vice chair's authority to approve amendments to the FDOT's work program that transfer fixed capital outlay appropriations between categories or increase an appropriation category.
- Clarifies that the Department of Revenue is the entity responsible for transferring a portion of documentary stamp tax revenues distributed to the State Treasury and credited to the State Transportation Trust Fund (STTF) from the State Treasury to the General Revenue Fund.
- Revises from October 1 to August 1 the date for metropolitan planning organization (MPO) annual submissions of project priorities to the FDOT districts for purposes of developing the FDOT's tentative work program and MPO transportation improvement programs.
- Removes provisions requiring the FDOT to provide space and video conference capability at each FDOT district office for persons requesting a hearing before the Commercial Motor Vehicle Review Board, instead requiring the FDOT to allow such persons to appear remotely before the board via communications media technology already authorized by Administration Commission rule.
- Grants the FDOT rulemaking authority for the purpose of implementing statutory provisions relating to airport zoning.
- Revises provisions relating to a notice and hearing the FDOT is required to provide when a transportation project on the State Highway System modifies an existing access to an abutting property owner to provide clarity and improve readability.
- Removes obsolete references to a previously expired general service revenue service charge from specified collected revenue deposited into the STTF.

The bill also repeals the Multi-use Corridors of Regional Economic Significance (M-CORES) program and related provisions and instead creates programs related to arterial highway projects. More specifically, the bill:

- Authorizes the FDOT to upgrade existing arterial roadways with targeted improvements, such as adding new tolled or non-tolled limited access alignments to manage congestion points and retrofitting roadways with tolled or non-tolled grade separations that provide alternatives to a signalized intersection for through traffic.

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

- Prohibits reduction of any non-tolled general use lanes of an existing facility, requires maintenance of existing access points, and limits the location of any tolling points such that a non-tolled alternative exists for local traffic.
- Provides that all existing applicable requirements relating to FDOT or turnpike projects apply to any projects undertaken. Further, the FDOT and the Florida Turnpike Enterprise must take into consideration the guidance and recommendations of any previous studies or reports relevant to the projects.
- Directs the FDOT to develop by December 31, 2035, and include in the work program construction of controlled access facilities to achieve free flow of traffic on U.S. 19 and requires the facility to be developed using existing or portions of existing roadway by specified improvements.
- Directs the FDOT to identify and include in the work program projects to widen certain two lane arterial rural roads serving high volumes of truck traffic to four lanes.
- Directs the FDOT to begin the project development and environmental phase for a project to extend the Florida Turnpike from its current terminus in Wildwood to a terminus as determined by the FDOT, and to submit a summary report by December 31, 2022.

The revenue redirected to the STTF as a result of the 2019 M-CORES legislation is retained in the STTF and is dedicated for purposes of funding the authorized controlled access facility projects and widening projects on arterial rural highways. Additionally, beginning July 1, 2023, the distribution of \$35 million to the FTE for feeder roads and related projects is discontinued; such funds will remain in the STTF to support statewide transportation priorities.

Except as otherwise provided, this act shall take effect July 1, 2021.

Vote: Senate 40-0; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

SB 1134 — Department of Highway Safety and Motor Vehicles

by Senator Harrell

The bill relates to the Department of Highway Safety and Motor Vehicles (DHSMV) and includes the following provisions:

- Updates the date of adoption of federal regulations and rules for commercial motor vehicles (CMV) to December 31, 2020;
- Provides that a person who has been convicted of any felony involving human trafficking under state or federal law involving the use of a CMV may not be licensed as a CMV operator, or hold a CMV license;
- Incorporates violations for texting or using a handheld phone device while operating a CMV as a serious disqualifying offense, which may result in a person being disqualified from operating a CMV for a specified period of time, to align with federal regulations;
- Provides that the expiration date for an original issuance of a commercial driver license is at midnight eight years after the licensee's last birthday;
- Revises the length of time within which an officer of the DHSMV is authorized to give written notice requiring correction of an unduly hazardous operating condition from 14 days to 15 days;
- Updates statute to reflect the DHSMV is the agency responsible for the safe operations of nonpublic sector buses and further provides that an agent of the DHSMV may require the driver of any nonpublic sector bus operated on the highways of this state to stop and submit to an inspection of the vehicle or the driver's records;
- Provides that current seat belt requirements are applicable when a vehicle is stationary at a traffic signal;
- Exempts from odometer disclosure a vehicle with a model year of 2011 or newer after 20 years;
- Provides that a motor carrier or vehicle owner whose registration has been suspended is required to return the license plate to the DHSMV or surrender it to law enforcement; and
- Provides expanded and new subpoena powers for the DHSMV related to motor vehicle dealers and manufacturers, private rebuilt inspection providers, title certificates, and driver licenses.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/CS/SB 1194 — Transportation

by Rules Committee; Appropriations Committee; Transportation Committee; and Senator Hooper

The bill contains various transportation-related provisions, including the following:

- Authorizes a municipal or county governing body to abandon roads and rights of way dedicated in a recorded residential subdivision plat and to simultaneously convey the municipality's or the county's interest to a community development district under specified conditions.
- Precludes a governmental entity from prohibiting a bid relating to the entity's procurement of certain contractual services from vendors holding specified certificates or licenses.
- Provides that with respect to any port that has received or is eligible to apply for or receive certain state seaport funding, a local ballot initiative or referendum may not restrict maritime commerce in such port based on specified but unlimited factors. These provisions apply retroactively and prospectively, prohibiting, rendering void, and preempting to the state any conflicting initiative or referendum.
- Authorizes on roadways with a posted speed limit of 55 miles per hour or higher:
 - Construction equipment in a work zone to display a combination of flashing green, amber, and red lights during periods when workers are present.
 - Flashing lights on vehicles during periods of extremely low visibility.
- Increases the penalties for violations of a prohibition against modification of a motor vehicle exhaust system so that the noise emitted by the motor vehicle is above that emitted by the vehicle as originally manufactured.
- Substitutes an affidavit with an attestation on a form provided by the Florida Department of Highway Safety and Motor Vehicles (DHSMV) as a requirement for an insurance company to receive from the DHSMV a salvage certificate of title or certificate of destruction for motor vehicles and mobile homes.
- Clarifies that the types of vehicles authorized to elect a permanent registration period are rental vehicles, making clear that the authorization does not apply to leased vehicles.
- Requires motor vehicle dealer licensees to deliver to the DHSMV copies of renewed, continued, changed, or new insurance policies, surety bonds, or irrevocable letters of credit within 10 days after any renewal, continuation, change, or new issuance of the same, ensuring continuous insurance coverage.
- Removes a prohibition against the Miami-Dade County metropolitan planning organization (MPO) from assessing fees against governmental-entity members of the MPO.
- Dissolves the inactive Northwest Florida Transportation Corridor Authority and repeals ch. 343, part III, F.S., under which the authority was established.
- Authorizes a mayor to appoint a specified designee to attend a Tampa Bay Area Regional Transit Authority (TBARTA) meeting to act in his or her place with full voting rights on all issues, revising quorum requirements for the TBARTA board, revises the organization

of the Chair's Coordinating Committee (CCC), removes the requirement for the TBARTA to provide administrative support and direction to the CCC, and removes obsolete language.

- Increases the number of the Governor's appointees to the Greater Miami Expressway Authority from three to four, one of which must be member of the Miami-Dade County MPO, and providing for staggered terms.
- Prohibits the Central Florida Expressway Authority from constructing any extensions, additions, or improvements to the Central Florida Expressway System in Lake County without prior consultation with, rather than consent of, the Secretary of Transportation.
- Increases from 40 years to 99 years an existing limitation on the term of a lease into which the Jacksonville Transportation Authority may enter.
- Revises provisions relating to an annual cap on the Florida Department of Transportation's (FDOT) authorization to enter into contracts for innovative transportation projects.
- Amends financial statement requirements relating to applications for certificates of qualification to bid on contracts for the performance of work for the FDOT under certain construction contracts.
- Excludes certain airports from the prohibition against the same entity performing design and performing construction engineering and inspection services on a project funded by the FDOT and administered by a local governmental entity.
- Substantially revises provisions relating to the State Arbitration Board, which hears claims for additional compensation arising out of construction and maintenance contracts between the FDOT and its contractors.
- Authorizes the FDOT to use surplus toll revenue to support public transportation projects that benefit the operation of high-occupancy toll lanes or express lanes on the State Highway System.
- Defines the term "borrow pit" and requires a borrow pit operator to provide a notice of intent to extract to the Florida Department of Environmental Protection; prohibits the FDOT, and its contractors and subcontractors, from purchasing or using specified substances extracted from a borrow pit unless conditions relating to compliance with existing statutory requirements and permitting are met; and requires the FDOT, if it determines substances are being obtained and used from a noncompliant borrow pit, to cease accepting any substances within 48 hours.
- Requires the FDOT to create and implement a publicly accessible electronic database for sign permit information; specifies requirements for the database; prohibits the department from furnishing permanent metal permit tags or replacement tags and from enforcing related provisions once the department creates and implements the database.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 21-17; House 75-40

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/HB 1289 — Autonomous Vehicles

by Commerce Committee; Tourism, Infrastructure and Energy Subcommittee; and Rep. McFarland and others (CS/CS/SB 1620 by Rules Committee; Transportation Committee; and Senator Brandes)

The bill defines the term “low-speed autonomous delivery vehicle” as a fully autonomous vehicle that meets the current federal definition and authorizes such vehicles to operate only on streets or roads where the posted speed limit is 35 miles per hour or less. Such vehicles are not prohibited from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour. However, a low-speed autonomous delivery vehicle may operate on a street or road with a posted speed limit of more than 35 miles per hour, but no more than 45 miles per hour, if:

- The vehicle travels no more than one continuous mile, except that the entity with jurisdiction over the street or road may authorize travel in excess of that distance;
- The vehicle operates exclusively in the right lane, other than for the purpose of completing a turn; and
- On a two-lane street or road where overtaking and passing another vehicle is unsafe, and five or more vehicles are formed in a line behind the low-speed autonomous delivery vehicle, the delivery vehicle exits the roadway wherever sufficient space exists, to permit the following vehicles to proceed.

The bill sets out equipment requirements for such vehicles and provides that the new provisions are superseded by any conflicting federal regulations. The bill also establishes insurance coverage requirements for such vehicles and exempts them from specified provisions of law relating to authorized use of golf carts, low-speed vehicles, and utility vehicles.

The provisions of any motor vehicle equipment laws or regulations of this state, relating to or supporting motor vehicle operation by a human driver but not relevant for an automated driving system, are rendered inapplicable to fully autonomous vehicles designed to be operated *exclusively* by the automated driving system for *all* trips.

The bill also revises the definition of the terms:

- “Autocycle,” by clarifying that the required brakes on such autocycles must meet the requirements of a specified Federal Motor Vehicle Safety Standard relating to antilock brakes, and by revising the requirement for a steering “wheel” to a steering “mechanism.”
- “Personal delivery device,” by removing the current 80-pound weight limitation (excluding cargo) and replacing it with a weight that does not exceed the maximum established by rule by the Florida Department of Transportation (FDOT).

The bill authorizes the FDOT to adopt rules to implement provisions of law relating to personal delivery devices.

If approved by the Governor, these provisions take effect July 1, 2021.

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

Vote: Senate 39-1; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/HB 1313 — Digital Driver Licenses and Identification Cards

by Commerce Committee; and Rep. LaMarca and others (CS/SB 1324 by Committee on Rules and Senator Harrell)

The bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to establish a secure and uniform system for issuing optional digital proofs of driver licenses and identification cards. Under the bill, the DHSMV may contract with one or more private entities to develop an electronic credentialing system. The electronic credentialing system may not retain Internet Protocol addresses, geolocation data, or other information that describes the location, computer, computer system, or computer network from which a customer accesses the system.

The bill prohibits a private entity from storing, selling, or sharing personal information collected by scanning a digital proof of driver license or identification card unless consent has been provided by the individual.

The bill provides that, notwithstanding any law prescribing the design for, or information required to be displayed on, a driver license or identification card, a digital proof of driver license or identification may comprise a limited profile that includes only information necessary to conduct a specific transaction on the electronic credentialing system.

The bill also provides that a person may not be issued a digital proof of driver license or identification card until he or she satisfies all requirements for issuance of the respective driver license or identification card and has been issued a printed driver license or identification card. The bill establishes penalties for a person who manufactures or possesses a false digital identification card.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/HB 1315 — Public Records/Department of Highway Safety and Motor Vehicles

by Government Operations Subcommittee and Rep. LaMarca (CS/SB 1326 by Committee on Transportation and Senator Harrell)

The bill, which is contingent on HB 1313 becoming law, creates a public record exemption for the following information held by the Department of Highway Safety and Motor Vehicles (DHSMV):

- Secure login credentials held by the DHSMV; and
- Internet protocol addresses, geolocation data, and other information held by the DHSMV which describes the location, computer, computer system, or computer network from which a user accesses a public-facing portal, and the dates and times that a user accesses a public-facing portal.

The bill provides that the exemption is retroactive and applies to records held by the DHSMV before, on, or after the effective date of the exemption.

The bill provides that the public record exemption is subject to the Open Government Sunset Review Act and will repeal on October 2, 2026, unless the Legislature reviews and reenacts the exemption by that date. The bill provides a public necessity statement as required by the Florida Constitution.

If approved by the Governor, these provisions take effect on the same date that HB 1313 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 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

HB 1359 — Public Records/Department of Highway Safety and Motor Vehicles

by Rep. Brannan (CS/SB 1502 by Committee on Transportation and Senator Harrell)

The bill, which is contingent on SB 1134 becoming law, creates four public records exemptions, each making confidential and exempt from public disclosure information received by the Department of Highway Safety and Motor Vehicles (DHSMV) as part of its investigations or examinations of:

- Suspected violations by private rebuilt inspection providers, or any contract entered into thereunder by such a provider;
- Suspected violations of ch. 319, F.S., relating to motor vehicle titles, or any rule or order thereunder;
- Suspected violations of ch. 320, F.S., relating to motor vehicle registrations and motor vehicle dealer and manufacturer licensing, or any rule or order thereunder; and
- Suspected violations of ch. 322, F.S., relating to driver licenses and identification cards, or any rule or order thereunder.

The above exemptions shield investigative records until the investigation ceases to be active or administrative action taken by the DHSMV has concluded or been made part of any hearing or court proceeding, after which the investigative records are no longer confidential and exempt.

The bill provides that the public record exemption is subject to the Open Government Sunset Review Act and will repeal on October 2, 2026, unless the Legislature reviews and reenacts the exemption by that date. The bill provides a statement of public necessity as required by the State Constitution.

If approved by the Governor, these provisions take effect on the same date that CS/HB 1151 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 40-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

SB 1716 — Transportation Facility Designations Honoring Fallen Law Enforcement Officers

by Senator Hooper

The bill creates the following transportation-related facility designations:

- The portion of C.R. 611/E. Lake Road between Forelock Road and Keystone Road in Pinellas County as “Deputy Michael J. Magli Memorial Road.”
- The portion of S.R. 60 between Interstate 75 and Phillip Lee Boulevard in Hillsborough County as “Sergeant Brian LaVigne Road.”
- The portion of Interstate 275 between E. Sligh Avenue and E. Dr. Martin Luther King, Jr., Boulevard in Hillsborough County as “Officer Jesse Madsen Memorial Highway.”

The bill directs the Florida Department of Transportation to erect suitable markers.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/HB 7037 — OGSR/State-funded Infrastructure Bank

by State Affairs Committee; Government Operations Subcommittee; and Rep. McClure (CS/SB 7004 by Governmental Oversight and Accountability Committee and Transportation Committee)

The bill saves from repeal the current public records exemption for certain financial information held by the Florida Department of Transportation (FDOT). The information covered by the exemption includes the financial information of a private entity applicant submitted for a loan or credit enhancement from the State-funded Infrastructure Bank (SIB) within the FDOT for use in constructing and improving transportation facilities or ancillary facilities that produce or distribute natural gas or fuel. The current exemption does not apply to the financial information of a private applicant in default on a SIB loan.

The Open Government Sunset Review Act requires the Legislature to review each public record and each public meeting exemption five years after enactment. The exemption contained in s. 339.55, F.S., is scheduled to repeal on October 2, 2021. This bill removes the scheduled repeal to continue the exempt status of the information.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 38-2; House 118-0