Committee on Agriculture

SB 310 — Off-highway Vehicles

by Senators Perry and Broxson

The bill (Chapter 2019-19, L.O.F.) redefines the terms "ATV" (all-terrain vehicle) and "ROV" (recreational off-highway vehicle) and to increase the width and dry weight allowed for these vehicles. This change will allow manufacturers to meet increasing consumer and regulatory demands for safer vehicles.

These provisions were approved by the Governor and take effect July 1, 2019.
Vote: Senate 39-0; House 115-0

Committee on Appropriations

SB 2500 — Appropriations

by Appropriations Committee

SB 2500, the General Appropriations Act for Fiscal Year 2019-2020, provides for a total budget of $91.1 billion, including:

- $34.0 billion from the General Revenue Fund (GR)
- $2.1 billion from the Education Enhancement Trust Fund
- $1.18 billion from the Public Education Capital Outlay Trust Fund (PECO TF)
- $53.9 billion from other trust funds (TF)
- 112,859.51 full time equivalent positions (FTE)

Reserves

Total: $3.4 billion

- $1.0 billion in the General Revenue Fund unallocated
- $1.6 billion in the Budget Stabilization Fund
- $766 million in the Lawton Chiles Endowment Fund

Major Issues

Education Capital Outlay

Total: $322.8 million [$42.4 million GR, $280.4 million PECO TF]

- Charter School Repairs and Maintenance - $158.2 million
- Developmental Research School Repairs and Maintenance - $6.6 million
- Public School Special Facilities - $32.3 million
- Other Public School Projects - $1 million
- Florida College System Projects - $11.3 million
- State University System Projects - $107.2 million
- School for the Deaf and Blind Repairs and Maintenance - $2.8 million
- Public Broadcasting - Health and Safety Issues - $3 million
- Division of Blind Services Repairs and Maintenance - $380,000

In addition, $44 million in authorization for State University System (SUS) Capital Improvement Student Fee Projects

Compensation and Benefits

Pay Issues - Total $31.3 million [$26.1 million GR; $5.2 million TF]

- State Mental Health Treatment Facility Employees - Competitive Pay Plan
- State Courts System Employees - Competitive Pay Plan
- Florida Highway Patrol Troopers - pay increase of 3 percent
- Correctional Probation Officers - pay increase of $2,500
- Institutional Security Specialists - pay increase of $2,500

- Asst. Regional Conflict Counsels - pay increase of $2,000 or $4,000 (if 3 years of service)
- Asst. State Attorney and Asst. Public Defender - increase minimum salary to $50,000
- Guardian Ad Litem Attorneys - pay increase of $1,200

State Employee Group Health Insurance - Total $51.4 million [$31.2 million GR; $20.2 million TF]

- 4 percent increase to total premiums (State Employee portion unchanged)

Florida Retirement System (State Agencies) - Total $25.1 million [$15.9 million GR; $9.2 million TF]

Domestic Security

Total - $33.9 million TF

State Match for Federally Declared Disasters

Total - $271 million GR

Education Appropriations

Total Appropriations: $22.5 billion [$17.5 billion GR; $5 billion TF, excludes tuition]
Total Funding - Including Local Revenues: $34.7 billion [$22.5 billion state funds; $12.2 billion local funds][1]

Major Issues

Early Learning Services

Total: $1.2 billion [$559.2 million GR; $663.9 million TF]

- Voluntary Prekindergarten Program - $402.3 million GR; including $3.8 million increase for 1,482 additional students
- School Readiness Program - $760.9 million [$144.6 million GR; $616.3 million TF]

Public Schools/K12 Florida Education Finance Program (FEFP)

Total Funding: $21.9 billion [$12.5 billion state funds; $9.4 billion local funds]

- FEFP Total Funds increase is $783 million or 3.72 percent
- FEFP increase in Total Funds per Student is $242.60, a 3.27 percent increase [from $7,429 to $7,672]
- Base Student Allocation (BSA) increase of $75.07

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

- FEFP Base Funds (flexible $) increase of $363.9 million (2.8 percent)
- Required Local Effort (RLE) increase of $142.5 million for New Construction only; RLE Millage reduced from 4.075 to 3.927 mills
- Best and Brightest Teacher and Principal Allocation - $285 million - transfers the Best and Brightest Teacher Scholarship program to the FEFP and modifies the performance requirements for personnel to receive the awards
- Safe Schools Allocation - $18 million increase for a total of $180 million to help ensure school districts and charter schools have enough funds to support one safe school officer per school
- Mental Health Assistance Allocation - $5.7 million increase for a total of $75 million to help school districts and charter schools address youth mental health issues
- Turnaround School Supplemental Services Allocation - $45.5 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 Allocation - $54.2 million additional funds for school districts that receive lower than the statewide average total funds per student
- Family Empowerment Scholarships - new program for up to 18,000 students

Public Schools/K12 Non-FEFP

- Community School Grant Program - $7.4 million GR
- Hurricane Michael Relief - $14. 2 million GR to provide relief and financial stability to affected school districts who will experience FEFP funding reductions due to student enrollment losses or other factors as a result of the hurricane
- Mentoring Programs - $16.1 million GR
- Regional Education Consortia - $304,610 increase to fully fund the program
- Gardiner Scholarships -$24 million additional funds for a total of $147.9 million GR
- Additional School Safety Appropriations
  - Mental Health Awareness and Assistance Training - $5.5 million GR
  - School Hardening Grants program for capital purchases - $50 million GR
  - Data Repository and Analytics Resources - $3 million GR
  - Florida Safe Schools Assessment Tool - $640,000 GR
  - Security Funding for the Jewish Day Schools - $2.5 million GR
- School District Matching Grants for school district foundations - $5 million GR
- School and Instructional Enhancement Grants - $27.5 million GR
- Exceptional Education Grants - $9.6 million [$7.1 million GR; $2.5 million TF]
- Florida School for the Deaf & Blind - $53.9 million [$49.2 million GR; $4.7 million TF]
- Schools of Hope - $40 million GR
- Computer Science Certification Grants - $10 million GR
- Reading Scholarships - $7.6 million GR
- Capital Projects - $7.3 million

State Board of Education

Total: $269.5 million [$129.4 million GR; $140.1 million TF]

- Assessment and Evaluation - $126.2 million [$69.9 million GR; $56.3 million TF]
- Choice Scholarship Programs Database - $4 million GR

School District Workforce

Total: $552.2 million [$308.9 million GR; $199.4 million TF; $43.9 million tuition/fees]

- Workforce Development - career and technical education and adult education $370.3 million [$289 million GR, $81.3 million TF]
  - Additional funds for equity among districts - $4 million GR
- Perkins Career and Technical Education grants and Adult Education and Literacy funds - $118.1 million TF
- Additional CAPE Incentive Funds - $2 million GR for a total of $6.5 million
- School and Instructional Enhancement Grants - $1.6 million GR
- Pathways to Career Opportunities Grant Program for apprenticeships - $10 million GR
- No tuition increase

Florida College System

Total: $2.04 billion [$1.1 billion GR; $150.2 million TF; $786.8 million tuition/fees]

- Increased Operating Funds - $30 million
  - Compression - $10 million GR
  - General Operating Enhancement for the System - $10 million GR
  - Operating Enhancements for Individual Colleges - $10 million
- CAPE Incentive Funds - $14 million GR
- Student Success Incentive Funds - $30 million
  - 2+2 Student Success Incentive Funds - $20 million GR
  - Work Florida Incentive Funds - $10million GR
- No tuition increase

State University System

Total: $5.1 billion [$2.8 billion GR; $386.4 million TF; $1.9 billion tuition/fees]

- Performance Based Funding - $560 million
  - $265 million State Investment [GR]
  - $295 million Institutional Investment
    - Reprioritized from the base of each institution
- General Operating Enhancements - $55.5 million
- New College Enrollment Growth - $1.6 million
- National Ranking Enhancement - $21.8 million GR increase
- IFAS Workload - $1 million GR
- Institute for Human and Machine Cognition Workload - $1 million

- No tuition increase

Private Colleges

Total: $148.1 million GR
- EASE and ABLE funded at $2,841 per award

Student Financial Aid

Total: $921.9 million [$260.8 million GR, $661.1 million TF]
- Bright Futures - $595.1 million TF
- Benacquisto Scholarship Program - $21.4 million GR
  - $4.3 million workload increase
- Children/Spouses of Deceased or Disabled Veterans Workload Increase - $7.7 million GR
  - $1.4 million workload increase

Health and Human Services Appropriations

Total Budget: $37,667.5 million [$10,205.6 million GR; $27,461.9 million TF]; 30,928.76 positions

Major Issues

Agency for Health Care Administration

Total: $29,418 million [$7,072.8 million GR; $22,345.2 million TF]; 1,523.5 positions
- Medicaid Price Level and Workload - $94.4 million [$173.8 million GR; ($79.4 million) TF]
- KidCare Workload - $91.4 million [$52 million GR; $39.4 million TF]
- KidCare Combined Risk Pool Implementation - $6.9 million [$1.1 million GR; $5.8 million TF]
- Graduate Medical Education Program Increase - $4.4 million [$1.7 million IGTs, $2.7 million TF]
- Nursing Home Rate Enhancement - $15.5 million TF
- Redirect Hospital Supplemental Payments - $9.6 million [$3.7 million GR; $5.9 million TF]
- Increase Hospital Inpatient DRG Base Rate - $8.0 million [$3.1 million GR; $4.9 million TF]
- Increase Hospital Outpatient EAPG Base Rate - $1.6 million [$0.6 million GR; $1.0 million TF]
- Florida Cancer Hospital Restoration - $81.5 million TF
- Florida Medicaid Management Information System (FMMIS) - $34.0 million TF
- Electronic Visit Verification for Behavior Analysis Services - $1.2 million TF

- Background Screening Clearinghouse - $0.7 million TF

Agency for Persons with Disabilities

Total: $1,415.9 million [$584.3 million GR; $831.6 million TF]; 2,700.5 positions

- Resources for Persons with Unique Abilities - $48.7 million [$18.8 million GR; $29.9 million TF]
- Increase Residential Habilitation Provider Rates - $28.7 million [$11.1 million GR; $17.6 million TF]
- Employment and Internship Supports - $0.9 million GR
- iConnect System - $3.6 million [$0.9 million GR; $2.7 million TF]
- Fixed Capital Outlay for Developmental Disability Facilities - $1.2 million TF

Department of Children and Families

Total: $3,298.3 million [$1,854.4 million GR; $1,443.9 million TF]; 12,050.75 positions

- Community-Based Care Lead Agency (CBC) Funding:
  - Fund Shift Due To Expiration of Title IV-E Waiver - $24.0 million GR, ($24.0 million) TF
  - Guardianship Assistance Program - $12.7 million [$4.0 million GR; $8.7 million TF]; 12 positions
  - Safety Management Services Restoration - $8.1 million TF
  - Community Based Care Core Services - $8.1 million GR
  - Child Abuse Prevention and Treatment Grant Increase - $4.1 million TF
  - Risk Pool Funding - 8.1 million - [$3.1 million GR; $5.0 million TF]
- Maintenance Adoption Subsidies - $30.7 million [$11.4 million GR; $19.3 million TF]
- State Opioid Funding - $83.3 million TF
- Community Mental Health/Substance Abuse Block Grant Funding Increase - $6.7 million TF
- Homeless Prevention Challenge Grants Restoration - $3.2 million GR
- Employment Assistance for Individuals with Mental Health Disorders - $0.7 million GR
- State Mental Health Treatment Facilities:
  - Anti-Ligature Improvements - $2.0 million GR
  - Security Staffing - $0.8 million [0.7 million GR; 0.1 million TF]; 14 positions

Department of Elder Affairs

Total: $347.7 million [$164.2 million GR; $183.5 million TF]; 404 positions

- Community Care for the Elderly (CCE) Program (256 slots) - $2.2 million GR
- Alzheimer's Disease Initiative (151 slots) - $1.7 million GR
- Public Guardianship Program - $2.5 million GR
- eCIRTS Project Implementation - $2.9 million [$0.3 million GR; $2.6 million TF]

Department of Health

Total: $3,055.2 million [$517.8 million GR; $2,537.4 million TF]; 12,838.5 positions

- Office of Medical Marijuana Use - $19.9 million TF
- HIV/AIDS System of Care and Pharmaceutical Purchases - $20.6 million TF
- Additional Pharmaceutical Purchases for the Department of Corrections - $9 million TF
- Early Steps Program Workload - $3.6 million TF
- Child Protection Teams - $1.5 million GR
- Newborn Screening Program - Implementation of Pompe, MPS-I, and Next-Generation Cystic Fibrosis Testing - $5.6 million TF
- Newborn Screening Program - Implementation of Spinal Muscular Atrophy (SMA) Testing - $0.9 million TF
- Newborn Screening Program - Genetics Centers - $1 million TF
- Public Health Laboratory - Implementation of Pulmonary Non-Tuberculosis Mycobacterial (PNTM) Testing - $0.5 million [$0.1 million GR; $0.4 million TF]
- Renovations to Public Health Laboratory - $8.8 million TF

Department of Veterans Affairs

Total: $132.2 million [$12.0 million GR; $120.2 million TF]; 1,411.5 positions

- Staffing and Start-up State Veterans' Nursing Home in St. Lucie County (Ardie Copas) - $7.0 million TF; 124 positions
- Continued Operations of State Veterans' Nursing Home in Orange County (Lake Baldwin) - $3.4 million TF
- Nursing Home Equipment Needs- $1.1 million TF
- Florida is For Veterans Training Grants - $1.7 million GR

Criminal and Civil Justice Appropriations

Total Budget: $5,425.1 million [$4,557 million GR; $868.2 million TF]; 46,366.25 positions

Major Issues

- Funds the Department of Corrections health services contract and includes additional funding for hepatitis C treatments, and mental health services - $147.5 million GR
- Funds fixed capital outlay for DJJ's residential program facilities - $7.5 million GR
- Hurricane repair, mitigation and hardening funding for Courts - $2.5 million [$1.3 million GR, $1.2 million TF]
- Funds the court-appointed, public defender and regional counsel due process needs within the Justice Administrative Commission - $14.8 million GR
- Funds workload issues for the State Attorney, Public Defender and Offices of Criminal Conflict and Civil Regional Counsel including workload related to various resentencing proceedings - $5.25 million GR

- Funds Year 2 of the Department of Legal Affairs IT Modernization Initiative - $8.7 million [$4.7 million GR, $4 million TF]

Attorney General/ Legal Affairs

Total: $297.5 million [$66.1 million GR; $231.4 million TF]; 1,365.5 positions

- Agency-wide Information Technology Infrastructure Improvements - $8.7 million [$4.7 million GR, $4 million TF]
- Opioid Task Force Support - $0.2 million GR
- Victim Services Compensation and Victim Services Auditing Staff - $0.6 million TF and 9 positions
- North Florida Statewide Prosecution Efforts - $0.2 million and 2 positions

Department of Corrections

Total: $2.7 billion [$2.6 billion GR; $64 million TF]; 24,856 positions

- Inmate Health Services - $147.5 million GR and 285 positions
- Additional Electronic Monitoring - $3.9 million GR
- Critical Facility Renovations, Repairs and Maintenance - $20.2 million GR
- Additional Teachers for Institutions - $1.5 million GR and 20 positions
- American's with Disabilities Act - $1.3 million GR and 12 positions
- Replacement of Motor Vehicles - $5.5 million GR
- Per Diem Increase for Private Correctional Facilities - $4.3 million GR

Florida Department of Law Enforcement (FDLE)

Total: $303.1 million [$134.4 million GR; $168.7 million TF]; 1,933 positions

- Lease Purchase Aircraft - $3.8 million GR and 4 positions
- Improve Sexual Offender and Predator Registry - $1.5 million GR
- Florida Incident Based Reporting System (FIBRS) - $10.2 m [$1.6 million GR, $8.6 million TF] and 9 positions
- Criminal Justice Data Transparency - $5.9 million GR and 2 positions
- Trust Fund Deficit - $10.6 million GR
- Investigations Aviation Fleet Maintenance - $1.2 million GR
- DNA Database - $1.0 million GR and 6 positions

Department of Juvenile Justice

Total: $594 million [$432.6 million GR; $161.3 million TF]; 3,279.5 positions

- Additional Evidence Based Residential Services - $4.3 million GR
- Youth on Supervised Community Release - $3.2 million GR
- Prevention and Early Intervention Programs and Services - $10.9 million GR; $3.0 million TF

- Improvements to DJJ Program Oversight - $1.1 million in GR and 10 positions
- Critical Maintenance and Repairs to DJJ Facilities - $7.5 million GR
- Additional Bandwidth and Cloud Storage for Security Cameras at Residential Facilities - $0.9 million GR
- Pay Bonuses for DJJ Residential Program Staff - $0.8 million GR

State Court System

Total: $555 million [$460 million GR; $95 million TF]; 4,314 positions

- Problem-Solving Courts - including upgrading the Case Management System - $2.54 million GR
- 2 Circuit Judgeships / 2 County Judgeships / Senior Judge Funding for the 14th Circuit - $1.56 million GR and 10 positions
- Hurricane Michael - Jackson County Courthouse - $1 million GR
- Fifth District Court of Appeals Facility Repairs - $0.4 million
- Emergency Management, Security and Safety Support - $1.3 million [$0.5 million GR, $0.8 million TF] and 2 positions
- Clerks of Court Texting Technology Enhancements Project - $0.04 million

Justice Administration

Total: $956 million [$808 million GR; $148 million TF]; 10,486.25 positions

- Due Process - $28.7 million GR (Incl. “Back of the Bill”).
- Guardian Ad Litem Program - $1.15 million
- State Attorney Workload - $2 million GR
- Cold Case Unit is State Attorney Office, 20th Circuit - $150k
- Base Pay Increase for Assistant State Attorney and Assistant Public Defenders to $50,000
- Public Defender Resentencing/General Workload and Due Process funding - $2.25 million
- Criminal Conflict & Civil Regional Counsel Workload, Due Process, Rent, Etc. - $3.5 million GR

Florida Commission on Offender Review

Total: $11.4 million [$11.3 million GR; $0.1 million TF]; 132 positions

- Governor and Clemency Board 's Clemency Investigations Workload- $0.75 million GR

Transportation, Tourism, and Economic Development Appropriations

Total Budget: $15.2 billion [$270.9 million GR; $15 billion TF]; 13,056 positions

Major Issues

- Transportation Work Program - $9.8 billion TF

- Affordable Housing Programs - $200.6 million TF ($115 million for Hurricane Michael recovery)
- Economic Development Partners - $84.5 million GR and TF
- Job Growth Grant Fund - $40 million GR
- Library Grants and Initiatives - $25.3 million GR
- Cultural, Museum, and Historic Preservation Grants and Initiatives - $39.6 million GR and TF
- Motorist Modernization Project and Enterprise Data Infrastructure - $16.1 million TF
- National Guard Tuition Assistance - $3.7 million GR
- Hurricane Michael Recovery Grant Program and Projects - $55.8 million GR and TF

Department of Economic Opportunity

Total: $1.7 billion [$107.3 million GR; $1.6 billion TF]; 1,475 positions

- Economic Development Toolkit Payments (existing contracts) - $26.6 million GR and TF
- Florida Job Growth Grant Fund - $40 million GR
- Economic Development Partners - $84.5 million GR and TF
  - Space Florida - $12.5 million TF; $6 million GR
  - Visit Florida - $50 million NR TF
  - Enterprise Florida - $16 million TF
- Affordable Housing Programs - $200.6 million TF
  - State Housing Initiatives Partnership (SHIP) - $46.6 million TF (allocated to local governments)
  - State Apartment Incentive Loan (SAIL) Programs - $31 million TF
  - Hurricane Michael Housing Relief - $115 million TF, includes:
    - $65 million for the Hurricane Housing Recovery Program
    - $50 million for the Rental Recovery Loan Program
- Rural Infrastructure Fund - $5.7 million GR ($5 million for Inland Panhandle Counties)
- Business Initiative Projects - $9.2 million GR
- Housing and Community Development Projects - $20.7 million GR
- Workforce Projects - $3.3 million GR
- Hurricane Michael Recovery Projects - $10.8 million GR and TF

Department of State

Total: $128.9 million [$96.4 million GR; $32.5 million TF]; 408 positions

- State Aid to Libraries - $21.8 million GR
- Libraries Construction Grant Ranked List - $1.0 million GR
- Grants to Library Cooperatives - $2.5 million GR
- Cultural and Museum Program Support and Facilities Grants and Initiatives - $25.4 million GR
  - Cultural & Museum Program Support Grants - $21.3 million

        - Cultural and Museum Ranked List (funds distributed proportionally to all 478 projects)
        - Culture Builds Florida Ranked List (funds all 132 projects)
        - Cultural Facilities Ranked List (funds 19 of the 37 projects)
    - Cultural Facilities Projects - $2.5 million GR
    - Cultural and Museum Projects - $1.6 million GR
- Historical Resources Preservation - $14.2 million GR and TF
    - Historic Preservation Grants - $13.6 million [$7.1 million GR; $6.5 million TF]
        - Historic Preservation Small Matching Grants Ranked List (funds all 56 projects)
        - Historic Preservation Special Category Grants Ranked List (funds 18 of 54 projects)
        - Historic Preservation Grants for Hurricane Recovery - $5 million TF
    - Historic Preservation Projects - $1.3 million GR
- Division of Elections - $6.1 million GR; $1.8 million TF
- Cyber Security Grants to Supervisors of Elections - $2.8 million TF
- County Elections Assistance - $2.4 million GR
- Division of Corporations Commercial Registry Solution - $6.2 million GR

Department of Transportation

Total: $10.8 billion TF; 6,212 positions

- Transportation Work Program - $9.8 billion TF
    - Tamiami Trail - $40 million
    - Highway and Bridge Construction - $3.6 billion
    - Resurfacing and Maintenance - $1.1 billion
    - Design and Engineering - $1.1 billion
    - Right of Way Land Acquisition - $673.1 million
    - Public Transit Development Grants - $668.1 million
    - Rail Development Grants - $222.9 million
    - County Transportation Programs:
        - Small County Road Resurface Assistance Program (SCRAP) - $29.3 million
        - Small County Outreach Program (SCOP) - $71.3 million, including:
            - Municipalities in Rural Areas of Opportunity - $9 million
            - Municipalities and Counties Impacted by Hurricane Michael - $15 million
        - Other County Transportation Programs - $55 million
    - Aviation Development Grants - $266.5 million
    - Seaport and Intermodal Development Grants - $229.2 million
    - Local Transportation Initiatives (Road Fund) Projects - $85.3 million, including:
        - Hurricane Michael Recovery Projects - $5.6 million TF
- Transportation Disadvantaged Program - $55.9 million TF

Department of Military Affairs

Total: $66.9 million [$22.9 million GR; $43.6 million TF]; 453 positions
- Youth Challenge Additional Funding - $1.4 million [$0.1 million GR; $1.3 million TF]
- Tuition Assistance for Florida National Guard - $3.7 million GR
- Facility Maintenance and Repair - $2.3 million [$1.1 million GR; $1.2 million TF]
- Facility Security Enhancement - $2 million GR

Department of Highway Safety and Motor Vehicles

Total: $498.4 million TF; 4,333 positions
- Motorist Modernization Project - Phase I and II - $16.1 million TF
- Renovations to the Neil Kirkman Building - $4 million TF
- Florida Highway Patrol Troop D Headquarters, Orlando - $3.1 million TF

Division of Emergency Management

Total: $2.06 billion [$44.3 million GR; $2.02 billion TF]; 175 positions
- Emergency Management Positions - 20 positions, $1.5 million GR
- Federally Declared Disaster Funding - $1.94 billion
  - Communities - $1.85 billion TF
  - State Operations - $92.4 million TF
- State Emergency Operations Center Planning and Design - $1 million GR
- Rural Emergency Operation Centers Planning and Design - $1.8 million TF
- Emergency Operations Centers and Generators - $10 million GR
- Disaster Recovery and Preparedness Projects - $1.2 million GR
- Statewide Regional Evacuation Study - $1.2 million GR
- Hurricane Michael Recovery Grant Program - $25 million GR
- Hurricane Michael Recovery Projects - $4.4 million GR and TF

Agriculture, Environment, and General Government Appropriations

Total Budget: $6.1 billion [$848.9 million GR; $876.3 million LATF; $4.3 billion Other TF]; 19,965 positions

Major Issues

Department of Agriculture & Consumer Services

Total: $1.7 billion [$132.9 million GR; $115.2 million LATF; $1.5 billion TF]; 3,693 positions
- Wildfire Suppression Equipment/Aircraft Acquisition - $11.6 million TF [$5 million GR; $3.6 million LATF; $3 million TF]
- Florida Forest Service Road/Bridge and Facility Maintenance - $9 million [$8.4 million LATF; $0.6 million TF]

- Replace Motor Vehicles - $3.5 million TF
- Water Supply Planning - $1.5 million GR
- Florida Agricultural Promotion Campaign - $0.5 million GR
- Division of Licensing - 25 positions and $1.7 million TF
- African Snail Eradication Program - $1.3 million TF
- Citrus Crop Decline Supplemental Funding - $2.4 million GR
- Citrus Health Response Program - $6.4 million TF
- Citrus Greening Research - $8 million TF
- Lake Okeechobee Agriculture Projects - $4 million LATF
- Critical Building Repairs and Maintenance - $1.5 million [$1.2 million GR; $0.3 million TF]
- Office of Energy Grants - $5 million TF
- Farm Share and Food Banks $5.8 million GR
- Agriculture Education and Promotion Facilities - $5 million GR

Department of Business & Professional Regulation

Total: $157.4 million [$1.4 million GR; $155.9 million TF]; 1,634 positions

- Compulsive and Addictive Gambling Prevention - $0.3 million TF
- Staffing Necessary To Meet Statutorily-Required Food And Lodging Inspections - $1.7 million TF; 20 positions

Department of Citrus

Total: $23 million [$1.6 million GR, $21.4 million TF]; 38 positions

Department of Environmental Protection

Total: $1.8 billion [$359.4 million GR; $659.8 million LATF; $807.7 million TF]; 2,907 positions

- Everglades - $367.2 million [$249.8 million LATF; $74.5 million GR; $3.0 million TF]
  - Tamiami Trail - $40 million in Department of Transportation Work Plan
- Water Quality Improvements - $149.1 million GR
  - Septic-to-Sewer/Wastewater Treatment - $25 million GR
  - Total Maximum Daily Loads - $25 million GR
  - Everglades - $50 million GR
  - Water Projects - $49.1 million GR
- Water Quality Improvements - Blue Green Algae Task Force - $10.8 million GR
- Innovative Technology Grants for Harmful Algal Blooms - $10 million GR
- Petroleum Tanks Cleanup Program - $110 million TF
- St. Johns River/Keystone Heights Restoration, Public Access, and Recreation - $10 million LATF
- Hazardous Waste/Site Cleanup - $8.5 million TF

- Beach Management Funding Assistance - $50.0 million [$9.8 million GR; $40.2 million LATF]
- Drinking Water Revolving Loan Program - $125.5 million [$11.1 million GR; $114.5 million TF]
- Wastewater Revolving Loan Programs - $181.7 million [$12.3 million GR; $169.4 million TF]
- Small County Solid Waste Management Grants - $3 million TF
- Springs Restoration - $100 million LATF
- Alternative Water Supply - $40 million TF
- Small County Wastewater Treatment Grants - $13 million TF
- Local Parks - $2.7 million GR
- Florida Forever - $33 million TF
- Working Waterfronts - $1.5 million GR
- Florida Keys Area of Critical State Concern - $6.0 million [$5.0 million LATF; $1.0 million TF]
- State Parks Maintenance and Repairs - $35.5 million [$9.3 million GR; $5.7 million LATF; $16.5 million TF]

Department of Financial Services

Total: $388.8 million [$22.8 million GR; $366 million TF]; 2,576 positions

- Florida Planning, Accounting & Ledger Management (PALM) Project - $22.7 million TF
- Fire College and Arson Lab Repairs and Maintenance - $0.4 million TF
- Local Government Fire Services - $11.2 million TF
- Sylvester Comprehensive Cancer Center-Florida Firefighter Cancer Research - $1.0 million GR
- Financial Crime Investigators for SNAP Fraud Cases - $0.4 million TF
- Relocation Costs - $1.3 million TF
- Law Enforcement Training, Equipment, Upgrades and Vehicles - $2.1 million TF
- Information Technology Upgrades to Software, Hardware, and Equipment - $0.5 million GR and $1.4 million TF

Fish & Wildlife Conservation Commission

Total: $393.1 million [$43.6 million GR; $101.3 million LATF; $248.2 million TF]; 2,112 positions

- Transfer Environmental Crimes Investigators to DEP - $2 million TF; 19 positions
- Law Enforcement Enhanced Patrol and Support - $1.8 million GR; 13 positions
- Hurricane Irma Marine Fisheries Disaster Recovery - $23.7 million TF
- Invasive Species Response - $1.0 million TF
- Red Tide Research - $4.2 million GR
- FWRI Building Repairs - $1.1 million TF
- Boating Infrastructure and Improvement Program - $5.7 million TF

- Derelict Vessel Removal - $4.0 million [$1.0 million GR; $3.0 million TF]
- Bryant Building Repairs - $1.2 million GR
- Law Enforcement Body Worn Cameras - $0.7 million GR

Department of the Lottery

Total: $200.4 million TF; 418 positions

- Information Technology Upgrades to Software, Hardware, and Equipment - $0.3 million TF
- Security Support - $0.4 million TF
- Increase to Information Technology System Contract - $13.8 million TF
- Increase to Instant Ticket Contract - $4.0 million TF

Department of Management Services

Total Budget: $616.3 million [$68.1 million GR; $548.2 million TF]; 845 positions

- Florida Facilities Pool - $49.3 million TF [$32.3 million GR; $16.9 million TF]
- Private Prison Monitoring Facility Maintenance and Repairs (Gadsden and Lake City Correction Facilities) - $5.9 million [$3.8 million GR; $2.1 million TF]
- Florida Interoperability Network and Mutual Aid - $1.8 million GR
- Statewide Law Enforcement Radio System (SLERS) Staff Augmentation and Independent Verification and Validation Services - $1.1 million TF
- First Responder Network Authority (FirstNet) Grant - $0.3 million TF
- Non-FRS Pension and Benefits - $0.3 million GR
- Statewide Travel Management System Enhancements - $0.4 million GR
- Fleet Management Information System - $0.2 million TF
- Florida Commission on Human Relations Staffing - 8 positions and $0.5 million TF
- State Group Insurance Program Implementation- $3 million TF

Division of Administrative Hearings

Total Budget: $26.9 million TF; 240 positions

Agency for State Technology

Total: $63.2 million TF; 203 positions

Public Service Commission

Total: $25.3 million TF; 267 positions

Department of Revenue

Total: $592.3 million [$219 million GR; $373.3 million TF]; 5,029 positions

- Aerial Photography - $0.3 million GR
- Fiscally Constrained Counties - $29.6 million GR

If approved by the Governor, these provisions take effect July 1, 2019, except where otherwise expressly provided.
Vote: Senate 38-0; House 106-2

Committee on Appropriations

SB 2502 — Implementing the 2019-2020 General Appropriations Act

by Appropriations Committee

SB 2502, relating to implementing the 2019-2020 General Appropriations Act, provides the following substantive modifications for the 2019-2020 fiscal year:

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act (GAA) for Fiscal Year 2019-2020.

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

Section 3 provides that funds provided for instructional materials shall be released and expended as required in the proviso language attached to Specific Appropriation 93.

Section 4 amends s. 1009.215, F.S., to authorize fall term awards for University of Florida Innovation Academy students when summer funding is provided for other Bright Futures recipients.

Section 5 provides that the amendments to s. 1009.215, F.S., expire July 1, 2020, and the text of that section reverts to that in existence on June 30, 2018.

Section 6 amends s. 1011.62, F.S., to maintain 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 amends s.1001.26, F.S., to allow public colleges or universities that are part of the public broadcasting system to qualify for state funding.

Section 8 reverts the language of s. 1001.26, F.S., to the text in effect on June 30, 2018.

Section 9 amends s. 1011.80, F.S., to remove the $15 million annual performance funding appropriation limit for industry certifications for school district workforce education programs. As a result, school districts may be fully funded for earned certifications, subject to legislative appropriation.

Section 10 amends s. 1011.81, F.S., to remove the $15 million annual performance funding appropriation limit for industry certifications for Florida College System institution programs. As a result, institutions may be fully funded for earned certifications, subject to legislative appropriation.

Section 11 provides that the amendments to ss. 1011.80 and 1011.81, F.S., expire July 1, 2020, and the text of those sections reverts to that in existence on June 30, 2019.

Section 12 transfers control of the Florida Virtual School to the State Board of Education, notwithstanding s. 1002.37(2), F.S., and requires the board to appoint an executive director of the school. In addition, this section requires the Department of Education to contract with an independent third party to conduct an audit of the school and to provide recommendations to the Governor and the Legislature by November 1, 2019.

Section 13 directs the Office of Economic and Demographic Research to develop a methodology for calculating each school district's wage level index using appropriate county-level and occupational-level wage data. The office must provide a transition plan that minimizes negative impacts beginning with the 2020-2021 fiscal year, to the Governor and the Legislature by October 1, 2019.

Section 14 provides that the calculations of the Medicaid Disproportionate Share Hospital and Hospital Reimbursement programs for the 2019-2020 fiscal year, which is contained in the document titled "Medicaid Disproportionate Share Hospital and Hospital Reimbursement Programs, Fiscal Year 2019-2020" dated May 1, 2019, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature.

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

Section 16 modifies the parameters governing the nursing home prospective payment methodology for Medicaid provider reimbursement to increase the quality incentive payment pool from 6 percent to 6.5 percent beginning October 1, 2019.

Section 17 provides that the amendments to s 409.908(2), F.S., expire July 1, 2020, and the text of that section reverts to that in existence on June 30, 2019.

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

Section 19 provides that the amendments to s. 409.908(23), F.S., expire July 1, 2020, and the text of that section reverts to that in existence on October 1, 2018.

Section 20 amends s. 409.908(26), F.S, to include Low Income Pool (LIP) payments and requires that Letters of Agreement for LIP be received by AHCA by October 1 and the funds outlined in the Letters of Agreement be received by October 31.

Section 21 provides that the amendments to s. 409.908(26), F.S., expire July 1, 2020, and the text of that section reverts to that in existence on June 30, 2019.

Section 22 amends s. 409.912(6), F.S., to authorize the AHCA to renew its existing fiscal agent contract.

Section 23 provides that the amendments to s. 409.912(6), F.S., expire July 1, 2020, and the text of that section reverts to that in existence on June 30, 2019.

Section 24 amends s. 409.904(12)(a) and (b), to eliminate the Medicaid retroactive eligibility period for nonpregnant adults in a manner that ensures that the modification provides eligibility will continue to begin the first day of the month in which a nonpregnant adult applies for Medicaid.

Section 25 requires the AHCA, in consultation with the Department of Children and Families (DCF) and certain other entities, to submit a report specifying certain requirements by January 10, 2020, to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the impact of the Medicaid retroactive eligibility waiver on beneficiaries and providers.

Section 26 amends s. 393.0661(1), F.S., to require that if the Agency for Persons with Disabilities (APD) runs a deficit during the 2018-2019 fiscal year, the APD must work in conjunction with the AHCA to develop a plan to redesign the waiver program. Provides for a report to the President of the Senate and the Speaker of the House of Representatives, and requires monthly updates.

Section 27 provides that the amendments to s. 393.0661(1), F.S., expire July 1, 2020, and the text of that section reverts to that in existence on June 30, 2019.

Section 28 amends s. 400.179 (2)(d), F.S., to reduce the threshold cash balance on the Lease Bond Trust Fund within AHCA to $10 million.

Section 29 provides that the amendments to s. 400.179(2)(d), F.S., expire July 1, 2020, and the text of that section reverts to that in existence on June 30, 2019.

Section 30 amends s. 624.91(5)(b), F.S., to require 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. These refunds shall be deposited into the General Revenue Fund, unallocated.

Section 31 provides that the amendments to s 624.91(5)(b), F.S., expire July 1, 2020, and the text of that section reverts to that in existence on June 30, 2019.

Section 32 amends s. 893.055(18), F.S., relating to the prescription drug monitoring program to prohibit the use of any settlement agreement funds for the program for Fiscal Year 2019-2020.

Section 33 amends s. 409.911, F.S., to provide that, for the 2019-2020 fiscal year, the AHCA must distribute moneys to hospitals providing a disproportionate share of Medicaid or charity care services as provided in the GAA for Fiscal Year 2019-2020.

Section 34 amends s. 409.9113, F.S., to provide that, for the 2019-2020 fiscal year, the AHCA must make disproportionate share payments to teaching hospitals, as defined in s. 408.07, F.S., as provided in the GAA for Fiscal Year 2019-2020.

Section 35 amends s. 409.9119, F.S., to provide that, for the 2019-2020 fiscal year, the AHCA must make disproportionate share payments to specialty hospitals for children as provided in the GAA for Fiscal Year 2019-2020.

Section 36 authorizes the AHCA to submit a budget amendment to realign funding priorities within appropriations to address any projected surpluses and deficits.

Section 37 authorizes the AHCA and the Department of Health (DOH) to each submit a budget amendment pursuant to the notice, review, and objection provisions of s. 216.177, F.S., to realign funding within the Florida KidCare program appropriation categories, or to increase budget authority in the Children's Medical Services Network category, to address projected surpluses and deficits within the program or to maximize the use of state trust funds. A single budget amendment must be submitted by each agency in the last quarter of the 2019-2020 fiscal year only.

Section 38 provides two additional exemptions from licensure requirements in part X of chapter 400, F.S., for specified entities.

Sections 39 and 40 amend ss. 381.986 and 381.988, F.S., to provide that the DOH is not required to prepare a statement of estimated regulatory costs when promulgating rules relating to medical marijuana testing laboratories, and any such rules adopted prior to July 1, 2020, are exempt from the legislative ratification provision of s. 120.541(3), F.S. Medical marijuana treatment centers are authorized to use a laboratory that has not been certified by the department until rules relating to medical marijuana testing laboratories are adopted by the department, but no later than July 1, 2020.

Section 41 amends s. 14(1) of Chpater 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, 2020.

Section 42 provides that the amendments to s. 14(1) of Chapter 2017-232, L.O.F., expire on July 1, 2020, and the text of that provision reverts back to that in existence on June 30, 2019.

Section 43 amends s. 383.14, F.S., to require the DOH Newborn Screening Program to begin screening all newborns in Florida for spinal muscular atrophy, and to add such a test to the Newborn Screening Panel as soon as practicable after July 1, 2019, but no later than May 3, 2020.

Section 44 allows the DCF to submit a budget amendment to realign funding within appropriations for the Guardianship Assistance Program.

Sections 45 and 46 authorizes the DCF to establish a formula to distribute funding for the Path Forward initiative due to the expiration of the federal Title IV-E Waiver.

Section 47 amends s. 296.37, F.S., to increase the personal needs allowance from $105 to $130 for residents of Department of Veterans' Affairs nursing facilities.

Section 48 authorizes the DOH to submit a budget amendment, subject to the notice, review, and objection provisions of s. 216.177, F.S., to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues become available in the 2019-2020 fiscal year.

Section 49 authorizes the DCF to submit a budget amendment, subject to the notice, review, and objection provisions of s. 216.177, F.S., to increase budget authority for the Supplemental Nutrition Assistance Program if additional federal revenues become available in the 2019-2020 fiscal year.

Section 50 authorizes the DCF to submit a budget amendment, subject to the notice, review, and objection provisions of s. 216.177, F.S., to realign funding within the Family Safety Program to maximize the use of Title IV-E and other federal funds.

Section 51 amends s. 216.262, F.S., to allow the Executive Office of the Governor to request additional positions and appropriations from unallocated general revenue funds during the 2019-2020 fiscal year for the Department of Corrections (DOC), if the actual inmate population of the DOC exceeds the Criminal Justice Estimating Conference forecasts of February 22, 2019. 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.

Sections 52 and 53 amend s. 1011.80, F.S., to permit the expenditure of appropriations for the education of state or federal inmates to the extent funds are specifically appropriated for this purpose.

Section 54 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 2019-2020.

Section 55 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 56 amends s. 27.40, F.S., to require written certification of conflict by a public defender. If the office of criminal conflict and civil regional counsel cannot accept a case from the public defender due to conflict, the office of civil regional counsel is required to specifically identify and describe the conflict of interest and certify the conflict to the court before a court-appointed counsel may be assigned. Each public defender and regional counsel shall report, in the aggregate, the basis of all conflicts of interest certified to the court on a quarterly basis.

Contracts with appointed counsel and forms used in billing by court-appointed counsel are required to be consistent with ss. 27.5304 and 216.311, F.S. A contract with court-appointed counsel must specify that payment is contingent upon an appropriation by the Legislature. The flat fee established in s. 27.5304, F.S., is required to be presumed to be sufficient compensation.

The Justice Administrative Commission (JAC) is required to review appointed counsel billings, and objections by the JAC are required to be presumed correct unless a court determines, in writing, that competent and substantial evidence exists to justify overcoming the presumption. If an attorney does not permit the JAC or the Auditor General to review billing documentation, the attorney waives the claim for attorney fees. A finding by the JAC that the appointed counsel waived the right to seek compensation above the flat fee is required to be presumed correct, unless a court determines, in written findings, that competent and substantial evidence exists to overcome the presumption.

Section 57 provides that the amendments to s. 27.40(1), (2)(a), (3)(a), (5), (6), and (7), F.S., expire on July 1, 2020, and the text of those provisions reverts to that in existence on June 30, 2019.

Section 58 amends s. 27.5304, F.S., to increase, for the 2019-2020 fiscal year, the statutory compensation limits for fees paid to court-appointed attorneys in noncapital, nonlife felony and life felony cases. The Legislature is authorized to establish the actual amounts paid to attorneys in these categories in the GAA for Fiscal Year 2019-2020.

Court-appointed counsel may be compensated only in compliance with ss. 27.40(1), (2)(a), (7), F.S., 27.5304, F.S., and the GAA. The JAC is required to review all billings and must contemporaneously document its review before authorizing payment to an attorney. Objections by the JAC to billings by an attorney are required to be presumed correct by a court unless the court determines, in writing, that competent and substantial evidence supports overcoming the presumption. Motions to exceed the flat fee are required to be served on the JAC at least 20 business days before the hearing date, and the JAC may appear at the hearing in person or telephonically.

Section 59 provides that the amendments to s. 27.5304(1), (3), (7), (11), and (12)(a) – (e), F.S., expire on July 1, 2020, and the text of those provisions reverts to that in existence on June 30, 2019.

Section 60 requires clerks to pay costs of compensation to jurors, for meals or lodging provided to jurors, and for jury-related personnel costs that exceed funding in the GAA for these purposes.

Section 61 amends s. 318.18, F.S., to require the deposit of certain funds into the Indigent Criminal Defense Trust Fund instead of the Public Defenders Revenue Trust Fund.

Section 62 amends s. 817.568, F.S., to require the deposit of certain funds into the Indigent Criminal Defense Trust Fund instead of the Public Defenders Revenue Trust Fund.

Section 63 provides that the amendments to ss. 318.18 and 817.568, F.S., expire July 1, 2020, and the text of those sections reverts to that in existence on June 30, 2018.

Section 64 permits a Supreme Court justice who resides outside of Leon County to designate an official headquarters in the district in which he or she resides. The designated official headquarters may serve only as the justice's private chambers. The justice is eligible to receive subsistence at a rate to be established by the Chief Justice for each day or partial day that the justice is at the headquarters of the Supreme Court (Leon County) to conduct court business. In addition, the justice is eligible for reimbursement of travel expenses for travel between the justice's official headquarters and the headquarters of the Supreme Court.

Section 65 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, 2022.

Section 66 continues the online procurement system transaction fee authorized in ss. 287.042(1)(h)1. and 287.057(22)(c), F.S., at 0.7 percent for the 2019-2020 fiscal year only.

Section 67 prohibits an agency from transferring funds from a data processing category to any category other than another data processing category.

Section 68 authorizes the Executive Office of the Governor (EOG) to transfer funds in the specific appropriation category "Data Processing Assessment - Agency for State Technology" between agencies, in order to align the budget authority granted with the assessments that must be paid by each agency to the Agency for State Technology (AST).

Section 69 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 70 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 2019-2020 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 71 defines the components of the Florida Accounting Information Resource subsystem (FLAIR) and Cash Management System (CMS) included in the Department of Financial Services Planning Accounting and Ledger Management (PALM) system. This section also provides the executive steering committee (ESC) membership and the process for ESC meetings and decisions.

Section 72 directs executive branch state agencies and the judicial branch to collaborate with the EOG and the DMS to implement and utilize the statewide travel management system.

Section 73 transfers the AST Budget and Policy Section, Cost Recovery Section, and administrative rules in chapter 74-3, F.A.C., to the DMS.

Section 74 amends s. 20.22, F.S., and directs the DMS to provide financial management oversight and legislative budget request support to the AST.

Section 75 amends s. 20.255, F.S., and directs the Department of Environmental Protection to act as the primary point of contact for statewide geographic information systems and grants, coordinate and promote statewide geospatial data sharing.

Section 76 amends s. 20.61, F.S., to remove financial management duties from the AST provided by the DMS. The section also removes specific designation of some AST positions.

Section 77 provides that the amendment to s. 20.61, F.S., expires July 1, 2020, and the text of that section reverts to that in existence on June 30, 2018.

Section 78 reenacts s. 282.0041, F.S., as amended in s. 58 of Chapter 2018-10, L.O.F., to create a new definition and revise several current definitions to align with the assessment of administrative costs to customers.

Section 79 reenacts s. 282.0051, F.S., as amended in s. 59 of Chapter 2018-10, L.O.F., to remove specific financial management duties including annual reconciliation, billing and refunds, and estimating customer costs from the AST.

Section 80 reenacts s. 282.201, F.S., as amended in s. 60 of Chapter 2018-10, L.O.F., to remove customer-billing duties from the AST.

Section 81 provides that the amendments to ss. 282.0041(5), (20), and (28), 282.0051(11), and 282.201(2)(d), F.S., expire July 1, 2020, and the text of those provisions reverts to that in existence on June 30, 2018.

Section 82 provides that, if legislation substantially similar to the amendments to ss. 20.22, 20.255, 20.61, 282.0041, 282.0051, and 282.201, F.S., is passed during the 2019 Regular Session and becomes law, then sections 73, 74, 75, 76, 77, 78, 79, and 80 of this bill will not take effect.

Section 83 amends s. 216.181(11)(d), F.S., to authorize the Legislative Budget Commission to increase amounts appropriated to the Fish and Wildlife Conservation Commission or the Department of Environmental Protection (DEP) for fixed capital outlay projects. The increase in fixed capital outlay budget authority is authorized for funds provided to the state from the Gulf Environmental Benefit Fund administered by the National Fish and Wildlife Foundation, the Gulf Coast Restoration Trust Fund related to the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast Act of 2012 (RESTORE Act), or from British Petroleum Corporation (BP) for natural resources damage assessment early restoration projects. Any continuing commitment for future appropriations by the Legislature must be identified specifically.

Section 84 amends s. 215.18, F.S., to authorize the Governor to temporarily transfer moneys, from one or more of the trust funds in the State Treasury, to a land acquisition trust fund (LATF) within the Department of Agriculture and Consumer Services, the DEP, the Department of State, or the Fish and Wildlife Conservation Commission, whenever there is a deficiency that would render the LATF temporarily insufficient to meet its just requirements, including the timely payment of appropriations from that trust fund. These funds must be expended solely and exclusively in accordance with Art. X, s. 28 of the 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 the 2019-2020 fiscal year. Any action proposed pursuant to this subsection is subject to the notice, review, and objection procedures of s. 216.177, F.S., and the Governor shall provide notice of such action at least seven days before the effective date of the transfer of trust funds.

Section 85 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 86 amends s. 375.041, F.S., relating to the Land Acquisition Trust Fund within the DEP to remove the requirement to fund Lake Apopka restoration.

Section 87 amends s. 216.181, F.S., to authorize the Legislative Budget Commission to increase amounts appropriated to the DEP for fixed capital outlay projects. The increase is authorized for funds provided to the state from the Trustee of the Environmental Mitigation Trust administered by Wilmington Trust for violation of the Clean Air Act by Volkswagen.

Section 88 authorizes the Department of Agriculture and Consumer Services to submit a budget amendment to increase budget authority for the National School Lunch program when necessary.

Section 89 extends the sunset date from June 30, 2019, to June 30, 2020, to authorize the Department of Agriculture and Consumer Services to use money deposited in the Pest Control Trust Fund to carry out any of the powers of the Division of Agricultural Environmental Services.

Section 90 amends s. 570.93, F.S., to revise 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 91 provides that the amendment to s. 570.93(1)(a), F.S., expires July 1, 2020, and the text of that paragraph reverts to that in existence on June 30, 2019.

Section 92 amends s. 527.07(1), F.S., to revise requirements for labeling petroleum measuring devices that have been inspected by the Department of Agriculture and Consumer Services.

Section 93 provides that the amendment to s. 525.07(1), F.S., expires July 1, 2020, and the text of that subsection reverts to that in existence on June 30, 2019.

Section 94 amends s. 259.105, F.S., to provide for distribution a specified amount from the Florida Forever Trust to the Division of State Lands within the DEP.

Section 95 amends s. 321.04, F.S., to provide that for the 2019-2020 fiscal year, 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 96 amends s. 420.9079, F.S., relating to the Local Government Housing Trust Fund, to allow funds to be used as provided in the GAA for Fiscal Year 2019-2020.

Section 97 amends s. 420.0005, F.S., relating to the State Housing Trust Fund, to allow funds to be used as provided in the GAA for Fiscal Year 2019-2020.

Section 98 amends s. 288.0655, F.S., relating to the Rural Infrastructure Fund to provide that funds appropriated for the grant program for Florida Panhandle counties shall be distributed pursuant to and for the purposes described in the proviso language associated with Specific Appropriation 2314 of the GAA for Fiscal Year 2019-2020.

Section 99 amends s. 288.1226, F.S., to extend the repeal date of the Florida Tourism Industry Marketing Corporation, doing business as VISIT FLORIDA, from October 1, 2019, to July 1, 2020.

Section 100 amends s. 288.923, F.S., to extend the repeal date of the Division of Tourism Marketing within Enterprise Florida, Inc., from October 1, 2019, to July 1, 2020.

Section 101 amends s. 339.135(7)(g), F.S., to authorize the chair and vice chair of the Legislative Budget Commission to approve, pursuant to s. 216.177, F.S., a work program amendment that transfers fixed capital outlay appropriations between categories or increases appropriation categories if a commission meeting cannot be held within 30 days of submittal of the amendment by the Department of Transportation.

Section 102 amends s. 339.2818, F.S., related to the Small County Outreach Program in the Department of Transportation, to provide grants to counties or municipalities named in the Hurricane Michael federal disaster declaration. The grants may fund 100 percent of the local road project's costs to repair damage due to Hurricane Michael, excluding road capacity improvements.

Section 103 amends s. 112.061, F.S., to authorize a lieutenant governor who permanently resides outside of Leon County to designate an official headquarters in his or her county as his or her official headquarters for purposes of s. 112.061, F.S. A lieutenant governor for whom an official headquarters in his or her county of residence is established may be paid travel and subsistence expenses when travelling between their official headquarters and the State Capitol to conduct state business.

Section 104 amends s. 216.292(2)(a), F.S., to grant broader legislative review of any "five percent" budget transfers. For the 2019-2020 fiscal year, the review must ensure the proposed action maximizes the use of available and appropriate trust funds, does not exceed delegated authority and is not contrary to legislative policy and intent.

Section 105 requires the DMS to maintain and offer during Fiscal Year 2019-2020 for the State Group Health Insurance Program the standard and high deductible PPO and HMO plans which are offered during Fiscal Year 2018-2019, notwithstanding s. 110.123(3)(f) and (j), F.S.

Section 106 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 GAA or by the Legislative Budget Commission.

Section 107 amends s. 112.24, F.S., to provide that the reassignment of an employee of a state agency may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the Senate and House of Representatives budget committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after receiving notice of the action, pursuant to s. 216.177, F.S. This requirement applies to state employee reassignments regardless of which agency (sending or receiving) is responsible for pay and benefits of the assigned employee.

Section 108 maintains legislative salaries at the July 1, 2010, level.

Section 109 amends s. 215.32(2)(b), F.S., in order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2019-2020 GAA.

Section 110 reverts the language of s. 215.32(2)(b), F.S., to the text in effect on June 30, 2011.

Section 111 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 112 provides that, notwithstanding s. 112.061, F.S., costs for lodging associated with a meeting, conference or convention organized or sponsored in whole or in part by a state agency or the judicial branch may not exceed $150 per day. An employee may expend his or her own funds for any lodging expenses in excess of $150 per day. Exempts travel for conducting an audit, examination, inspection or investigation or travel activities relating to a litigation or emergency response.

Section 113 provides that a state agency may not enter into a contract containing a nondisclosure clause that prohibits a contractor from disclosing to members or staff of the Legislature information relevant to the performance of the contract.

Section 114 specifies that no section of the bill shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 115 provides that a permanent change made by another law to any of the same statutes amended by this bill will take precedence over the provision in this bill.

Section 116 provides a severability clause.

Section 117 provides effective dates.

If approved by the Governor, these provisions take effect July 1, 2019, except where otherwise expressly provided.
Vote: Senate 40-0; House 102-2

Committee on Appropriations

SB 2504 — Collective Bargaining

by Appropriations Committee

SB 2504, relating to collective bargaining, resolves the collective bargaining issues at impasse between the State of Florida and the bargaining representatives for state employees for the 2019-2020 fiscal year 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, 2019.
Vote: Senate 40-0; House 106-0

Committee on Appropriations

HB 5011 — Courts

by Appropriations Committee and Rep. Renner and others

The bill creates s. 25.025, F. S., which provides that the Chief Justice of the Florida Supreme Court shall, at the request of a justice:

- Coordinate and designate a courthouse or other appropriate facility in the justice's district as his or her official headquarters and private chambers; and
- Reimburse the justice for travel and subsistence while in Tallahassee to the extent funding is available.

The bill increases the number of circuit judges, adding one circuit court judgeship in the Ninth Judicial Circuit Court, which includes Orange and Osceola Counties, and one circuit court judgeship in the Twelfth Judicial Circuit Court, which includes Manatee, DeSoto and Sarasota Counties.

The bill also increase the number of county judgeships, adding one in Citrus County and one in Flagler County.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 36-0; House 108-2

Committee on Appropriations

HB 5303 — Child Support Enforcement

by Government Operations and Technology Appropriations Subcommittee and Rep. Williamson

The bill authorizes and directs the Department of Revenue (department) to pay the federal mandatory fee for child support cases involving an individual who has never received temporary cash assistance and for whom the department has collected at least $550 of support.

The Federal Bipartisan Budget Act of 2018, Public Law No. 115-123 § 53117, amended 42 U.S.C. s. 654(6)(B)(ii), to increase the annual fee from $25 to $35, and the minimum amount of support collected and disbursed by the department before the fee is payable, from $500 to $550.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 112-0

Committee on Appropriations

HB 5401 — Department of Environmental Protection

by Agriculture and Natural Resources Appropriations Subcommittee and Rep. Raschein

The bill creates the Division of Law Enforcement within the Department of Environmental Protection (DEP), which will employ state law enforcement officers.

The bill requires the DEP and the Fish and Wildlife Conservation Commission (FWC) to develop a new memorandum of agreement detailing the respective responsibilities of the two agencies, with regard to at least all of the following:

- Support and response for oil spills, hazardous spills, and natural disasters.
- Law enforcement patrol and investigative services for all state-owned lands managed by the DEP.
- Law enforcement services, including investigative services, for all criminal law violations of chapters 161, 258, 373, 376, 377, 378, and 403, F.S.
- Enforcement services for civil violations of the DEP's administrative rules related to all of the following program areas:
  - The Division of Recreation and Parks.
  - The Office of Coastal and Aquatic Managed Areas.
  - The Office of Greenways and Trails.
- Current and future funding, training, or other support for positions and equipment being transferred from the FWC to the DEP that are funded through any trust fund.

As determined by the new memorandum of agreement, the bill transfers from the FWC to the DEP the primary powers and duties of the FWC with regard to investigating certain environmental crimes and enforcing related laws. Under the bill, the FWC will retain law enforcement authority over the patrol of state-owned lands managed by the DEP. The bill contains conforming changes regarding law enforcement by the DEP and its officers.

The bill requires that all personnel and equipment assigned to the DEP's Office of Emergency Response be reassigned to the DEP's Division of Law Enforcement. Employees transferred from the FWC to fill the positions transferred to the DEP will retain their current position status and will retain and transfer any accrued leave. The Secretary of the DEP and the Executive Director of the FWC are each required to appoint two staff members to a transition advisory working group that will identify any rules adopted by either agency which must be amended to reflect the changes made by the bill.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 112-0

Committee on Appropriations

SB 7060 — Termination of the Working Capital Trust Fund within the Department of Highway Safety and Motor Vehicles

by Appropriations Committee

SB 7060 terminates the Working Capital Trust Fund within the Department of Highway Safety and Motor Vehicles (DHSMV).

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 38-0; House 116-0

Committee on Banking and Insurance

CS/HB 7 — Direct Health Care Agreements

by Health Market Reform Subcommittee and Rep. Duggan and others (CS/SB 1520 by Banking and Insurance Committee and Senator Bean)

The bill expands the scope of the current exemption from the Florida Insurance Code for direct primary care agreements to apply to all direct health care agreements. Direct primary care agreements are a type of direct contracting that eliminates third party payers from the provider-patient relationship. Under current law, a direct primary care agreement is not insurance and is not subject to regulation under the Florida Insurance Code if certain conditions are met. The bill expands the current law relating to direct primary care agreements to apply to other health care providers, including dentists, thus removing regulatory uncertainty whether such providers could use a direct contracting model.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 40-0; House 90-24

Committee on Banking and Insurance

CS/CS/CS/HB 301 — Insurance

by Commerce Committee; Civil Justice Subcommittee; Insurance and Banking Subcommittee; and Rep. Santiago (CS/CS/CS/CS/SB 714 by Appropriations Committee; Banking and Insurance Committee; Judiciary Committee; Banking and Insurance Committee; and Senators Brandes and Bracy)

The bill:

- Increases from 5 percent to 10 percent the amount of loss adjustment expenses covered by the Florida Hurricane Catastrophe Fund for contracts effective on or after June 1, 2019.
- Beginning January 1, 2020, allows the transfer of a salvage title to a motor vehicle or mobile home by electronic means, the United States Postal Service, or another commercially available delivery service.
- Allows for an electronic signature consistent with Ch. 668, F.S., for any signature required to transfer a salvage title.
- Requires odometer disclosures submitted through an insurance company must be in accordance with s. 668.003(4), F.S., and use a system providing an Identity Assurance Level, Authenticator Assurance Level, and Federation Assurance Level, as described in the National Institute of Standards and Technology Special Publication 800-63-3, as of December 1, 2017, that are equivalent to or greater than:
  - Level 2, for each level, for a certificate of destruction.
  - Level 3, for each level, for a salvage certificate of title.
- Removes the requirement for workers compensation applications to be notarized by the applicant and agent.
- Reduces the penalty from second degree to third degree felony for intentionally submitting false information on a workers compensation application.
- Provides that beginning January 1, 2020, a liability insurer who defends an insured will have the right to compel the sharing of defense costs by another insurer who also owes a duty to defend the insured on the same claim.
- Provides that notice of a bad faith claim may not be filed within 60 days after appraisal has been invoked by a party in a residential property insurance claim.
- Deletes a provision allowing the Department of Financial Services to return a pre-suit notice for a bad faith action if the notice lacks specific information.
- Allows a foreign or alien insurer to operate in Florida without first having 3 years of experience if the Office of Insurance Regulation has determined the insurer possesses sufficient capital and surplus to support its plan of operation.
- Classifies health maintenance organizations and prepaid limited health service organizations, which write in Florida and other states, as property and casualty insurers for the purpose of calculating the formula for risk based capital.
- Provides that a residential structure with a dwelling replacement cost of $700,000 or more may be exported to a surplus lines insurer if an agent seeks coverage from one authorized insurer and is rejected.

- Removes the $35 limit on the per-policy fee a surplus line agent may charge for each policy certified for export to a surplus lines insurer and allows retail agents to charge a similar uncapped fee for placing a surplus lines policy. Both fees must be reasonable and must be itemized separately to the customer before purchase.
- Exempts insurers from certain restrictions in unfair methods of competition when providing services or other merchandise, goods, wares, or items of value that relate to loss control or loss mitigation with respect to the risks covered under the policy to the insured for free or at a discounted price.
- Allows an insurer to offer a multiline discount to the insured when policies from insurers operating under a joint marketing agreement are purchased, when a policy is removed from Citizens Property Insurance Corporation through the policyholder eligibility clearinghouse program, or when the same agent is servicing the policies from different insurers.
- Allows liability insurers to provide required written notice of defense and notice of refusal to defend to the insured via United States postal proof of mailing, registered or certified mail, or other mailing using the Intelligent Mail barcode or other similar tracking method used or approved by the United States Postal Service.
- Requires a life insurer to provide a notice of lapse to the agent servicing a life insurance policy 21 days prior to the effective date of the lapse unless the insurer provides an online method for the agent to identify lapsing policies, the insurer has no record of the agent servicing the policy, or the agent is employed by the insurer or its affiliate.
- Allows the notice of mediation to be given at the time a property insurance policy is issued and renewed or after a first party property claim has been filed.
- Reduces the amount of premium that must be paid upfront on a private passenger motor vehicle policy from 2 months to 1 month.

If approved by the Governor, these provisions take effect July 1, 2019, except as otherwise provided.
Vote: Senate 37-1; House 114-0

Committee on Banking and Insurance

CS/CS/SB 322 — Health Plans

by Health Policy Committee; Banking and Insurance Committee; and Senator Simpson

The bill allows insurers and health maintenance organizations (HMOs) greater flexibility in their plan design and product offerings providing options of affordable health coverage for employers, employees, and individuals. The bill also requires insurers and HMOs offering comprehensive major medical coverage to offer at least one policy or contract that does not exclude preexisting medical conditions if certain conditions are met.

Alternative Coverage Arrangements

The bill revises regulatory provisions relating to alternative coverage arrangements such as short-term limited duration insurance policies and association health plans. The bill codifies 2018 federal regulations to provide consumers and employers with more affordable coverage options and choices for health insurance coverage.

An association health plan (AHP), which is a type of multiple employer welfare association, is a legal arrangement that allows business associations or unrelated employer groups to jointly offer health insurance and other fringe benefits to their members or employers. Changes in federal rules allow small employers, through associations, to gain regulatory and economic advantages that were previously only available to large employers. As a result of the federal regulatory changes, small employers, including working owners without employees, can form an association health plan that would be treated as a large group rather than a small group for insurance purposes, which would lower insurance costs and regulatory burdens. In addition, the federal rule allows an AHP to form, based on a geographic test, such as a common state, city, county, or a metropolitan area across state lines. Working owners without employees, including sole proprietors, can join.

The bill also provides that short-term limited duration insurance is an individual or group health insurance coverage provided pursuant to a contract with an issuer that has an expiration date specified in the contract that is less than 12 months after the original effective date of the contract and has a duration of no longer than 36 months in total. Short-term limited duration insurance was designed primarily to fill temporary gaps in coverage that may occur when an individual is transitioning from one plan or coverage to another plan or coverage. Currently, a short-term limited duration insurance policy must expire within 12 months of the date of the contract, taking into account any extensions. The bill requires disclosure in the short-term limited duration insurance contract regarding the scope of the coverage.

Essential Health Benefits

The bill requires the Office of Insurance Regulation (OIR) to conduct a study to evaluate Florida's essential health benefits (EHB) benchmark plan and submit a report by October 30, 2019 to the Governor, the President of the Senate, and the Speaker of the House. The study must

include recommendations for changing the current EHB-benchmark plan to provide comprehensive care at a lower cost.

The Patient Protection and Affordable Care Act (PPACA) requires comprehensive major medical policies or contracts to include coverage for the 10 essential health benefits delineated in the act. Starting in plan year 2020, the federal government is providing states with greater flexibility in the selection of its EHB-benchmark plan. These options include:

- Selecting an EHB-benchmark plan that another state used for the 2017 plan year;
- Replacing one or more categories of EHBs under its EHB-benchmark plan used for the 2017 plan year with the same category or categories of EHB from the EHB-benchmark plan that another state used for the 2017 plan year; or
- Selecting a set of benefits that would become the state's EHB-benchmark plan.

The bill also provides insurers and HMOs issuing or delivering individual or group policies or contracts in Florida that provide EHBs additional flexibility in developing affordable coverage options, which are substantially equivalent to the state EHB-benchmark plan, that could be submitted to the OIR for review and approval.

Coverage for Preexisting Conditions

The bill requires each insurer or HMO issuing comprehensive major medical policies or contracts in Florida to offer at least one comprehensive major medical policy or contract that does not exclude, limit, deny, or delay coverage due to one or more preexisting medical conditions. The operative date for such mandated offer is the enactment of a federal law that expressly repeals PPACA or the invalidation of the PPACA by the United States Supreme Court. If approved by the Governor, these provisions take effect upon becoming law.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 23-13; House 70-42

Committee on Banking and Insurance

CS/CS/CS/HB 431 — Liens Against Motor Vehicles and Vessels

by Judiciary Committee; Transportation and Infrastructure Subcommittee; Civil Justice Subcommittee; and Rep. Fischer (CS/CS/SB 772 by Judiciary Committee; Banking and Insurance Committee; and Senators Stargel and Baxley)

The bill changes the notification requirements and process for performance liens and sale by automotive repair shops and towing-storage operators. The bill expands those who must receive such notices beyond the customer and requires additional information be provided.

The bill requires the notice of lien for automotive repairs include the name and address of the lienor and an itemized statement of the amount claimed to be owed to the lienor. The bill prohibits selling a vehicle to satisfy a lien for repair work earlier than 60 days after the completion of the repair work. The notice of sale notice must contain information identifying the registration number, name, and physical address of the motor vehicle repair shop claiming the lien and must be sent by certified mail with the last eight digits of the vehicle identification number of the motor vehicle being sold clearly printed in the delivery address box. The bill requires the lienor to make the vehicle to be sold available for inspection at any time before the proposed or scheduled date of the sale. The bill allows any person of record claiming a lien against a motor vehicle to obtain the vehicle's release from a lien claimed by a motor vehicle repair shop for repair work performed under ch. 713, F.S.; currently the statute only refers to the customer of the repair shop obtaining release. The release is obtained by filing cash or a surety bond with the clerk of court where the disputed transaction occurred.

The bill requires the notice of lien for recovering, towing, or storing a vehicle or vessel be sent within 7 business days after the date of storage of the vehicle or vessel. The notice of lien must contain the name, physical address, telephone number and entity name of the lienor, the name of the person that authorized the lienor to take possession of the vehicle or vessel, and the address where the vehicle or vessel is located. If the lienor fails to provide such notice, the lienor may not charge for more than 7 days of storage. The notice of lien must be sent at least 30 days before a sale to satisfy the lien. Notice of sale to satisfy a lien for recovering, towing, or storing a vehicle must be sent by certified mail with the last eight digits of the vehicle identification number of the motor vehicle or hull identification number of the vessel on the outside of the envelope. The notice of sale must also contain such information regarding the lienor and the vehicle identification number of the motor vehicle or hull identification number of the vessel.

The bill requires a third-party service, approved by the Department of Highway Safety and Motor Vehicles, must be used, when available, in processing and mailing all such required notices.

The bill limits the fees and costs a motor vehicle repair shop or towing-storing operator may charge to release a vehicle from a claim of lien, generally to no more than $250.

The bill requires the lienor provide specific documentation as part of an application to the Department of Highway Safety and Motor Vehicles for transfer of title.

If approved by the Governor, these provisions take effect January 1, 2020.
Vote: Senate 38-0; House 113-0

Committee on Banking and Insurance

CS/HB 617 — Homeowners' Insurance Policy Disclosures

by Insurance and Banking Subcommittee and Reps. Newton, Joseph, and others (CS/SB 380 by Banking and Insurance Committee and Senator Brandes)

The bill requires an insurer issuing a homeowners insurance policy that does not provide for the coverage of flood must provide a prescribed statement informing the policyholder that their policy does not insure against losses caused by flood. Such statement must be provided to the policyholder at issuance and renewal.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 33-0; House 113-0

Committee on Banking and Insurance

CS/CS/HB 673 — Insurer Guaranty Associations

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Fischer
(CS/CS/SB 626 by Appropriations Committee; Banking and Insurance Committee; and Senators Brandes and Broxson)

The bill revises provisions relating to the Florida Life and Health Insurance Guaranty Association (association) and the Florida Health Maintenance Organization Consumer Assistance Plan (HMOCAP). In response to recent long-term care insurer insolvencies, the bill incorporates some recent changes made to a National Association of Insurance Commissioners' (NAIC) model act and additional recommendations of stakeholders. The bill:

- Expands the assessment base of the association to fund long-term care insurer impairments and insolvencies by including health maintenance organizations (HMOs), life insurers, and annuity insurers. Any assessments related to long-term care insurers would be allocated 50 percent to health member insurers and HMOs, and the remaining 50 percent to life and annuity member insurers. Total assessments on member insurers and HMOs are capped at 0.5 percent of premiums per year. Currently, only health insurers are assessed.
- Exempts any nonprofit HMO from the long-term care insurance assessment if it operates only in Florida and has statutory capital and surplus of less than $200 million as of December 31 of the year preceding the year in which the assessment is made.
- Increases the number of directors that may be on the association's board of directors and requires that one director be a director of the HMOCAP.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 40-0; House 114-0

Committee on Banking and Insurance

CS/CS/CS/SB 862 — Lessor Liability Under Special Mobile Equipment Leases

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

The bill provides that the lessor of special mobile equipment that causes injury, death, or damage while leased under a lease agreement is not liable for the acts of the lessee or lessee's agent or employee if the lease agreement requires documented proof of insurance coverage with limits of at least $250,000/$500,000 for bodily injury liability and $100,000 for property damage liability, or at least $750,000 for combined property damage liability and bodily injury liability. The bill provides that the failure of the lessee to maintain insurance coverage required by the lease agreement does not impose liability on the lessor.

Special mobile equipment are vehicles not designed or used primarily to transport persons or property and that are only incidentally operated or moved over a highway. Examples include ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, draglines, self-propelled cranes and earthmoving equipment.

The bill responds to the Florida Supreme Court's decision in *Newton v. Caterpillar Financial Services Corporation*, 253 So.3d 1054 (Fla. 2018), which found that a loader is a dangerous instrumentality and thus subject to Florida's dangerous instrumentality doctrine. The dangerous instrumentality doctrine imposes strict vicarious liability upon the owner of a motor vehicle who voluntarily entrusts that motor vehicle to an individual whose negligent operation causes damage to another. Courts apply the doctrine not only to motor vehicles primarily designed to be used on the roads and highways of the state, but also to certain dangerous vehicles that are frequently operated near the public, such as farm tractors and tow motors.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 29-8; House 83-32

Committee on Banking and Insurance

CS/HB 925 — Warranty Associations

by Insurance and Banking Subcommittee and Rep. Webb and others (CS/SB 1690 by Banking and Insurance Committee and Senator Broxson)

The bill reduces the amount of the unearned premium reserve that a service warranty association and a home warranty association must maintain under Florida law. Under the bill, such warranty associations must maintain an unearned premium reserve equal to a minimum of 25 percent of gross written premiums received from warranty contracts written in this state. Under current law, the unearned premium reserve must equal at least 25 percent of gross written premiums received from all its warranty contracts in force. The bill requires the unearned premium reserve account be a separate auditable account. The bill provides that a home warranty association or a service warranty association that operates in Florida and other states must also comply with the financial requirement laws of those states.

The bill prohibits a home warranty contract from excluding coverage due to the presence of rust or corrosion if such rust was not a contributing cause of the mechanical breakdown or failure of the covered appliance, unit, or system.

The bill also requires home warranty companies that cover HVAC parts replacements, but that do not cover manufacturer-recommended compatibility or efficiency requirements to:

- State in conspicuous boldface type that the contract does not provide replacement coverage for components necessary to maintain the compatibility and efficiency requirements recommended by the manufacturer unless the consumer purchases additional coverage. The contract must also state the website or phone number where a consumer may purchase additional coverage; and
- Provide the consumer with the option, at an additional cost, to purchase replacement coverage for components necessary to maintain the compatibility and efficiency requirements.

If approved by the Governor, these provisions take effect July 1, 2019, except where otherwise provided.
Vote: Senate 40-0; House 109-0

Committee on Banking and Insurance

HB 975 — Aircraft Liens

by Rep. Altman (SB 1208 by Senator Baxley)

The bill clarifies that liens claimed under ss. 329.41 and 713.58, F.S., for labor, services, fuel, or material furnished to an aircraft are not possessory liens. Thus, a person claiming such a lien does not need to keep possession of the aircraft to enforce the lien.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 114-0

Committee on Banking and Insurance

HB 983 — Ratification of Rules of the Department of Financial Services

by Reps. Casello and Willhite (SB 1210 by Senator Book)

The bill ratifies Rule 64L-3.009, F.A.C., adopted by the Department of Financial Services (DFS).

Chapter 2018-124, L.O.F., allows a first responder to recover wage replacement benefits under the Workers' Compensation Law for post-traumatic stress disorder (PTSD) without an accompanying physical injury if the PTSD resulted from the first responder acting within the course of his or her employment and the first responder is examined and subsequently diagnosed with the disorder by a licensed psychiatrist. The PTSD must be due to specified events, including events that involve witnessing "grievous bodily harm of a nature that shocks the conscience." Chapter 2018-124, L.O.F., did not define "grievous bodily harm of a nature that shocks the conscience" and directed the DFS to adopt a rule defining the phrase.

The DFS filed the rule for adoption on December 5, 2018. The Statement of Estimated Regulatory Costs developed by the DFS determined that the proposed rule will likely increase regulatory costs in excess of $1 million in the aggregate within 5 years after implementation of the rule. Section 120.541, F.S., requires that a rule that will likely increase regulatory costs in excess of $1 million in the aggregate within 5 years be ratified by the Legislature before it may go into effect. The bill ratifies the rule.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 117-0

Committee on Banking and Insurance

CS/CS/SB 1024 — Blockchain Technology

by Rules Committee; Innovation, Industry, and Technology Committee; and Senator Gruters

The bill establishes the Florida Blockchain Task Force comprised of government and private sector representatives to study the ways in which the state, county and municipal governments can benefit from transitioning to a blockchain-based system for recordkeeping, security, and service delivery. The task force is established within the Department of Financial Services. It will explore and develop a master plan for fostering the expansion of the blockchain industry in this state, recommend policies and state investments to help make Florida a leader in blockchain technology.

The task force will develop and submit recommendations to the Governor and Legislature concerning the potential for implementation of blockchain-based systems that promote government efficiencies, better services for citizens, economic development, and safer cyber-secure interaction between government and the public. The task force must be appointed and hold its first meeting no later than 90 days after the effective date of the act. The task force must, within 180 days of its first meeting, submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives, and present its findings to the appropriate legislative committees. The report must include:

- A general description of the costs and benefits of state and local government agencies using blockchain technology;
- Recommendations concerning the feasibility of implementing blockchain technology in the state and the best approach to finance implementation costs;
- Recommendations for specific implementations to be developed by relevant state agencies;
- Any draft legislation the task force deems appropriate to implement blockchain technologies;
- Identification of one pilot project that may be implemented in Florida; and
- Any other information the task force deems relevant.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 113-0

Committee on Banking and Insurance

CS/CS/CS/HB 1033 — Continuing Care Contracts

by Commerce Committee; Health and Human Services Committee; Insurance and Banking Subcommittee; and Reps. Yarborough, Stevenson, and others (CS/CS/SB 1070 by Appropriations Committee; Banking and Insurance Committee; and Senator Lee)

The bill revises provisions within the Insurance Code governing continuing care retirement communities (CCRCs) or providers, which are regulated by the Office of Insurance Regulation (OIR). The CCRCs provide lifelong housing, household assistance, and nursing care in exchange for a significant entrance fee and monthly fees.

The bill provides the following changes relating to CCRCs:

Protections and Transparency for Residents

- Requires providers to make additional disclosures and reports available to prospective residents and current residents.
- Revises the current procedure for the resolution of residents' complaints to provide greater transparency regarding the resolution process.
- Revises the membership of the Continuing Care Advisory Council to increase the number of resident members from three to four.

Regulatory Oversight

- Creates an early intervention system, based on the CCRC's performance, designed to identify, mitigate, or resolve financial issues so that a provider may avoid bankruptcy, as well as protect the interests of the residents. The bill revises reporting requirements of CCRCs to provide more relevant and timely information about the financial performance of CCRCs.
- Authorizes the OIR, under certain conditions, to issue an immediate suspension order on a CCRC as well as a cease and desist order on a person that violates specified laws.
- Provides additional authority for the OIR to disapprove and remove unqualified management.
- Revises and streamlines provisions of law relating to applications for licensure and acquisition of a CCRC.
- Creates an annual industry report that provides greater transparency regarding the CCRCs' performance and the OIR's activities relating to the examination and regulation of CCRCs.

If approved by the Governor, these provisions take effect January 1, 2020, except as otherwise expressly provided in this act.
Vote: Senate 40-0; House 113-0

Committee on Banking and Insurance

CS/HB 1113 — Health Insurance

by Health Market Reform Subcommittee and Rep. Renner and others (CS/CS/SB 524 by Appropriations Committee; Banking and Insurance Committee; and Senators Diaz, Farmer, and Bean)

The bill provides changes relating to health insurance coverage in the private sector, as well as the State Group Insurance program administered by the Department of Management Services (DMS) to provide access to high quality care and services in a more cost effective manner.

Shared Savings Incentive Program

The bill authorizes the creation of shared savings incentive programs, which are voluntary programs for insurers, health maintenance organizations, insureds, and subscribers, that are designed to provide financial incentives for insureds and subscribers to obtain high quality and cost effective delivery of health care services. The shoppable health care services are lower-cost, high-quality non-emergency services for which a shared savings incentive is available for insureds under the program. The insurers or HMOs who choose to participate must develop a website outlining the range of shoppable health care services within and outside of Florida.

State Group Insurance Program

The bill provides the following changes:

- Authorizes DMS to contract with entities that provide optional participation in a Medicare Advantage Prescription Drug Plan.
- Requires DMS to offer, as a voluntary supplemental benefit option, international prescription services that offer maintenance medications at a reduced cost.
- Requires the Division of State Group Insurance (DSGI) to implement formulary management for prescription drugs and supplies beginning with the 2020 plan year. However, the formulary may not restrict an enrollee's access to the most clinically appropriate, effective, and lowest net-cost drugs. An excluded drug must be available for inclusion if a prescribing provider indicates on the prescription that the drug is medically necessary. The bill also provides reporting requirements and repeals section 8 of chapter 99-255, L.O.F., relating to the management of prescription drugs.
- Requires the DSGI to provide annual coverage of $20,000 per enrollee for medically necessary prescription and nonprescription enteral formula and amino-acid-based elemental formulas for home use, regardless of the method of delivery or intake, which have been ordered or prescribed by a physician.
- Requires DMS to establish by rule regions for purposes of procuring HMO health care services throughout the state, and submit the rule to the President of the Senate and the Speaker of the House of Representatives for ratification no later than 30 days before the 2020 Regular Session of the Legislature.
- Requires DMS to conduct a study of the procurement timelines and terms of contracts for state employee health benefits with HMOs, preferred provider organizations, and

prescription drug programs in order to develop an implementation plan for simultaneous procurement of such contracts offered beginning plan year 2023. Currently, DMS procures these contracts at different times, which prevents DMS from having a coordinated procurement strategy. The implementation of a coordinated procurement strategy will allow DMS to take advantage of changes in the market, impose uniform policies, and incorporate revisions of law into its procurement process. The bill requires DMS to submit a report with recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 1, 2019.

- The bill also requires DMS to enter into and maintain one or more contracts with benefits consulting companies, which will allow DMS and other state agencies to purchase consulting services without additional procurements.

If approved by the Governor, these provisions take effect July 1, 2019, except where otherwise provided.
Vote: Senate 37-1; House 105-2

Committee on Banking and Insurance

CS/CS/CS/HB 1393 — Department of Financial Services

by Commerce Committee; Government Operations and Technology Appropriations Subcommittee; Insurance and Banking Subcommittee; and Rep. Clemons and others (CS/CS/SB 1704 by Innovation, Industry, and Technology Committee; Banking and Insurance Committee; and Senator Wright)

The bill modifies several areas regulated by the Department of Financial Services (DFS). The bill allows the Division of Treasury to maintain warrants paid rather than turning them over to the Division of Auditing and Accounting and extends the retention period from 5 to 10 years.

The bill amends the Florida Funeral, Cemetery, and Consumer Services Act to:

- Allow a funeral director in charge to supervise up to two facilities, provided they are not more than 75 miles apart as measured in a straight line;
- Provide criteria for internship programs for a joint funeral director and embalmer license applicant;
- Require notice be sent to purchasers of preneed services when the services have not been rendered after a specified time frame and providing for distribution of funds held in trust;
- Allow out of state trust companies to receive funds from a preneed contract without obtaining a preneed license; and
- Authorize out of state trust companies to service a funeral or cemetery's care and maintenance trust fund.

The bill amends various licensing statutes administered by the Division of Agent and Agency Services. The bill:

- Allows applicants that have committed certain felonies to obtain a license on a probationary basis once the applicant has served at least half of the disqualifying period if the applicant, during that time, has not been found guilty of or has not pleaded guilty or nolo contendere to a crime;
- Creates a temporary license for personal lines agents similar to the temporary license existing in other lines;
- Provides that licenses for industrial fire or burglary agents will no longer be issued but allows current license holders to maintain their licenses;
- Eliminates examination requirements for industrial fire insurance and burglary insurance agents as well as crop hail and multiple-peril crop insurance agents;
- Provides the DFS the discretion to deny, suspend, revoke, or refuse to continue an insurance agency license on the grounds that another jurisdiction has taken an adverse action against a professional license held by a majority owner, partner, manager, director, officer or other controlling person of the agency; and
- Clarifies that the DFS may take action against the license of a title insurance agent or agency for willful violations of the Florida Insurance Code.

The bill amends the DFS property insurance mediation program to require the mediator to report a settlement through mediation to all parties after the conclusion of the mediation. The report must include the settlement amount.

The bill amends statutes relating to the State Fire Marshal to provide that identification of state owned and leased buildings will no longer be determined by the U.S. National Grid Coordinate System and to direct the Division of State Fire Marshal to develop employer best practices for firefighter cancer prevention. It also clarifies requirements for installation of fire extinguishers and preengineered systems. The bill provides for a uniform fire alarm permit for installing, replacing, or repairing a fire alarm system.

The bill amends the Disposition of Unclaimed Property Act to allow the DFS to automatically disburse certain unclaimed property accounts to verified claimants, and authorizes the department to create a method whereby claimant's representatives may electronically submit claim documents. The bill creates the Florida Blockchain Task Force with the Department of Financial Services to explore and develop a plan for fostering the expansion of the blockchain industry in Florida.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 36-3; House 112-2

Committee on Banking and Insurance

HB 7033 — OGSR/Family Trust Companies

by Oversight, Transparency and Public Management Subcommittee and Rep. Aloupis and others (SB 7056 by Banking and Insurance Committee)

The bill amends s. 662.148, F.S., to remove the repeal date for the current exemption from public records disclosure for certain information relating to family trust companies held by the Office of Financial Regulation. Family trust companies provide trust company services to high net worth families. They are not allowed to provide services to the general public. The Office of Financial Regulation's regulatory role is limited to ensuring that fiduciary services are not provided to the general public unless the family trust company desires more regulation.

Section 662.148, F.S., provides that personal identifying information contained in family trust company applications, registrations, certifications, and examinations is confidential and exempt from public disclosure. It also provides that family trust company shareholder or member names are confidential and exempt. The exemption is scheduled to repeal on October 2, 2019. The Legislature made such personal identifying information confidential and exempt because disclosure of financial information and names of family members, qualified participants, and shareholders of family trust companies could jeopardize the financial safety of the family members. Families with a high net worth are frequently the targets of criminals and placing family personal identifying information into the public domain would increase the risk that a family could become the target of criminal activity. This bill removes the scheduled repeal and makes the exemption permanent.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 38-0; House 112-0

Committee on Banking and Insurance

HB 7049 — OGSR/Florida Consumer Collection Practices Act

by Oversight, Transparency and Public Management Subcommittee and Rep. Andrade (SB 7050 by Banking and Insurance Committee)

The bill continues the public records exemption for information collected in connection with an investigation or examination conducted by the Office of Financial Regulation, pursuant to the Florida Consumer Collection Practices Act, by removing the October 2, 2019, repeal date. The continuation of the public records exemption will prevent the release of sensitive personal medical information and financial information of individuals.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 37-0; House 115-0

Committee on Banking and Insurance

CS/CS/HB 7065 — Insurance Assignment Agreements

by Judiciary Committee; Insurance and Banking Subcommittee; Civil Justice Subcommittee; and Rep. Rommel and others (CS/CS/CS/SB 122 by Rules Committee; Judiciary Committee; Banking and Insurance Committee; and Senators Broxson, Hooper, Simmons, and Stewart)

The bill addresses issues arising from the assignment of post-loss benefits from property insurance policies. The bill eliminates the "one way" attorney fee for assignees. The bill requires the assignee to give notice prior to filing a lawsuit and make a presuit demand. The insurer must respond with a presuit settlement offer. The court must compare the difference between the demand and the offer with the judgment obtained and award attorney fees based on a formula that provides that if the difference between the judgment obtained by the assignee and the presuit settlement offer is:

- Less than 25 percent of the disputed amount, the insurer is entitled to an award of reasonable attorney fees.
- At least 25 percent but less than 50 percent of the disputed amount, no party is entitled to an award of attorney fees.
- At least 50 percent of the disputed amount, the assignee is entitled to an award of reasonable attorney fees.

The bill allows insurers to make available a property insurance policy that prohibits or restricts the assignment of post-loss benefits. If an insurer offers a policy that prohibits or restricts assignments of post-loss benefits, it must offer a policy with the same coverage that does not restrict or prohibit the right to assign benefits. When purchasing a policy that prohibits or restricts assignments of post-loss benefits, the named insured must reject the fully assignable policy. Policies prohibiting or restricting assignment of benefits must be at a lower cost.

The bill requires assignees to comply with some of the policyholder's duties under the insurance policy. Insurance policies generally require insureds to cooperate with the claims investigation, sit for examinations under oath by the insurance company, and participate in appraisal. This bill applies those duties to the assignees as well. In addition, the bill:

- Gives the insured 14 days to rescind the assignment.
- Gives the insured 30 days to rescind the assignment if the assignee has not begun substantial work during that 30 days.
- Requires the assignee to provide a copy of the assignment agreement to the insurance company within 3 days.
- Limits assignments of benefits to $3,000 or 1 percent of Coverage A during emergencies.
- Prohibits assignee from charging fees or penalties for mortgage processing, rescission or cancellation of the agreement, or administrative fees to insureds.
- Limits the ability of assignees to collect payment from insureds.
- Requires insurers to report information about assignments to the Office of Insurance Regulation.
- Provides that Citizens Property Insurance Corporation cannot implement rate changes unless the rate filing reflects projected savings from the bill.

If CS/CS/HB 337 becomes law, then subsection 627.7152(10), F.S., created by this bill, is effective upon becoming law. Subsection 627.7152(10), F.S., provides that attorney fees related to an assignment agreement for post-loss claims arising under a property insurance policy may only be recovered by an assignee pursuant to the formula created in subsection (10) or s. 57.105, F.S.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 25-14; House 96-20

Committee on Banking and Insurance

HB 7091 — OGSR/Hurricane and Flood Loss Model Trade Secrets

by Oversight, Transparency and Public Management Subcommittee and Rep. Fischer (SB 7054 by Banking and Insurance Committee)

The bill continues the current exemption from public records disclosure for trade secrets used in designing and constructing hurricane and flood loss models that are provided by a private company to the Florida Commission on Hurricane Loss Projection Methodology, the Office of Insurance Regulation, or the Office of the Consumer Advocate. The bill also continues the public meetings exemption for those portions of a meeting by the methodology commission or a rate filing by an insurer in which trade secrets pertaining to hurricane or flood models are discussed.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 39-1; House 116-0

Committee on Banking and Insurance

HB 7097 — OGSR/Informal Enforcement Actions and Trade Secrets/OFR

by Oversight, Transparency and Public Management Subcommittee and Rep. Plasencia
(SB 7052 by Banking and Insurance Committee)

The bill reenacts and saves from repeal the public records exemptions in s. 655.057, F.S., for informal enforcement actions performed by the Office of Financial Regulation and for trade secrets held by the Office of Financial Regulation in accordance with its statutory duties under the financial institutions codes. An informal enforcement action is a written agreement between the Office of Financial Regulation and a financial institution that the office imposes on the institution for the purpose of setting forth a program of corrective action, but is not subject to enforcement by imposition of an administrative fine. A trade secret is defined by s. 688.002(4), F.S., to mean information, that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use. Such information must also be the subject of efforts that are reasonable under the circumstances to maintain its secrecy to be a trade secret.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 39-0; House 113-0

Committee on Children, Families, And Elder Affairs

CS/SB 124 — Dependent Children

by Judiciary Committee and Senators Bean, Montford, Harrell, and Cruz

The bill addresses the complications that arise when a dependent child or young adult is involved in legal proceedings in multiple courts and jurisdictions.

For example, the courts of the county having jurisdiction over a child's dependency case lose jurisdiction to appoint a guardian for the child if the child is placed in a living arrangement outside of that county. Similarly, the courts of the county having jurisdiction over an incapacitated young adult's dependency case lose jurisdiction to appoint a guardian for the young adult if he or she is placed in a specialized and supportive living arrangement outside of the county. The bill addresses this issue by creating an additional guardianship venue provision that permits venue in the county with jurisdiction of the dependency case.

The bill also addresses issues concerning a dependent child who is involved in juvenile justice proceedings. In addressing these issues, the bill:

- Permits the court, before making a final disposition in juvenile proceedings, to receive and consider any information provided by the Guardian Ad Litem Program and the child's attorney ad litem, if appointed, when the child is also under the jurisdiction of a dependency court;
- Requires the Department of Juvenile Justice to notify the dependency court, the Department of Children and Families, and if appointed, the Guardian Ad Litem Program and the child's attorney ad litem before transferring a dependent child who is in the custody of the Department of Juvenile Justice from one facility or program to another;
- Permits a court, when receiving a quarterly report in juvenile proceedings, to receive and consider any information provided by the Guardian Ad Litem Program or the child's attorney ad litem, if appointed, if the child is under the jurisdiction of a dependency court; and
- Adds the Guardian Ad Litem Program to the group of entities that may serve on a community reentry team that helps a youth transition from a residential commitment facility to adulthood.

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

Vote: Senate 39-0; House 116-0

Committee on Children, Families, And Elder Affairs

CS/SB 184 — Aging Programs

by Appropriations Committee and Senator Book

The bill moves rule making authority for certain programs from the Department of Elder Affairs (DEA) to the Agency for Health Care Administration (AHCA). These programs include hospice care, assisted living facilities, adult family care homes, and adult day care programs. Currently both agencies develop rules, while licensing and inspection is solely performed by the AHCA. The bill makes no substantive changes to the requirements of these programs.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 40-0; House 116-0

Committee on Children, Families, And Elder Affairs

CS/SB 262 — Child Welfare

by Judiciary Committee and Senators Albritton, Harrell, Montford, and Rader

The bill revises the dependency process for abused children removed from their home to facilitate permanency within 1 year. Permanency for a dependent child can be reunification with parents, placement with a permanent guardian, such as a relative, or adoption. State law sets 1 year as a goal to achieve permanency. According to the Department of Children and Families, only 40% of dependent children in Florida reach their permanency goal within 1 year. To shorten the time children spend in dependency, the bill:

- Requires the court to name the Guardian ad Litem in the record;
- Directs caseworkers to provide updated contact information to parents;
- Limits court continuances to less than 60 days each year;
- Requires parents to give updated contact information to the caseworker and the court;
- Makes parents notify the court of any barriers to completing their case plan;
- Obligates case managers to make referrals to needed services for parents within 7 days after the case plan is approved;
- Requires the case plan to include strategies to overcome any barriers that would prevent the parents from completing any tasks;
- Orders the court to clearly inform parents that if they do not complete their case plan within 1 year, the court may terminate their parental rights; and
- Requires the court to provide a written order following a termination of parental rights within 30 days.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 39-0; House 112-0

Committee on Children, Families, And Elder Affairs

CS/CS/CS/SB 318 — Public Records/Child Abuse, Abandonment, or Neglect

by Rules Committee; Education Committee; Children, Families, and Elder Affairs Committee; and Senator Montford

The bill expands the public records exemption that protects the name of a reporter of child abuse, abandonment, or neglect to also include other identifying information. Such information would be protected and would only be released to specified persons, officials, and agencies specified in law.

The bill subjects this public record exemption to the Open Government Sunset Review Act, and thus the exemption will be repealed on October 2, 2024, unless it is reviewed and saved from repeal by the Legislature. The bill provides a statement of public necessity as required by the State Constitution that protecting such information of reporters will strengthen mandatory reporting laws by helping ensure that all instances of known or suspected child abuse, abandonment, or neglect are reported to the Department of Children and Families.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 38-0; House 112-0

Committee on Children, Families, And Elder Affairs

CS/CS/HB 369 — Substance Abuse Services

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Rep. Caruso (CS/SB 900 by Children, Families, and Elder Affairs; and Senator Harrell)

The bill promotes the use of peer specialists in behavioral health care and revises requirements for recovery residences (also known as "sober homes"). Peer specialists are persons who have recovered from a substance use disorder or mental illness who support a person with a current substance use disorder or mental illness. The bill also codifies existing training and certification requirements for peer specialists.

The bill also modifies requirements for licensed substance abuse service providers offering treatment to individuals living in recovery residences. Specifically, the bill subjects all owners, directors, and chief financial officers of a recovery residence applying for voluntary certification to level II background screening, and creates a new first-degree misdemeanor offense for anyone who knowingly and fraudulently discloses inaccurate information on a licensure application when such fact is material to determining one's qualifications to be an owner, director, volunteer, or other personnel of a service provider. The bill also provides due process procedures for actions taken by an approved certifying entity on a recovery residence's certification.

The bill exempts certified recovery residences from landlord/tenant laws in cases where a discharge is deemed necessary to protect the resident at issue, other residents, or staff, provided the recovery residence has an approved discharge policy.

The bill revises background screening requirements for individuals who have been disqualified for employment with substance abuse service providers by adding offenses for which such individuals may seek an exemption from disqualification following a failed background screening.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 37-0; House 113-0

Committee on Children, Families, And Elder Affairs

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If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 37-0; House 113-0

Committee on Children, Families, And Elder Affairs

CS/CS/SB 838 — Public Records/Mental Health Treatment and Services

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

The bill creates new exemptions from the public records inspection and access requirements of Art. 1, s. 24(a) of the State Constitution and s. 119.07(1), F.S. The bill makes confidential and exempt pleadings, orders, and personal identifying information on Baker Act proceedings. The information may be disclosed upon request to certain persons involved in the proceedings, certain agencies, or when directed by the court. The Florida Mental Health Act, also known as the Baker Act, allows for voluntary and, under certain circumstances, involuntary, examinations of individuals suspected of having a mental illness and presenting a threat of harm to themselves or others, and establishes procedures for courts, law enforcement, and certain health care practitioners to initiate such examinations and then act in response to the findings.

The bill provides that the exemptions are subject to the Open Government Sunset Review Act, and stand repealed on October 2, 2024, unless reviewed and saved from repeal by the Legislature. The bill also provides a statement of public necessity as required by the State Constitution.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 40-0; House 112-0

Committee on Children, Families, And Elder Affairs

CS/HB 1209 — Caregivers for Children in Out-of-Home Care

by Children, Families and Seniors Subcommittee and Rep. Buchanan and others (CS/CS/SB 1432 by Rules Committee; Children, Families, and Elder Affairs Committee; and Senator Baxley)

Current law provides duties for the Department of Children and Families (DCF) and community-based care lead agencies (CBCs) while working with caregivers who provide out-of-home care to dependent children. CS/HB 1209 establishes a goal for DCF to treat foster parents, kinship caregivers, and nonrelative caregivers with dignity, respect, and trust while ensuring the delivery of child welfare services. The bill requires DCF to strive to accomplish these goals to the extent not otherwise prohibited by state or federal law and within current resources. The goals require DCF to provide specified information and supports to foster parents, kinship caregivers, and nonrelative caregivers.

Additionally, CS/HB 1209 creates a dispute resolution process for a caregiver who believes the goals are not being met and such failure is harmful to the child or is inhibiting the caregiver's ability to meet the child's needs.

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

Vote: Senate 39-0; House 114-0

Committee on Children, Families, And Elder Affairs

CS/CS/SB 1418 — Mental Health

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

The bill implements two recommendations of a Department of Children and Families (DCF) task force on Baker Act cases involving minors. The Florida Mental Health Act, also known as the Baker Act, allows for voluntary and, under certain circumstances, involuntary, examinations of individuals suspected of having a mental illness and presenting a threat of harm to themselves or others, and establishes procedures for courts, law enforcement, and certain health care practitioners to initiate such examinations and then act in response to the findings. The task force found that Florida has seen an increasing trend statewide and in certain counties to initiate involuntary examinations of minors in recent years.

The first recommendation contained in the bill encourages school districts to adopt a standardized suicide assessment tool that school-based mental health professionals would implement prior to initiation of an involuntary examination. The second recommendation increases the number of days, from the next working day to five working days that the receiving facility has to submit forms to DCF. This will allow DCF to capture data on whether the minor was admitted, released, or a petition filed with the court. The bill also increases data gathered on involuntary examinations and requires DCF to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, every two years on its findings and recommendations related to involuntary examinations initiated on minors.

The bill also requires that when a patient communicates a specific threat against an identifiable individual to a mental health service provider, the provider must notify law enforcement of the potential threat. The bill further requires that law enforcement notify the target of the threat presented. The bill provides immunity from civil and criminal liability to service providers acting in good faith when releasing such information.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 38-0; House 113-0

Committee on Children, Families, And Elder Affairs

HB 6047 — Florida ABLE Program

by Rep. Roach (SB 1300 by Senator Benacquisto)

The bill repeals section 11 of the 2018-2019 budget implementing bill (ch. 2018-10, L.O.F) relating to the Florida Achieving a Better Life Experience (ABLE) program. The Legislature established the ABLE program in 2015 to encourage and assist persons saving for the cost of their disability. Contributions to ABLE accounts are tax exempt and pay for a variety of expenses related to maintaining the health, independence and quality of life for persons with disabilities. Many of the persons in the ABLE program are provided medical care by the Medicaid program. Section 1009.986, F.S. allows the Medicaid program, upon the death of the designated beneficiary, to file a claim with the ABLE program to allow the state to recoup the cost of medical care provided to the designated beneficiary.

Section 10 of the implementing bill prohibits the Medicaid program from filing a claim upon the death of a Medicaid recipient who has assets in an ABLE account during fiscal year 2018-2019. Section 11 removes this prohibition effective July 1, 2019. By repealing section 11, the law that prohibits a claim by Medicaid on an ABLE account will remain in effect beyond fiscal year 2018-2019.

If approved by the Governor, these provisions take effect June 30, 2019.
Vote: Senate 40-0; House 110-0

Committee on Commerce and Tourism

SB 180 — Lost or Abandoned Personal Property

by Senators Stargel and Hutson

Chapter 2019-6, L.O.F., allows an owner or operator of a theme park, entertainment complex, zoo, museum, aquarium, public food service establishment, or public lodging establishment to elect to dispose of or donate lost or abandoned property found on its premises.

Under the law, an owner or operator who elects to dispose of or donate lost or abandoned property must first take charge of the property, maintain a record of the property, and hold the property for at least 30 days. The law prohibits the owner or operator from selling the property. If the property remains unclaimed after 30 days, the owner or operator must dispose of or donate the property to a charitable institution. If a charitable institution accepts certain electronic devices, the bill requires the charitable institution to make a reasonable effort to delete all personal data from the device before its sale or disposal.

The law also provides that the rightful owner of the property may reclaim the property at any time before its disposal or donation.

These provisions were approved by the Governor and take effect July 1, 2019.

Vote: Senate 38-0; House 114-0

Committee on Commerce and Tourism

HB 445 — Trademark Classifications

by Rep. Diamond and others (SB 198 by Senator Berman)

The bill conforms Florida's trademark and service mark classifications of goods and services for purposes of registration under Florida's trademark law to the Nice Classification, 11th edition, version 2018. Florida's statutory classifications for trademarks and service marks, contained in s. 495.111, F.S., were last updated in 2006.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 36-0; House 114-0

Committee on Commerce and Tourism

CS/HB 563 — Unemployment Compensation

by Commerce Committee and Rep. Joseph and others (CS/SB 990 by Rules Committee and Senators Gibson, Berman, Rodriguez, and Rader)

The bill provides that an individual may not be disqualified from receiving reemployment assistance benefits if he or she voluntarily leaves work as a direct result of circumstances related to domestic violence.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 115-0

Committee on Commerce and Tourism

CS/CS/HB 1009 — Business Organizations

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Byrd (CS/CS/SB 892 by Judiciary Committee; Commerce and Tourism Committee; and Senators Passidomo and Rodriguez)

The bill comprehensively amends ch. 607, F.S., the Florida Business Corporation Act (the Act), which incorporates updates from the Model Business Corporation Act and harmonizes the Act with the recently revised Florida Revised Limited Liability Corporate Act (FRLLCA).

The bill modifies and creates several provisions regarding corporate governance. Significantly, these provisions:

- Modify the process for the correction of documents filed by a corporation;
- Authorize articles of incorporation and bylaws to include exclusive forum provisions in limited circumstances;
- Permit proxy access provisions in a corporation's bylaws;
- Modernize service of process provisions for corporations;
- Allow remote participation at shareholder meetings;
- Modify how a vacancy on a corporation's board of directors is filled;
- Update provisions regarding shareholder agreements;
- Clarify the prescribed composition, operation, and authority of boards and committees;
- Reorganize sections regarding derivative actions and indemnification;
- Amend burdens of proof in provisions regarding director conflict of interest;
- Modify the processes of judicial dissolution of a corporation and appointment of receivers and custodians made in the process thereof;
- Provide for a direct action by a shareholder against a corporation;
- Update and modernize laws regarding mergers, share exchanges, and conversions;
- Expand corporate domestication under additional circumstances;
- Clarify appraisal rights provisions; and
- Make conforming changes to mirror the FRLLCA provisions regarding corporate names, registered agent appointments and successorships, and qualifications to transact business in Florida.

If approved by the Governor, these provisions take effect January 1, 2020.
Vote: Senate 40-0; House 111-0

Committee on Community Affairs

CS/HB 9 — Community Redevelopment Agencies

by State Affairs Committee and Rep. LaMarca (CS/CS/SB 1054 by Appropriations Committee; Community Affairs Committee; and Senator Lee)

The Community Redevelopment Act authorizes a county or municipality to create a community redevelopment agency (CRA) as a means of redeveloping slums and blighted areas. CRAs are controlled by a governing board that either is composed of members of the local governing body creating the CRA or commissioners appointed by the local governing body. CRAs operate under a community redevelopment plan that is approved by the local governing body and are primarily funded by tax increment financing, calculated based on the increase of property values inside the boundaries of the CRA.

CS/HB 9 increases accountability and transparency for CRAs by:

- Requiring the commissioners of a CRA to undergo four hours of ethics training annually;
- Requiring a CRA to use the same procurement and purchasing processes as the county or municipality that created it;
- Expanding the annual reporting requirements for CRAs to include audit information and performance data and requiring the information and data to be published on the agency website;
- Providing that beginning October 1, 2019, moneys in the CRA redevelopment trust fund may only be expended pursuant to an annual budget adopted by the board of commissioners for the CRA and only for those purposes specified in current law, including overhead and administrative costs;
- Requiring a CRA created by a municipality to provide its proposed budget, and any amendments to the budget, to the board of county commissioners for the county in which the CRA is located 10 days after the adoption of such budget; and
- Requiring a county or municipality that created a CRA to include the CRA's audit report with its submission of the county or municipality's annual financial report to the Department of Financial Services.

The bill also provides a process for the Department of Economic Opportunity to declare a CRA inactive if it has no revenue, expenditures, or debt for six consecutive fiscal years, and provides for the termination of existing CRAs at the earlier of the expiration date stated in the CRA's charter as of October 1, 2019, or on September 30, 2039. The governing board of the creating local government entity may prevent the termination of a CRA by a majority vote. Finally, the bill authorizes any local governing body that created a CRA to adjust the level of tax increment financing available to the CRA. The local governing body may set the level of funding at any amount between 50 percent and 95 percent of the increment.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 36-1; House 81-30

Committee on Community Affairs

CS/SB 82 — Vegetable Gardens

by Rules Committee and Senator Bradley

CS/SB 82 prohibits a county, municipality, or other political subdivision of the state from regulating vegetable gardens on residential properties. Any local ordinance or regulation regarding vegetable gardens on residential properties is void and unenforceable. The bill provides an exception for local ordinances or regulations of a general nature that do not specifically regulate vegetable gardens, including, but not limited to, regulations and ordinances relating to water use during drought conditions, fertilizer use, or control of invasive species.

The bill defines the term "vegetable garden" as a plot of ground where herbs, fruits, flowers, or vegetables are cultivated for human consumption.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 35-5; House 93-16

Committee on Community Affairs

CS/HB 127 — Permit Fees

by State Affairs Committee and Rep. Williamson and others (CS/SB 142 by Innovation, Industry, and Technology Committee and Senators Perry and Brandes)

A local government entity may provide a schedule of reasonable inspection fees in order to defer the costs of inspection and enforcement of the Florida Building Code. The local government entity's fees must be used solely for carrying out that local government entity's responsibilities in enforcing the Florida Building Code. The basis for the fee structure must relate to the level of service provided by the local government. The total estimated annual revenue derived from fees, and fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities.

The bill requires the governing body of a local government to post its building permit and inspection fee schedules on its website. The bill also requires that by December 31, 2020, the governing body will post a newly required building permit and inspection utilization report. The report will include costs incurred and revenues derived from the enforcement of the Florida Building Code. After December 31, 2020, a local government must update the utilization report prior to amending its building permit and inspection fee schedule.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 40-0; House 110-0

Committee on Community Affairs

CS/HB 207 — Impact Fees

by Local, Federal and Veterans Affairs Subcommittee and Rep. Donalds and others (SB 144 by Senator Gruters)

As one type of regulatory fee, impact fees are charges imposed by local governments against new development to provide for capital facilities' costs made necessary by such growth. Examples of capital facilities include the provision of additional water and sewer systems, schools, libraries, parks and recreational facilities. Impact fee calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government's determination to charge the full cost or only part of the cost of the infrastructure improvement through utilization of the impact fee.

SB 144 prohibits local governments from requiring the payment of impact fees prior to issuing a property's building permit. The bill also codifies the 'dual rational nexus test' for impact fees, as articulated in case law. This test requires an impact fee to have a reasonable connection, or rational nexus, between 1) the proposed new development and the need and the impact of additional capital facilities, and 2) the expenditure of funds and the benefits accruing to the proposed new development.

Additionally, the bill requires any impact fee ordinance earmark impact fee funds for capital facilities that benefit new residents and prohibits the use of impact fee revenues to pay existing debt unless specific conditions are met. The bill provides that certain statutory provisions related to impact fees do not apply to water and sewer connection fees.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-1; House 101-12

Committee on Community Affairs

CS/CS/HB 437 — Community Development Districts

by State Affairs Committee; Local, Federal and Veterans Affairs Subcommittee; and Rep. Buchanan (CS/SB 728 by Infrastructure and Security Committee and Senator Lee)

A community development district (CDD) is a "local unit of special-purpose government" which is often created to facilitate the funding and management of new housing developments. Expanding a CDD involves a different process depending on its original size. For CDDs that began as less than 2,500 acres in size, a person must file a petition with the county. For larger CDDs, a person must file a petition, along with a $1,500 filing fee, with the Florida Land and Water Adjudicatory Commission. Then, in either case, a public hearing must be held. However, special requirements apply if someone is seeking a particularly large expansion of a CDD. Any expansion of more than 50 percent of the initial size of the CDD or more than 1,000 acres must be processed according to the statute that governs creation of a new CDD.

CS/CS/HB 437 authorizes CDDs of less than 2,500 acres and solely in one county or municipality to include a list of parcels in the CDD's establishment petition to the county that the CDD expects to add within the next 10 years. A parcel may only be included with the consent of the landowner. The bill provides a process for expanding the boundaries of the CDD to include these additional parcels. The bill also provides that the expansion of CDD boundaries to include these parcels does not alter the time period for transition from a landowner board to a board composed of qualified electors under s. 190.006, F.S., and states that the parcels may be added even if the resulting CDD is greater than 2,500 acres.

The bill also provides that a CDD may also merge with another type of special district created by special act, pursuant to the terms of that special act. A CDD is authorized to enter into a merger agreement to address transition issues, including the allocation and retirement of existing debt.

If approved by the Governor, these provisions take effect upon becoming a law.
Vote: Senate 40-0; House 106-9

Committee on Community Affairs

CS/CS/HB 447 — Construction

by Commerce Committee; Business and Professions Subcommittee; and Rep. Diamond and others (CS/SB 902 by Rules Committee and Senators Perry, Hutson, and Bracy)

The Florida Building Codes Act provides a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. Local governments enforce the Florida Building Code, issue building permits, review building plans, and perform building inspections. CS/CS/HB 447 creates provisions related to building permits and fees as well as the enforcement and updating of the Florida Building Code.

The legislation establishes a number of processes and related procedures for property owners and local governments to close open and expired building permits. Specifically, the bill:

- Allows local governments to provide written notice to a property owner and contractor no less than 30 days before a building permit is set to expire;
- Creates a procedure for property owners to close open or expired building permits by retaining the original contractor or a different contractor to perform the work necessary and obtain the inspections required to close the permit;
- Clarifies that a subsequent contractor is only liable for the work she or he performs when working to close a permit;
- Allows the owner of a residential property to close a permit by assuming the role of an owner-builder upon approval from the local government;
- Provides a local government may close a building permit after 6 years, if the agency determines that no apparent safety hazards exist;
- Prohibits a local government from penalizing or denying issuance of a building permit to a subsequent arms-length purchaser solely because a previous owner applied for a permit which was not closed;
- Prohibits a local government from denying issuance of a building permit to a contractor solely because the contractor is listed on other building permits that are not closed; and
- Limits a local government to only charge one search fee for identifying building permits for a particular tax parcel.

The bill also:

- Prohibits a local government from carrying forward an amount greater than its average cost for enforcing the Florida Building Code for the previous four fiscal years;
- Requires a local government to use any excess code enforcement funds to rebate or reduce code enforcement fees; and
- Prohibits a local government from charging surcharges or similar fees not directly related to enforcing the Florida Building Code.

In addition, the bill clarifies the risk horizon of construction industry participants by providing that a notice of claim authorized within ch. 558, F.S., to resolve construction defects does not toll any statute of repose under ch. 95, F.S., on limitations of actions and adverse possession. This effectively reverses a September 2018 4th DCA decision in *Gindel v. Centex Homes,* (43 Fla. L.

Weekly D2112d) that held that a service of pre-suit construction defect notice pursuant to s. 558.004, F.S., constitutes an "action" for purposes of initiating an action within the ten year statute of repose for actions founded upon the improvement of real property under s. 95.011(3)(c), F.S.

Finally, the bill allows the Florida Building Commission, during the triennial update process of the Florida Building Code, to approve certain amendments without a finding that the amendments are needed in order to accommodate the specific needs of the state.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 40-0; House 109-0

Committee on Community Affairs

CS/HB 521 — Wetland Mitigation

by Agriculture and Natural Resources Subcommittee; and Reps. McClure, Overdorf, and others (CS/SB 532 by Community Affairs Committee and Senators Lee and Farmer)

Mitigation banking is a practice in which an environmental enhancement and preservation project is conducted by a public agency or private entity (banker) to provide mitigation for unavoidable wetland impacts within a defined region (mitigation service area). The bank is the site itself, and the currency sold by the banker to the impact permittee is a credit, which represents the wetland ecological value equivalent to the complete restoration of one acre. The number of potential credits permitted for the bank and the credit debits required for impact permits are determined by the Department of Environmental Protection or one of the state's water management districts. A banker must apply for a mitigation bank permit before establishing and operating a mitigation bank.

In 2012, the Legislature prohibited a governmental entity from creating or providing for mitigation for a project other than its own unless the governmental entity uses land that was not previously purchased for conservation and unless the governmental entity provides the same financial assurances as required for mitigation banks permitted under s. 373.4136, F.S.

CS/HB 521 authorizes a local government to allow permittee-responsible mitigation consisting of the restoration or enhancement of lands purchased and owned by a local government for conservation purposes if state and federal mitigation credits are not available. Such mitigation must conform to the permitting requirements for mitigation banks.

The bill also creates an exemption allowing a local government to provide mitigation credits for proposed projects when credits are not available at regional mitigation bank and the mitigation area to be utilized was created by a local government prior to December 31, 2011, using the Uniform Mitigation Assessment Method.

The bill may have a positive fiscal impact on local governments who allow a public or private mitigation project to be created on conservation lands owned by the local government. The bill has no fiscal impact on state government.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-1; House 72-42

Committee on Community Affairs

HB 861 — Local Government Financial Reporting

by Reps. Roach and Fernandez-Barquin (SB 1616 by Senators Baxley and Albritton)

HB 861 specifies time periods for which budget documents must appear on county and municipal websites and requires annual reporting of final budget and economic status information to the Office of Economic and Demographic Research (EDR). The bill requires counties and municipalities to post their annual budgets to their respective websites for at least two years and tentative budgets to their websites for at least 45 days. Information to report to EDR includes government spending and debt per resident, median income within the county or municipality, average local government employee salary, percentage of budget spent on employee salaries and benefits, and the number of taxing districts within the local government's jurisdiction. Annual reporting of information must begin on October 15, 2019. EDR must develop the format and forms for reporting by July 15, 2019.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 37-1; House 115-1

Committee on Community Affairs

CS/HB 1159 — Private Property Rights

by State Affairs Committee and Reps. LaRosa and Sabatini (CS/CS/SB 1400 by Judiciary Committee; Community Affairs Committee; and Senator Albritton)

Local government tree maintenance regulations vary but can require property owners to obtain a permit or pay a fee prior to trimming or removing trees on residential property. CS/HB 1159 prohibits a local government from requiring a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the tree presents a danger to persons or property, as documented by a certified arborist or licensed landscape architect. A local government may not require a property owner to replant a tree that has been pruned, trimmed, or removed in accordance with the bill provisions. The bill does not apply to mangrove trees, which the trimming and alteration of is regulated statewide by the Department of Environmental Protection.

As it pertains to maintaining vegetation within a utility right-of-way, current law requires a utility to give five business days' advance notice to a local government prior to conducting vegetation maintenance activities within a right-of-way. No advance notice is required for service restoration, to avoid an imminent vegetation caused outage, or when performed at the request of a property owner adjacent to the right-of-way, provided the owner has obtained any required approval from the local government. The bill removes the requirement that a property owner receive approval by the local government before requesting an electric utility to prune trees and maintain vegetation in an adjacent right-of-way.

Finally, the bill requires each county property appraiser to post a Property Owner Bill of Rights on its website and specifies the text to be included in the bill of rights. The website must list the seven property rights declared in the bill and must state that the bill of rights does not represent all property rights under Florida law and does not create a civil cause of action.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 22-16; House 77-36

Committee on Community Affairs

HB 6017 — Small-scale Comprehensive Plan Amendments

by Rep. Duggan (SB 1494 by Senator Perry)

Comprehensive plans are intended to provide for the orderly and balanced future economic, social, physical, environmental, and fiscal development in a county or municipality. Small-scale comprehensive plan amendments involve less than 10 acres of land, do not impact land in an area of critical state concern, preserve the internal consistency of the overall local comprehensive plan, and do not require substantive changes to the text of the plan. The local government is authorized to adopt a cumulative total of 120 acres of small-scale comprehensive plan amendments in a calendar year. HB 6017 repeals the 120-acre cumulative annual limit on small-scale development amendments that may be approved by a local government.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 108-5

Committee on Community Affairs

CS/CS/HB 7103 — Community Development and Housing

by State Affairs Committee; Judiciary Committee; Commerce Committee; and Rep Fischer and others (CS/CS/CS/SB 1730 by Rules Committee; Infrastructure and Security Committee; Community Affairs Committee; and Senator Lee)

CS/CS/HB 7103 amends various provisions of current law pertaining to community planning, land development regulations, affordable housing, and condominium firesafety requirements.

Affordable Housing

Current law authorizes counties and municipalities to impose certain land use mechanisms, such as inclusionary housing ordinances, to increase the supply of affordable housing in the state. The bill provides that a local inclusionary housing ordinance requiring a developer to provide a specified number of affordable housing units or requiring a developer to contribute to a housing fund must provide incentives to fully offset all costs to the developer of its affordable housing contribution. The developer offset provision does not apply in areas of critical state concern in Monroe County and the City of Key West.

The bill also provides legislative findings about the need to develop affordable workforce housing opportunities for "essential services personnel" in areas of critical state concern. The bill defines essential services personnel as persons or families whose total annual household income is at or below 120 percent of the area median income and at least one of whom is employed as police or fire personnel, a child care worker, a teacher or other education personnel, health care personnel, a public employee, or a service worker. This change will allow the Florida Housing Finance Corporation to maintain compliance with federal workforce housing program requirements.

Development Permits and Orders

The bill imposes requirements and time limits for a county or municipality to review an application for a development permit or development order and provides procedures for addressing deficiencies. The bill requires a local government to review an application for completeness and notify the applicant within 30 days that either the application is complete or contains deficiencies. If deficiencies are identified, the applicant has 30 days to submit the required additional information. Within 120 days after an application is deemed complete, or 180 days for applications that require a quasi-judicial hearing or public hearing, a local government must approve, approve with conditions, or deny the application. These timeframes do not apply in areas of critical state concern in Monroe County and the City of Key West.

Other requirements of the bill concerning development permits and orders include:

- Requiring municipal comprehensive plans effective after January 1, 2019 to incorporate development orders existing before the comprehensive plan's effective date;
- Providing that when an aggrieved or adversely affected party challenges the consistency of a development order with an adopted comprehensive plan, either party is entitled to

invoke summary proceedings under s. 51.011, F.S., and the prevailing party is entitled to recover reasonable attorney fees and costs; and
- Providing that the period of time to exercise rights under a building permit or development order may be tolled or extended during a declared state of emergency for a natural emergency only.

Impact Fees

As one type of regulatory fee, impact fees are charges imposed by local governments against new development to provide for capital facilities' costs made necessary by such growth. Examples of capital facilities include the provision of additional water and sewer systems, schools, libraries, parks and recreational facilities. Impact fee calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government's determination to charge the full cost or only part of the cost of the infrastructure improvement through utilization of the impact fee.

The bill prohibits local governments from requiring the payment of impact fees prior to issuing a property's building permit. The bill also codifies the 'dual rational nexus test' for impact fees, as articulated in case law. This test requires an impact fee to be proportional and have a reasonable connection, or rational nexus, between 1) the proposed new development and the need and the impact of additional capital facilities, and 2) the expenditure of funds and the benefits accruing to the proposed new development.

The bill requires an impact fee ordinance to earmark impact fee funds for capital facilities that benefit new residents and prohibits the use of impact fee revenues to pay existing debt unless specific conditions are met. The bill requires mobility fees to be governed by the impact fee statutes and clarifies that water and sewer connection fees are not governed as impact fees.

Other requirements of the bill concerning impact fees include:
- Requiring a local government to credit against an impact fee any contributions related to public educational facilities. The credit must be based on the total impact fee assessed and not on the impact fee for any particular type of school;
- Providing that if a local government increases its impact fee rates, the holder of any impact fee credits in existence prior to the increase is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established; and
- Authorizing a local government to waive impact fees for the development or construction of affordable housing.

Private Providers

Current law authorizes construction contractors and property owners to hire licensed building code administrators, engineers, and architects, referred to as private providers, to review building plans, perform building inspections, and prepare certificates of completion. The bill expands the scope of services of private providers by allowing them to approve plans and perform inspections

for portions of a project that are not part of the building structure, such as services involving the review of site plans and site work engineering plans. The bill also:

- Prohibits a local building official from replicating plan reviews or inspections done by a private provider, unless expressly authorized;
- Prohibits a local jurisdiction from a charging fee, other than a reasonable administrative fee, for building inspections when a property owner or contractor hires a private provider;
- Reduces the required minimum notification time to a local building official regarding the use of a private provider from 7 days to 2:00 p.m., 2 business days prior to a scheduled inspection;
- Reduces the time period for a local building official to review a permit application from a private provider from 30 business days to 20 business days; and
- Provides that a local building official may not audit a private provider more than 4 times in a calendar year unless the building official determines the condition of a building constitutes an immediate threat to public safety and welfare.

Firesafety Requirements for Residential Condominium Associations

The Florida Fire Prevention Code (Fire Code) requires existing multi-family buildings 75 feet or taller to be retrofitted with a fire sprinkler system or an engineered life safety system (ELSS). However, local governments may not require a residential condominium association to retrofit a building before January 1, 2020. The bill makes the following changes relating to firesafety requirements for residential condominiums:

- Extends the deadline to retrofit a building with a fire sprinkler system or an ELSS to January 1, 2024;
- Allows unit owners, by majority vote, to forego retrofitting with a fire sprinkler system;
- Removes a provision allowing a licensed electrician or electrical contractor to certify a condominium is in compliance with the Fire Code;
- Provides that retrofitting requirements in s. 718.112(2)(l), F.S., do not apply to timeshare condominium associations, which are governed by s. 721.24, F.S.;
- Requires a condominium association's bylaws to include a firesafety component, acknowledging that the condominium association must ensure compliance with the Fire Code and comply with applicable retrofitting requirements;
- Specifies that individual balconies are not considered "common areas" and thus not included in mandatory retrofitting requirements;
- Extends the deadline to retrofit condominium common areas with guardrails or handrails from 2014 to 2024; and
- Requires the State Fire Marshal to collect data on specified high-rise condominium buildings that have not been retrofitted with a fire sprinkler system or an ELSS and report such information to the Governor and the Legislature by September 1, 2020.

If approved by the Governor, these provisions take effect upon becoming a law.
Vote: Senate 26-13; House 66-42

Committee on Criminal Justice

CS/HB 49 — Incarcerated Women

by Criminal Justice Subcommittee and Reps. Jones, Mercado, and others (CS/SB 332 by Criminal Justice Committee and Senators Pizzo, Rodriguez, Book, Thurston, Taddeo, Farmer, Brandes, Gibson, Torres, Rouson, Braynon, Perry, and Bracy)

The bill is cited as the "Dignity for Incarcerated Women Act."

The bill requires all correctional facilities to make "health care products" available to each incarcerated woman. The bill defines "correctional facility" to mean any part of the correctional system, any county detention facility, juvenile detention center or residential facility, temporary holding center, or other criminal detention facility operated by or on behalf of the state or any political subdivision. Additionally, the bill defines "health care products" to include the following:

- Feminine hygiene products, including tampons.
- Moisturizing soap that is not lye-based.
- Toothbrushes.
- Toothpaste.
- Any other health care product the correctional facility deems appropriate.

These items must be available in common housing areas and medical care facilities, at no cost, and in a quantity that is appropriate to the needs of the woman.

Additionally, the bill provides that a male correctional facility employee:

- Is prohibited from conducting a pat-down or body cavity search on an incarcerated woman except in situations where the incarcerated woman is presenting an immediate risk of harm and a female correctional facility employee is not available to do the search;
- Must announce his presence upon entering a housing unit for incarcerated women; and
- With the exception of specified circumstances, must not enter specified areas of the correctional facility in which an incarcerated woman may be in a state of undress or an area where an incarcerated woman in a state of undress may be viewed.

The bill requires male correctional employees to document any incident that violates the above-mentioned provisions within three days. Such documentation must include details of the circumstances that necessitated the employee's actions.

The bill defines additional terms to provide clarity to the provisions of the act, including "correctional facility employee" and "state of undress."

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 37-0; House 114-0

Committee on Criminal Justice

CS/CS/SB 96 — Police, Fire, and Search and Rescue Dogs and Police Horses

by Rules Committee; Criminal Justice Committee; and Senators Bean, Hutson, Book, Wright, and Perry

The bill (Chapter 2019-9, L.O.F.) increases the penalty from a third degree felony to a second degree felony for intentionally and knowingly, without lawful cause or justification, causing great bodily harm, permanent disability, or death to, or using a deadly weapon upon, a police, fire, or search and rescue (SAR) canine, or a police horse. The bill makes corresponding changes to the offense severity ranking chart.

The bill expands the definitions of police canine and SAR canine to include a canine that is owned, or the service of which is employed, by a correctional agency.

The bill also replaces the word "dog" with the word "canine" in ss. 767.16 and 843.19, F.S.

These provisions were approved by the Governor and take effect October 1, 2019.
Vote: Senate 39-0; House 116-0

Committee on Criminal Justice

CS/SB 160 — Prohibited Acts in Connection with Obscene or Lewd Materials

by Criminal Justice Committee and Senator Book

The bill prohibits a person from knowingly selling, lending, giving away, distributing, transmitting, showing, or transmuting; offering to sell, lend, give away, distribute, transmit, show, or transmute; having in his or her possession, custody, or control with the intent to sell, lend, give away, distribute, transmit, show, or transmute; or advertising in any manner an obscene child-like sex doll. A first violation is punishable as a felony of the third degree and a second or subsequent violation is punishable as a felony of the second degree.

The bill also prohibits a person from knowingly having in his or her possession, custody, or control an obscene, child-like sex doll. A first violation is punishable as a misdemeanor of the first degree and a second or subsequent violation is punishable as a felony of the third degree.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 40-0; House 113-0

Committee on Criminal Justice

SB 186 — Public Records/Victim of Mass Violence

by Senators Lee, Book, and Stewart

The bill amends s. 406.136, F.S., and transfers this section to s. 119.071, F.S. The bill retains an existing public record exemption which provides that a photograph or video or audio recording that depicts or records the killing of a law enforcement officer who was acting in accordance with his or her official duties is confidential and exempt from public disclosure. The bill creates a new public records exemption which provides that a photograph or video or audio recording that depicts or records the killing of a victim of mass violence is confidential and exempt from public disclosure. The existing exemption and the new exemption only apply to photographs and video and audio recordings held by an agency.

The bill defines the term "killing of a victim of mass violence" as events that depict either a victim being killed or the body of a victim killed in an incident in which three or more persons, not including the perpetrator, are killed by the perpetrator of an intentional act of violence.

The bill retains provisions relevant to the existing exemption and applies them to the new exemption, including:

- Specifying who may obtain such photograph or video or audio recording, the process of obtaining them pursuant to a court order when good cause is shown, and factors a court must consider in determining good cause;
- Providing that it is a third degree felony for any custodian of such photograph or video or audio recording to willfully and knowingly violate exemption requirements;
- Specifying that the exemption is retroactive and applies to all such photographs or video or audio recordings; and
- Providing that the exemption does not overturn or abrogate or alter any existing orders duly entered into by any court of this state, as of the effective date of this act, which restrict or limit access to such photographs or video or audio recordings.

The bill specifies that a surviving spouse, parent, or adult child of the victim is not precluded from sharing or publicly releasing such photograph or video or audio recording.

The bill provides a public necessity statement as required by the State Constitution. The statement includes legislative findings regarding photographs and video and audio recordings that depict or record the killing of a victim of mass violence. These findings indicate:

- Such photographs and video or audio recordings render a graphic and often disturbing visual or aural representation of the deceased which, if heard, viewed, copied, or publicized, could result in trauma, sorrow, humiliation, or emotional injury to the immediate family of the deceased and detract from the memory of the deceased;
- Widespread unauthorized dissemination of such photographs and video and audio recordings would subject the immediate family of the deceased to continuous injury;
- Dissemination of such photographs and video and audio recordings is harmful to the public because terrorists will use them to attract followers, bring attention to their cause,

and inspire others to kill, and such dissemination may also educe violent acts by the mentally ill or morally corrupt;
- Other types of available information, such as crime scene reports, continue to be available and are less intrusive and injurious to the immediate family of the deceased and continue to provide for public oversight; and
- The exemption should be given retroactive application because it is remedial in nature.

Finally, the bill provides for repeal of the exemption on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 40-0; House 108-6

Committee on Criminal Justice

CS/CS/CS/SB 248 — Public Records/Civilian Personnel Employed by a Law Enforcement Agency

by Rules Committee; Governmental Oversight and Accountability Committee; Criminal Justice Committee; and Senators Hooper, Baxley, Simpson, Perry, and Book

The bill (Chapter 2019-12, L.O.F.) amends s. 119.071(4)(d), F.S., which contains several public records exemptions for home addresses and various other information identifying specified agency personnel and officials and their families. The bill expands these public records exemptions by defining the term "home addresses," a previously undefined term, as the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

The bill also amends s. 119.071(4)(d)2.a., F.S., to create a new public records exemption for:

- Home addresses, telephone numbers, dates of birth, and photographs of active or former civilian personnel employed by a law enforcement agency;
- Names, home addresses, telephone numbers, photographs, dates of birth, and places of employment 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 allows an officer, employee, justice, judge, or other person covered by the public records exemptions to file a written request for release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party that is authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

The bill provides statements of public necessity for expanding public records exemptions and creating a new public records exemption as required by the State Constitution.

The bill provides that the public records exemptions in s. 119.071(4)(d), F.S., are subject to the Open Government Sunset Review Act, and stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

These provisions were approved by the Governor and take effect July 1, 2019.
Vote: Senate 39-1; House 116-0

Committee on Criminal Justice

CS/CS/HB 595 — Alcohol or Drug Overdose Prosecutions

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Silvers and others (SB 530 by Senators Brandes and Stewart)

The bill creates s. 562.112, F.S., which provides immunity from arrest, charge, prosecution, or penalty for selling, giving, or serving alcohol to a person under 21 years of age or possession of alcohol by such person. This immunity applies to:

- A person who gives alcohol to an individual under 21 years of age and who, acting in good faith, seeks medical assistance for the individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose, if the evidence for such offense was obtained as a result of the person's seeking medical assistance. The person must remain at the scene until emergency medical services personnel arrive and must cooperate with such personnel and law enforcement officers at the scene.
- A person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or a drug-related overdose and is in need of medical assistance, if the evidence for such offense was obtained as a result of the person's seeking medical assistance.

The bill also amends s. 893.21, F.S., to provide immunity from arrest, charge, prosecution, or penalty for use or possession of drug paraphernalia or drug possession, excluding possession of 10 grams or more of certain Schedule I or Schedule II controlled substances. This immunity applies to:

- A person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose, if the evidence for such offense was obtained as a result of the person's seeking medical assistance.
- A person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or a drug-related overdose and is in need of medical assistance, if the evidence for such offense was obtained as a result of the person's seeking medical assistance. Such person may not be penalized for a violation of a condition of pretrial release, probation, or parole if the evidence for such violation was obtained as a result of their seeking medical assistance.

Protection under s. 562.112, F.S., or s. 893.21, F.S., from arrest, charge, prosecution, or penalization may not be grounds for suppression of evidence in other criminal prosecutions.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 115-0

Committee on Criminal Justice

CS/SB 828 — Lewd or Lascivious Exhibition

by Criminal Justice Committee and Senators Rader and Rouson

The bill prohibits lewd or lascivious exhibition in the presence of any person employed at or performing contractual services for a county detention facility. This is an expansion of current law, which prohibits such conduct in a state correctional institution or private correctional facility.

The bill also revises the current definition of employee for the purposes of such prohibited conduct to include any person employed by or performing contractual services for a public or private entity operating a state correctional institution or private correctional facility.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 37-0; House 115-0

Committee on Criminal Justice

CS/CS/CS/HB 851 — Human Trafficking

by Judiciary Committee; Appropriations Committee; Criminal Justice Subcommittee; and Rep. Fitzenhagen and others (CS/CS/SB 540 by Community Affairs Committee; Criminal Justice Committee; and Senators Book, Berman, and Rader)

The bill establishes a number of requirements related to human trafficking. Specifically, the bill:

- Requires the Department of Legal Affairs (DLA) to establish a direct-support organization (DSO) tasked with providing assistance, funding, and support to the Statewide Council on Human Trafficking;
- Requires the licensee or certificate holder of the following healthcare establishments to complete a 1-hour continuing education course on human trafficking:
  - Acupuncture (ch. 457, F.S.);
  - Medical practice (ch. 458, F.S.);
  - Osteopathic medicine (ch. 459, F.S.);
  - Chiropractic medicine (ch. 460, F.S.);
  - Podiatric medicine (ch. 461, F.S.);
  - Optometry (ch. 463, F.S.);
  - Pharmacy (ch. 465, F.S.);
  - Dentistry, dental hygiene, and dental laboratories (ch. 466, F.S.);
  - Nursing home administration (ch. 468, part II, F.S.);
  - Occupational therapy (ch. 468, part III, F.S.);
  - Respiratory therapy (ch. 468, part V, F.S.);
  - Dietetics and nutrition practice (ch. 468, part X, F.S.);
  - Massage practice (ch. 480, F.S.); and
  - Physical therapy practice (ch. 486, F.S.);
- Requires certain entities, by January 1, 2021, to post in their place of work, in a conspicuous place accessible to employees, a sign that instructs a person to call the National Human Trafficking Resource Center if there is suspected prostitution or human trafficking activity;
- Defines "establishment owner" as a person who has ownership interest in a massage establishment and "designated establishment manager" as a massage therapist who holds a clear and active license without restriction, who is responsible for the operation of a massage establishment in accordance with ch. 480, F.S., and who is designated the manager by rules or practices at the establishment;
- Requires a massage establishment to have a designated establishment manager in order to obtain licensure and requires a massage establishment that is licensed before July 1, 2019, to identify a designated establishment manager by January 1, 2020, or be subject to a summary suspension;
- Requires the Board of Massage Therapy to revoke or suspend the license of a massage establishment or deny subsequent licensure to such an establishment if the establishment owner, the designated establishment manager, or any individual providing massage therapy service for the establishment has been subjected to criminal punishment for committing an act involving prostitution;

- Requires massage and public lodging establishments to implement procedures for reporting suspected human trafficking to the National Human Trafficking Hotline by January 1, 2021;
- Requires a public lodging establishment to provide annual training regarding human trafficking awareness to certain employees by January 1, 2021, or within 60 days after a new employee begins employment;
- Creates the Soliciting for Prostitution Public Database and requires the clerk of the court to forward the criminal history record of a person who is found guilty as a result of a trial or who enters a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, of soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness, or assignation, provided there is evidence that such person provided a form of payment or arranged for the payment of such services, to the Florida Department of Law Enforcement for inclusion in the database;
- Provides for the automatic removal of the criminal history record of a person from the database if, after 5 years following the commission of an offense that required such record to be included in the database, such person has not subsequently committed a violation that meets such criteria or any other offense within that time that would constitute a sexual offense;
- Requires the Office of Program Policy Analysis and Government Accountability to perform a study on the effectiveness of the database and submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2023, that provides a recommendation as to any change needed to the database or if it should be repealed;
- Provides that the database is repealed January 1, 2024, unless reviewed and saved from repeal by reenactment by the Legislature;
- Requires each certified law enforcement officer to complete 4 hours of training in identifying and investigating human trafficking within 1 year after beginning employment;
- Expands the definition of an adult theater and provides that an owner, operator, or manager of an adult theater who knowingly violates the law relating to verifying the age and identity of each of its employees or independent contractors commits a first degree misdemeanor; and
- Allocates $250,000 in nonrecurring funds to the DLA for the purposes of implementing and administering the DSO created by the bill.

If approved by the Governor, these provisions take effect July 1, 2019, except where otherwise provided.
Vote: Senate 36-0; House 108-1

Committee on Criminal Justice

CS/HB 1021 — DNA Database

by Criminal Justice Subcommittee and Rep. Latvala and others (CS/SB 920 by Criminal Justice Committee and Senator Pizzo)

The bill amends the Legislative Intent found in s. 943.325(1)(b), F.S., of the DNA Database statute. The bill adds language making it possible to use the match between casework evidence DNA samples from a criminal investigation and DNA samples from a state or federal DNA database to find probable cause to obtain a warrant for an offender's arrest.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 114-0

Committee on Criminal Justice

CS/CS/CS/SB 1080 — Hazing

by Appropriations Committee; Education Committee; Criminal Justice Committee; and Senators Book, Stewart, and Rader

The bill amends and reorganizes the definition of hazing in s. 1006.63, F.S., to include the perpetuation or furtherance of a tradition or ritual of any organization operating under the sanction of a postsecondary institution.

Currently, s. 1006.63, F.S., protects persons who are members of or applicants to a student organization from hazing. The bill adds a person who is a former member of the organization as a person who is protected under s. 1006.63, F.S.

Persons who solicit others to commit the crime of hazing or who plan any act of hazing may be prosecuted as if they actively participated in the hazing event under the provisions in the bill. If the hazing results in a permanent injury to the victim, the crime is a third degree felony.

The bill provides that a person who provides aid, before medical assistance, law enforcement, or campus security arrive on the scene or if an individual is the first to call 911 seeking medical attention for a hazing victim, and who otherwise cooperates with and assists first responders may not be prosecuted for the crime of hazing. These provisions are named "Andrew's Law" by the bill.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 40-0; House 114-0

Committee on Criminal Justice

SB 1136 — Cyberharassment

by Senators Harrell and Perry

The bill amends s. 784.049, F.S., which punishes sexual cyberharassment. The bill modifies legislative findings in this section to indicate:

- A depicted person in a sexually explicit image may retain a reasonable expectation that image will remain private despite sharing the image with another person, such as an intimate partner;
- Conduct prohibited by this section includes dissemination of a sexually explicit image through electronic means in addition to publication of such image on an Internet website;
- Dissemination of a sexually explicit image may occur through electronic means; and
- Publication or dissemination of such sexually explicit images is contrary to the depicted person's reasonable expectation of privacy and without the consent of all parties depicted in such image.

The bill amends the definition of "personal identification information," which pertains to the personal identification information of the person depicted in a sexually explicit image, to mean any information that identifies an individual, and includes, but is not limited to, any name, postal or electronic mail address, telephone number, social security number, date of birth, or any unique physical representation.

The bill amends the definition of "sexually cyberharass" to mean publishing to an Internet website or disseminating through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person.

Finally, the bill provides that evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his or her reasonable expectation of privacy for such image.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 38-1; House 113-0

Committee on Criminal Justice

CS/HB 7057 — Corrections

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Roach (CS/SB 7046 by Governmental Oversight and Accountability Committee and Criminal Justice Committee)

The bill amends various statutes to address security and staffing concerns found within critical infrastructure facilities.

The bill prohibits the use of drones over, within a distance of, or to make contact with a critical infrastructure facility. The bill adds the following to the definition of critical infrastructure facility:

- State correctional institution;
- Private correctional facility;
- Secure juvenile detention center or facility;
- Nonsecure, high-risk, or maximum-risk residential facility; or
- County detention facility.

The bill also lowers the minimum age for employment as a full-time, part-time, or auxiliary correctional officer from 19 years of age to 18 years of age.

The bill also reenacts a number of sections relating to employment qualifications for certain officers to incorporate the changes made to s. 943.13, F.S.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 37-0; House 115-0

Committee on Criminal Justice

HB 7059 — OGSR/Concealed Carry License/DACS

by Oversight, Transparency and Public Management Subcommittee and Reps. Yarborough and others (SB 7044 by Criminal Justice Committee)

The bill saves the public records exemption in s. 790.0601(2), F.S., from repeal. The public records exemption for the personal identifying information of persons who apply for a concealed weapon or firearm license, or renew an existing license, through a local tax collector's office was created in 2014. The exemption was created in conjunction with s. 790.0625, F.S., which authorizes the Division of Licensing (DOL) of the Department of Agriculture and Consumer Services (DACS) to enter into agreements with local tax collector's offices to accept and submit concealed weapon or firearm license applications or renewal applications to the DOL of the DACS for processing and decisions on whether the license should be issued.

The same information is exempted from the public records law if the applicant provides it directly to the DOL of the DACS at one of the DACS regional offices.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 39-0; House 116-0

Committee on Criminal Justice

CS/HB 7107 — Controlled Substances

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Sabatini (SB 7082 by Criminal Justice Committee)

The bill amends s. 893.03, F.S., Florida's controlled substance schedules, to reschedule the following substance from Schedule I to Schedule V: a drug product in finished dosage formulation which has been approved by the United States Food and Drug Administration (FDA) and which contains cannabidiol (CBD) derived from cannabis and no more than 0.1 percent tetrahydrocannabinols.

This scheduling language currently applies only to Epidiolex®, a pharmaceutical oral solution which contains highly purified CBD and which is used for the treatment of seizures associated with two rare and severe forms of epilepsy. Epidiolex® is the only CBD product currently approved by the FDA.

The bill codifies an emergency rule adopted by the Florida Attorney General, which reschedules the described drug product from Schedule I to Schedule V. This rescheduling is consistent with federal law.

The bill also amends the definition of the term "cannabis" in s. 893.02, F.S., to indicate that the term does not apply to Epidiolex® or any future CBD-derived drug product that may be covered by the Schedule V drug scheduling language created by the bill. This change is consistent with an exception to that term that covers medical marijuana manufactured, possessed, sold, purchased, delivered, distributed, or dispensed from a medical marijuana dispensary in conformance with s. 381.986, F.S. Epidiolex® is a prescription medication and is dispensed from a pharmacy pursuant to a physician's prescription.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 112-0

Committee on Criminal Justice

CS/HB 7125 — Administration of Justice

by Appropriations Committee; Judiciary Committee; and Reps. Renner, Daniels, and others (CS/CS/SB 642 by Appropriations Committee; Criminal Justice Committee; and Senators Brandes, Gruters, Rouson, Perry, Broxson, Taddeo, and Cruz)

The bill makes a number of changes to various provisions related to Florida's criminal justice system, courts, and public safety, including:

- Providing the Crime Stoppers Trust Fund reallocation authority and criminal penalties for the disclosure of certain privileged communications;
- Requiring the Office of the State Courts Administrator to provide an annual report providing details about each problem-solving court for each fiscal year of operation;
- Providing that attorney's fees may not be awarded in certain proceedings for injunction if the petitioner or respondent provide false statements with regard to material matter in the petition or asserted defense, respectively;
- Allowing a written agreement or order deferring child support payments to include a reasonable period of payment deferral to accommodate an obligor's good faith job seeking effort;
- Removing the percentage cap for certain goods provided by PRIDE Industries;
- Increasing the threshold amounts of various theft offenses and requiring the Office of Program Policy Analysis and Government Accountability to review specified threshold amounts periodically and report its findings to the Governor, President of the Senate, and Speaker of the House of Representatives;
- Reducing lengths of time for various revocations and suspensions of a driver license;
- Limiting the application of felony penalties for 3rd or subsequent violations of driving while license suspended or revoked to certain suspensions and providing all other 3rd or subsequent offenses are a first degree misdemeanor with a mandatory minimum 10 days in jail;
- Requiring each clerk of court to establish a Driver License Reinstatement Day Program to assist people seeking to have their driver license reinstated and allowing the clerks to waive certain fines and fees;
- Ensuring the Sexually Violent Predator Program is considered to serve a criminal justice function to maintain its access to the National Crime Information Center database;
- Prohibiting specified entities from considering convictions that have occurred more than five years from the date of a licensure or registration application from being a basis for denial of specified occupational licenses or registrations;
- Allowing a veterinarian to report certain suspected criminal violations to the appropriate authorities without notice to the client;
- Providing a just cause defense for criminal offenses and disciplinary violations against a contractor for failure to do certain things within a specified amount of time and increasing the felony thresholds applicable to contractor fraud;
- Removing the mandatory minimum sentence for horse meat offenses;

- Ensuring that a person released from a county detention facility following incarceration for an offense for which the sentence pronounced was a prison sentence qualifies as a prison releasee reoffender if otherwise eligible;
- Providing that cyberstalking includes accessing or attempting to access the online accounts or Internet-connected home electronic systems of another person without that person's permission, causing substantial emotional distress to that person, and serving no legitimate purpose;
- Specifying that a person who holds or held an active certification from the Criminal Justice Standards and Training Commission as a law enforcement or correctional officer meets the definition of "qualified law enforcement officer" found at 18 United States Code section 926(B) and (C), thereby authorizing such person to carry a concealed firearm in Florida in accordance with federal requirements;
- Prohibiting lewd or lascivious exhibition in the presence of any person employed at or performing contractual work for a county detention facility;
- Amending the definition of "access," relating to computer crimes, to reference an electronic device, so access includes the unauthorized access of an electronic device;
- Providing for punishment of computer-related crimes when those crimes are committed willfully, knowingly, and without authorization or exceeding authorization;
- Adding an element of intent to defraud to the crime of possession of a counterfeit instrument;
- Reducing the criminal penalties for certain alcohol and gambling offenses;
- Increasing the current threshold weight amounts for trafficking in hydrocodone;
- Modifying a number of definitions and data collection points necessary for efficient data collection in accordance with the Criminal Justice Data Transparency Act;
- Ensuring that data collected in accordance with s. 900.05, F.S., maintains the necessary confidential and exempt status when such data is reported to the Florida Department of Law Enforcement (FDLE);
- Requiring the FDLE to assist in developing specifications for a uniform arrest affidavit to assist with criminal justice data transparency;
- Reorganizing the various sealing and expunction statutes for clarity and creating an automatic sealing process for certain criminal history records of a minor or adult;
- Expanding the offense of escape to include an inmate out on furlough;
- Enhancing the Criminal Punishment Code ranking level for an employee who uses such position to introduce contraband into a state correctional facility;
- Authorizing the Department of Corrections (DOC) to increase the number of transition assistance specialists, requiring such specialists to inform inmates about relevant job credentialing or industry certifications, and expanding the use of such credentialing;
- Requiring the DOC to create a toll-free hotline for released inmates to obtain information about community-based reentry services;
- Expanding the use of the needs-based risk assessment system to provide inmates and offenders with community-specific reentry service provider referrals;

- Requiring the DOC to provide inmates with a comprehensive community reentry resource directory that includes specified information related to services and portals available in the county to which the inmate is to be released;
- Permitting specified entities to apply with the DOC to be registered to provide inmate reentry services and requiring the DOC to create a process for screening, approving, and registering such entities;
- Authorizing the DOC to contract with specified entities to assist veteran inmates in applying for veteran's benefits upon release;
- Authorizing the DOC to develop, within its existing resources, a Prison Entrepreneurship Program that includes education with specified curriculum and authorizing the DOC to train inmates to become firefighters;
- Authorizing the court to order or the DOC to transfer offenders to administrative probation if the offender presents a low risk of harm to the community and has completed at least half of his or her term of probation;
- Requiring a court to early terminate or transfer to administrative probation certain compliant probationers upon certain factors being met and providing for exceptions to such requirement;
- Codifying the DOC's current practice of using graduated incentives to promote compliance with probationers and offenders on community control who are on supervision with the DOC;
- Requiring the court to modify or continue the supervision term of certain low-risk offenders with a first filed violation of probation and providing modification terms and exceptions;
- Requiring each circuit to create an alternative sanctions program to handle specified types and occurrences of technical violations of probation or community control with the judge's concurrence;
- Allowing each judicial circuit to establish a community court program for defendants charged with certain misdemeanor offenses and specifying program requirements;
- Adding cellular telephones to the list of items that are prohibited from being introduced into a county detention facility and applying criminal penalties for such offense;
- Permitting a court to impose a sentence as a youthful offender if a person committed a felony before they turned 21 years of age;
- Increasing the relevant timeframes in which a person who is eligible for financial compensation through the Department of Legal Affairs Crime Victim Services may apply for such compensation;
- Adding locally authorized entity to the list of entities that may operate an independent civil citation or similar prearrest diversion program in addition to a circuit program;
- Removing the requirement for the Department of Juvenile Justice to enter information related to a civil citation or prearrest diversion program into the Juvenile Justice Information System Prevention Web;
- Repealing all provisions related to transferring a child to adult court for prosecution pursuant to mandatory direct file;

- Creating the Criminal Punishment Code Task Force to evaluate various sentencing procedures and providing an appropriation for such Task Force; and
- Providing that a person who has completed all the terms of his or her sentence for a criminal conviction is eligible to be awarded certain scholarships and grants for higher education and vocational education if he or she meets all other requirements to be awarded the scholarship, grant, or other aid.

If approved by the Governor, these provisions take effect October 1, 2019, except where otherwise provided.
Vote: Senate 39-1; House 110-0

Committee on Education

CS/SB 190 — Higher Education

by Appropriations Committee and Senator Stargel

The bill modifies a number of policies related to higher education, including, but not limited to, the Bright Futures Scholarship Program, college and university public education capital outlay and carry forward funds, workforce performance funding, articulation, board oversight, university board of trustee training, and the excess credit hours surcharge.

Florida Bright Futures Scholarship Program

Regarding initial awards, the bill changes from 2 years to 5 years after graduation the timeframe for eligibility to receive a scholarship, and also:

- Specifies that, for the 2020-2021 academic year and thereafter, Florida Academic Scholars (FAS) scores must be set at the 89th national percentile on the SAT, and Florida Medallion Scholars (FMS) scores at the 75th national percentile on the SAT.
- Requires the department to develop a method for determining the required examination scores to maintain FAS and FMS percentiles, with concordant ACT scores.
- Requires the Department of Education (DOE) to publish, before the beginning of each school year, any changes to the examination score requirements for students graduating in the next two years.

The bill modifies additional scholarship provisions to eliminate the 45-credit hour annual limit for scholarship awards, establish requirements for award renewals, modify required evaluation information provided to students, and saves from reversion current law regarding the University of Florida student enrollment pilot program.

Public Education Capital Outlay

The bill requires the State Board of Education (SBE) and the Board of Governors (BOG) to:

- Review each board's space needs calculation methodologies and submit recommendations, starting October 31, 2019, and every 3 years thereafter.
- Develop and submit a prioritized list of public education capital outlay (PECO) projects, including projects for which state funds were previously appropriated which have not been completed, and the top two priorities of each Florida College System (FCS) institution or state university.
- Develop a points-based prioritization method to rank projects for consideration, with additional criteria that each board must consider.

In addition, the bill requires that a new construction, remodeling, or renovation project that has not received a prior appropriation may not be considered for inclusion on the prioritized list unless the project has been recommended pursuant to an educational plant survey, and:

- For an FCS institution, a plan is provided to reserve funds in an escrow account equal to 0.5 percent of the total value of the building for future maintenance; and there are

sufficient excess funds from the specified capital outlay allocation within the 3-year planning period which are not needed to complete specified projects.
- For a state university, a plan is provided to reserve funds in an escrow account equal to 1 percent of the total value of the building for future maintenance; and there exists sufficient capacity within the cash and bonding estimate of funds to accommodate the project within the 3-year PECO funding cycle.

Carry Forward Funds

The bill authorizes FCS institution to carry forward funds, and requires minimum carry forward balances that must be maintained, dependent on institution size, as follows:
- Each FCS institution with a final full-time equivalent (FTE) enrollment of less than 15,000 must maintain a minimum carry forward balance of at least 5 percent.
- Each FCS institution with a final FTE of 15,000 or greater must maintain a minimum carry forward balance of at least 7 percent.

The bill requires written notification to the SBE any time the unencumbered balance in the general fund of an FCS institution operating budget goes below the established minimum levels.

The bill requires each state university to maintain a minimum carry forward balance of at least 7 percent of its state operating budget, or submit a plan to the BOG to attain the 7 percent balance. However, the bill authorizes that a university may spend the minimum carryforward balance if a demonstrated emergency exists, and the plan is approved by the university board of trustees (BOT) and the BOG.

The bill provides that an FCS institution retaining a carry forward balance in excess of the minimum is required to annually submit a spending plan for the excess balances to its local BOT for approval by September 1, and to the SBE to review and publish by October 1. The bill provides that a state university retaining a carry forward balance in excess of the minimum is required to annually submit a spending plan for the excess balances to its local BOT for approval by September 1, and to the BOG for approval by October 1.

The bill requires, annually by September 30, the chief financial officer (CFO) of each FCS institution and state university to certify the unexpended amount of state funds remaining in the general fund of an institution as of June 30. The bill also requires the Auditor General, as a part of its annual financial audits of state universities and FCS institutions, to verify the accuracy of the amounts certified by each FCS institution and university CFO.

Funds for Workforce Education

The bill removes the $15 million cap on the maximum amount of performance funding that may be appropriated for industry certifications for FCS institution and school district workforce education programs.

2+2 Targeted Pathway Articulation Agreements

The bill establishes the "2+2" targeted pathway program, and requires each FCS institution and state university to execute at least one "2+2" targeted pathway articulation agreement. The "2+2" targeted pathway articulation agreement must provide students who graduate with an associate in arts degree guaranteed access to the state university and degree program at that university.

State Board of Education and Board of Governors Oversight Authority

The bill adds additional oversight authority for the SBE and BOG to require the Commissioner of Education and the Chancellor of the State University System to report specified findings by the Auditor General. The SBE and BOG must require the school district or institution governing board to document compliance with the law.

State University Boards of Trustees – Annual Training

The bill requires the BOG to develop and annually deliver a specified training program for members of a state university BOT. Trustees must complete the training within 1 year of their appointment and reappointment to a university BOT.

Board of Governors Data Accountability

The bill requires the BOG to:

- Define the data components and methodology for the performance-based incentive funding and the preeminent state research universities programs. Each university must submit an annual audit of such data to the BOG Office of Inspector General.
- Enter into an agreement with the Department of Economic Opportunity that allows access to the individual reemployment assistance wage records for the purpose of auditing or evaluating higher education programs.

Excess Hours Surcharge

The bill increases the credit hours a student entering a state university in the summer term of 2019 or thereafter may earn, from 110 percent to 120 percent of the degree program, before being required to pay the surcharge. Also, for a student who changes degree programs, the bill requires the university to adjust the excess credit hour threshold only if the number of credit hours required to complete the new degree program exceeds that of the original degree program.

Florida College System Institution Dormitory Facilities

The bill maintains the prohibition on FCS institutions issuing bonds to finance additional dormitory beds built after July 1, 2016, but authorizes that bonds may be issued by nonpublic entities as part of a public-private partnership between the college and a nonpublic entity.

Florida College System Institution Direct Support Organizations

The bill specifies that an FCS institution direct-support organization is prohibited from giving, either directly or indirectly, any gift to a political committee, without exception.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 38-0; House 109-0

Committee on Education

HB 525 — Renaming of Florida College System Institutions

by Rep. Raschein and others (SB 720 By Senator Flores)

The bill changes the name of "Florida Keys Community College" to "The College of the Florida Keys" and the name of "North Florida Community College" to "North Florida College."

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-1; House 112-0

Committee on Education

CS/CS/HB 547 — Stanley G. Tate Florida Prepaid College Program

by Education Committee; Higher Education and Career Readiness Subcommittee; and Rep. Clemons and others (CS/CS/SB 464 by Appropriations Committee; Education Committee; and Senators Flores and Montford)

The bill authorizes the qualified beneficiary of an advance payment contract under the Stanley G. Tate Florida Prepaid College Program at a:

- State university to use the fees associated with a dormitory residence plan to cover the costs of housing provided by a qualified nonprofit organization that is approved by the state university.
- Florida College System (FCS) institution to use the fees associated with a dormitory residence plan to cover the costs of housing provided by a qualified nonprofit organization that is approved by the FCS institution.

The bill defines a "qualified nonprofit organization" as a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code that provides dormitories or residency opportunities to full-time students at an FCS institution or state university, primarily supports students that lack financial resources, and has been approved by the Florida Prepaid Board (board) for inclusion in the dormitory residence plan.

The bill specifies that the fees from a dormitory residence plan paid to a qualified nonprofit organization may not exceed the average, rather than maximum, fees charged for state university dormitory residences, or for fees charged for FCS institution or FCS institution direct-support organization (DSO) dormitories or residency opportunities, whichever is less.

The bill also modifies the membership of the board's DSO to specify that only the chair of the board serves as director of the DSO. In addition, the bill requires that the chair and the executive director of the board appoint four, rather than three, other individuals to serve as directors of the DSO.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 114-0

Committee on Education

CS/CS/HB 593 — Postsecondary Fee Waivers

by Education Committee; Higher Education Appropriations Subcommittee; and Rep. Trumbull and others (CS/SB 1164 by Education Committee and Senators Gainer and Perry)

The bill authorizes certain Florida College System (FCS) institutions to waive out-of-state fees for students under certain conditions for the purpose of recruiting students. Specifically, the bill provides that:

- An FCS institution that serves counties directly impacted by a hurricane, and whose enrollment decreases by more than 10 percent as a result of such impact, may waive the out-of-state fees for the purpose of recruiting students for a period of three years, beginning 180 days after the date on which the hurricane directly impacted the counties served by the FCS institution.
- A student who qualifies for the hurricane-related out-of-state fee waiver is eligible to receive the waiver for up to 110 percent of the number of credit hours required for the degree or certificate program in which the student is enrolled. The bill specifies that such student may not disenroll from the FCS institution for more than one semester.
- Each FCS institution must report to the State Board of Education the number and value of all hurricane-related out-of-state fee waivers granted annually.
- Out-of-state students enrolled under the hurricane-related out-of-state fee waiver must not be included in the FCS institutions' enrollment totals by the Education Estimating Conference on Florida College System Enrollment.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 38-0; House 114-0

Committee on Education

CS/HB 807 — Civics Education

by Education Committee and Rep. Aloupis and others (CS/SB 1480 by Education Committee and Senator Stargel)

The bill requires all instructional materials for the middle school civics education course be reviewed and approved by Commissioner of Education (commissioner) in consultation with civics organizations and stakeholders. Any errors and inaccuracies in state-adopted civics instructional materials, identified by the commissioner, must be corrected pursuant to current statutory procedures.

The bill requires the commissioner to review the current state-adopted civics course materials and the civics statewide end-of-course assessment and make recommendations for improvements by December 31, 2019. The Department of Education must complete a review of civics education course standards by December 31, 2020.

The bill also specifies the hours a high school student devotes to specified education initiatives, or other similar programs approved by the commissioner, must count towards the service work requirement for the Florida Bright Futures Scholarship Program.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 37-0; House 111-1

Committee on Education

HB 1027 — Office of Early Learning

by Rep. Aloupis and others (SB 1456 by Senator Perry)

The bill establishes professional development standards and career pathways for early childhood teachers and school readiness program providers. Specifically, the bill requires the Office of Early Learning to:

- Integrate early learning professional development pathways into existing preservice and inservice training requirements.
- Develop professional development training and course standards for school readiness program providers.
- Identify both formal and informal early learning career pathways with stackable credentials and certifications to provide early childhood teachers access to specialized professional development that:
  - Strengthens knowledge and teaching practices;
  - Aligns to established professional standards and core competencies;
  - Provides a progression of attainable, competency-based stackable credentials and certifications; and
  - Improves outcomes for children to increase kindergarten readiness and early grade success.
- Align, to the greatest extent possible, the established credentials and certifications with reading instruction training developed by the Just Read, Florida! Office and the Lastinger Center at the University of Florida for K-12 teachers, reading coaches, and school principals.

The bill requires the Office of Early Learning to adopt rules to administer the provisions of the act.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 115-0

Committee on Education

HB 7001 — OGSR/State University DSO Research Funding

by Oversight, Transparency and Public Management Subcommittee and Rep. Aloupis (SB 7020 by Education Committee)

The bill saves from repeal the public meetings exemption for any portion of a meeting of the board of directors of a university direct-support organization (DSO), or of the executive committee or other committees of such board, at which any proposal seeking research funding from the DSO or a plan or program for either initiating or supporting research is discussed. The bill removes the scheduled repeal date of the exemption.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 39-0; House 115-0

Committee on Education

SB 7018 — OGSR/Public Research Facility/Animal Research

by Education Committee

The bill saves from repeal a public records exemption for personal identifying information of a person employed by, under contract with, or volunteering for a public research facility, including a state university that conducts animal research or is engaged in activities related to animal research. Such information is exempt from public records requirements when the information is contained in the following records:

- Animal records, including animal care and treatment records.
- Research protocols and approvals.
- Purchase and billing records related to animal research or activities.
- Animal care and committee records.
- Facility and laboratory records related to animal research or activities.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 38-0; House 114-0

Committee on Education

CS/CS/SB 7030 — Implementation of Legislative Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission

by Appropriations Committee; Infrastructure and Security Committee; and Education Committee

The bill addresses the school safety and security recommendations of the Marjory Stoneman Douglas High School Public Safety Commission, and strengthens accountability and compliance oversight authority.

School Security

The bill enhances school security measures. Specifically, the bill:

- Requires sheriffs to assist district school boards and charter school governing boards in complying with safe-school officer requirements, including providing guardian training either directly or through a contract with another sheriff's office under specified circumstances.
- Requires district school boards to collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options. If a district school board denies a charter school access to any of the safe-school officer options, the school district must assign a school resource officer or school safety officer to the charter school and retain the charter school's share of the costs from the safe schools allocation.
- Delineates that the four safe-school officer options include a school resource officer, a school safety officer, school guardian, and a school security guard. The bill specifies that:
  - A school guardian may be a school district employee or a charter school employee who volunteers to serve as a school guardian in addition to his or her official job duties or an employee of a school district or a charter school who is hired for the specific purpose of serving as a school guardian. The bill removes the prohibition on an individual who exclusively performs duties as a classroom teacher from participating in the guardian program.
  - A school security guard must hold a Class "D" and Class "G" license in accordance with the law and meet the training requirements equivalent to that of a school guardian as a safe-school officer.
- Continues to require a district school board to opt-in to the guardian program through a majority vote and require employees who volunteer to pass a psychological evaluation and complete 144 hours of required training. The bill also requires the employee to complete the required training to the Sheriff's satisfaction and then be appointed by the superintendent or charter school principal, as applicable.
- Applies the penalties specified in law relating to the false personation of a law enforcement officer to the false personation of a school guardian and a licensed security officer.

Student Safety

The bill improves student safety by establishing information sharing and reporting requirements for district school boards and charter school governing boards, including responses to emergency situations, safety incident reporting, data collection, and data sharing. Specifically, the bill:

- Requires each district school board and charter school governing board to adopt an active assailant response plan; and annually by October 1, requires each district school superintendent and charter school principal to certify that all school personnel have received annual training on the procedures contained in the plan.
- Requires drills for active shooter and hostage situations to be conducted in accordance with developmentally appropriate and age-appropriate procedures.
- Requires each district school board to define criteria for reporting to a law enforcement agency any act that poses a threat to school safety as well as acts of misconduct which are not a threat to school safety and do not require consultation with law enforcement.
- Requires that the Florida Safe Schools Assessment Tool (FSSAT) be the primary physical site security assessment tool used by school officials at each school district and public school site in conducting security assessments; and requires each school district to report to the Department of Education (DOE) by October 15 that all schools within the district have completed the school security risk assessment using the FSSAT.
- Enhances oversight and enforcement as it relates to School Environmental and Safety Incident Reporting (SESIR) by requiring school districts and charter schools to report specified incidents; and requires the OSS to collect, review, and evaluate data regarding the reports to ensure compliance with the reporting requirements.
- Requires district school boards and charter schools to promote the use of the mobile suspicious activity reporting tool by advertising the tool on its website, school campuses, newsletters, and install the application on all mobile devices and bookmark the website on all computer devices issued to students.
- Modifies requirements relating to new student registration and transfer of student records by clarifying the mental health services-related reporting requirements at the time of initial registration and specifying the information that must be transferred from one public school to another upon a student's transfer.

The bill modifies requirements relating to school district threat assessment teams by:

- Requiring the threat assessment team to use the behavioral threat assessment instrument that is developed by the OSS in accordance with the law.
- Requiring, upon a student's transfer to a different school, a threat assessment team to verify that any intervention services provided to the student remain in place until the threat assessment team of the receiving school independently determines the need for intervention services.

The bill adds authority and responsibilities for the OSS. Specifically, the bill requires the OSS to:

- Annually publish a list including information about the number of safe-school officers in the state and information related to disciplinary incidents involving such officers.

- Make the FSSAT available annually by May 1, and provide annual training to each district's school safety specialist and other appropriate personnel on the assessment of physical site school security and completing the FSSAT.
- Specifies additional data that must be included in the centralized integrated data repository in coordination with the Florida Department of Law Enforcement (FDLE).
- Develop, no later than August 1, 2019, a standardized, statewide behavioral threat assessment instrument for use by all K-12 public schools and evaluate, by August 1, 2020, each school district's and charter school governing board's behavioral threat assessment procedures for compliance with the law.
- Establish a Statewide Threat Assessment Database Workgroup to complement the work of the DOE and the FDLE associated with the centralized integrated data repository and data analytics resources initiative. The workgroup must make recommendations regarding the development of a statewide threat assessment database to provide access to information about any school threat assessment to authorized personnel in each school district. The workgroup must provide a report to the OSS with recommendations that include specified components, no later than December 31, 2019.
- Convene a School Hardening and Harm Mitigation Workgroup comprised of individuals with subject matter expertise on school campus hardening best practices to review school hardening and harm mitigation policies, and submit a report to the executive director of the OSS by August 1, 2020, including a prioritized list for the implementation of school campus hardening and harm mitigation strategies, and related estimated costs and timeframes. The bill also specifies reporting requirements and related deadlines for the OSS and the Commissioner of Education regarding recommendations for policy and funding enhancements and strategies for implementing school campus hardening.
- Monitor school district and charter school compliance with school safety requirements.

School District Funding

The bill provides funding opportunities to enhance school safety and security, and to provide additional mental health services to students. Specifically, the bill:

- Retroactively provides school districts with flexibility for expending 2018-2019 fiscal year safe schools allocation funds for employing or contracting for safe-school officers.
- Provides school districts with greater flexibility to improve school safety by authorizing the transfer of categorical funds within the Florida Education Finance Program towards school safety expenditures, and expands authorized uses of the safe schools allocation.
- Expands the authorized uses of the mental health assistance allocation, provides school district flexibility for expenditures, and requires a program and expenditure plan for school districts and charter schools.

If approved by the Governor, these provisions take effect upon becoming law, except for the provisions related to the safe schools allocation and mental health allocation which are effective July 1, 2019, and the retroactive funding provisions related to the 2018-2019 safe schools allocation.
Vote: Senate 22-17; House 65-47

Committee on Education

CS/SB 7070 — K-12 Education

by Appropriations Committee; Education Committee; and Senator Diaz

The bill establishes and modifies K-12 education programs to support students and families, public schools, and teachers. The bill expands educational choice and opportunity for low-income families, supports public schools by expanding student support services and reducing regulations, and benefits teachers by removing teacher certification barriers and providing incentive awards.

Family Empowerment Scholarship Program

The bill establishes the Family Empowerment Scholarship Program (FES) for up to 18,000 students on a first-come, first-served basis, beginning in the 2019-2020 school year, to expand educational opportunities for children of families with limited financial resources. The bill provides that:

- The FES is funded through the Florida Education Finance Program (FEFP).
- The FES is administered by the Department of Education (DOE), with the household income verification of students conducted by an eligible scholarship-funding organization (SFO).
- The calculated scholarship amount for a student must be 95 percent of the funds per FTE in the FEFP for a student in the basic program plus a per FTE share of funds for all categorical programs, except for the Exceptional Student Education Guaranteed Allocation, based upon the grade level and school district in which the student was assigned.
- Beginning in the 2020-2021 school year, the number of students participating in the scholarship program may annually increase by 0.25 percent of the state's total public school student enrollment.

The bill specifies that a student is initially eligible for an FES if the student is:

- Eligible to enroll in kindergarten or has spent the prior school year in attendance at a public school; and
- On the direct certification list or the student's household income does not exceed 300 percent of the federal poverty level, with priority given to students whose household income levels do not exceed 185 percent of the federal poverty level or who are in foster care or out-of-home care; or
- Currently placed, or during the previous fiscal year was placed, in foster care or in out-of-home care, regardless of the student's household income-level.

The bill also outlines the terms of the scholarship; scholarship prohibitions; private school eligibility and obligations; responsibilities of school districts, SFOs, and the DOE; and parent and student responsibilities for participating in the program.

Other State Scholarship Programs

The bill modifies the scholarship award amounts for the Florida Tax Credit Scholarship Program (FTC) and the Hope Scholarship Program to align with the award amount under the FES.

The bill also modifies the obligations of SFOs related to the FTC, Hope, and Gardiner Scholarship Programs.

Best and Brightest Teacher and Principal Programs

The Best and Brightest Teacher Program is revised to authorize three types of awards – recruitment, retention and recognition – each with distinct criteria for determining eligibility. The bill removes a teacher's performance on the SAT or ACT as a factor in determining eligibility for the award and establishes the following best and brightest teacher awards:

- Recruitment awards for newly hired teachers who are a content expert, based on criteria established by the department, in mathematics, science, computer science, reading, or civics.
- Retention awards for teachers rated as "highly effective" or "effective" the preceding year, and currently teaching in a school that has demonstrated specified academic improvement.
- Recognition awards for teachers and instructional personnel rated as "highly effective" or "effective" and selected by the school principal based on performance criteria and policies adopted by the district school board.

A principal is eligible for a Best and Brightest Principal Program award if he or she has served as school principal at his or her school for at least 4 consecutive school years, including the current school year, and the school has demonstrated specified academic improvement.

The award amounts for these programs are established annually by the Legislature in the General Appropriations Act.

Funds for the Operation of Schools

The bill:

- Establishes the Turnaround School Supplemental Services Allocation within the FEFP to provide funding to traditional public schools in, or exiting, turnaround status. The allocation provides funds to help district-managed turnaround schools offer wraparound services to improve the academic and community welfare of students and families.
- Includes the Florida Best and Brightest Teacher and Principal Allocation within the FEFP.

Teacher Certification

The bill modifies teacher certification requirements by:

- Specifying that the criterion related to the demonstration of general knowledge mastery as part of the eligibility to seek certification applies only to an individual who serves as a classroom teacher.
- Eliminating the requirement that individuals teaching under a temporary certificate must demonstrate mastery of general knowledge within 1 calendar year of the date of employment.
- Requiring a school district that employs an individual who does not achieve passing scores on any subtest of the general knowledge examination to provide information regarding the availability of specified state-level and district-level supports and instruction.
- Requiring the state board rule regarding certification fees to specify an initial examination fee for first-time test takers and a reduced retake fee for the full battery of subtests and each subtest of an examination.

Educational Facilities

The bill provides school districts additional flexibility for constructing educational facilities. Specifically, the bill:

- Includes the funds generated by a 1.5-mill levy of ad valorem property taxes with the existing funds a district can use for capital outlay for educational facilities without a survey recommendation.
- Allows a district school board to adopt a resolution though a majority vote, rather than a supermajority vote, to implement exceptions to the educational facilities construction requirements, and removes the requirement that the board conduct a cost-benefit analysis prior to voting on the resolution.
- Requires the Office of Economic and Demographic Research (EDR), in conjunction with the DOE, to review and revise the cost per student station limits and to select an industry-recognized construction index to replace the currently-used Consumer Price Index.
- Eliminates restrictions and sanctions on district school boards related to educational facilities construction.

Schools of Hope Program

The bill modifies the Schools of Hope Program by:

- Authorizing a School of Hope to use state funds for costs associated with initial leasing of a facility and providing that recoverable assets revert to the district school board if the School of Hope is dissolved or otherwise terminated.
- Changing the definition of a "persistently low-performing school" to mean a school that has earned a grade lower than a "C" in at least three of the previous five years, and has not earned a grade of "B" or higher in the most recent two years.
- Authorizing a School of Hope to locate within, or serve students residing in, a Florida Opportunity Zone. The bill defines Florida Opportunity Zone to mean a population census tract that has been designated by the United States Department of the Treasury as a Qualified Opportunity Zone.

Community Schools

The bill establishes the Community School Grant Program (program) to fund and support the planning and implementation of community school programs. The program is intended to improve student success and well-being by engaging and supporting parents and community organizations in their effort to positively impact student learning and development. The bill specifies that a community school model is a school service model developed by the Center for Community Schools at the University of Central Florida (center) which utilizes long-term partnerships among a school district, community organization, a university or college, and a health care provider to implement programs to address student, family, and community needs during and outside of the school day. Funding for the program is subject to legislative appropriation.

Charter Schools

The bill clarifies that a charter between the sponsor and charter school may include a provision requiring the charter school be held responsible for costs, including, but not limited to, mediation, damages, and attorney fees, incurred by the school district associated with complaints to the Office of Civil Rights or the Equal Employment Opportunity Commission.

If approved by the Governor, these provisions take effect July 1, 2019, except as otherwise expressly provided in this act.
Vote: Senate 23-17; House 76-39

Committee on Education

CS/HB 7071 — Workforce Education

by Education Committee; Higher Education and Career Readiness Subcommittee; and Reps. Mariano, Massullo, and others (CS/CS/CS/SB 770 by Appropriations Committee; Innovation, Industry, and Technology Committee; Education Committee; and Senators Hutson and Perry)

The bill promotes career education and readiness opportunities for students in public schools and provides responsibilities for district school boards, the Department of Education (DOE), and the Commissioner of Education (commissioner) regarding career education opportunities; provides flexibilities and supports to public schools regarding teacher recruitment and training; strengthens transition pathways to college and career opportunities; establishes alignment between education and workforce needs, and provides related supports; and specifies provisions related to the consolidation of accreditation of the University of South Florida branch campuses. The bill specifies the following career and technical education opportunities for students in public schools:

- Establishes the Career and Technical Education (CTE) graduation pathway as an alternative pathway option for students to earn a standard high school diploma; and requires students to earn a 2.0 grade point average, successfully complete at least 18 credits in specified subject areas, and fulfill the statewide, standardized assessment requirements to receive a standard high school diploma.
- Modifies the 24-credit pathway for earning a standard high school diploma by revising computer science credit substitution for mathematics or science credits; and eliminates the financial literacy credit requirement, as part of economics under the specified social studies credits. However, the bill specifies that all school districts must offer a financial literacy course consisting of at least 0.5 credit as an elective, beginning with the 2019-2020 school year.
- Revises the requirements for a student to earn a "Scholar" designation by permitting the one credit in Algebra II to be substituted with one credit in another equally rigorous course.
- Restores middle grades career education and planning course requirements which were eliminated in 2017, with some modifications.
- Encourages district school boards to adopt policies and procedures regarding declaring a "College and Career Decision Day" to recognize high school seniors for their postsecondary education plans and to encourage them to pursue college and career pathways.

The bill provides the following flexibilities and supports to public schools regarding teacher recruitment and training:

- Authorizes district school boards to issue an adjunct teaching certificate for a full-time teaching position, but specifies that such certificates are valid for a period of three years and are not renewable. The bill also specifies reporting requirements for school districts.
- Revises the types of training for which a school district may apply to the DOE for funding to include professional development for classroom teachers to provide instruction in computer science courses and content.

The bill strengthens transition pathways to college and career opportunities in the following ways:

- Requires that the statewide articulation agreement between the State Board of Education and the Board of Governors of the State University System of Florida (BOG) provide for a reverse transfer agreement for Florida College System (FCS) associate in arts (AA) degree-seeking students who transfer to a state university after earning more than 30 credit hours from an FCS institution but before earning an AA degree; and specifies related requirements for the state universities.
- Requires each career center and FCS institution with overlapping service areas to annually submit to the DOE by May 1, a regional career pathways agreement for each certificate program offered by the career center that is aligned with an associate degree offered by the FCS institution in the service area. Each career pathways agreement must guarantee college credit toward an aligned associate degree program for students who graduate from a career center with a career or technical certificate and meet specified requirements in accordance with the terms of the agreement.
- Revises the deadline from November 30 to April 30 for the annual reporting of postsecondary feedback information by the commissioner to specified entities.

The bill establishes alignment between education and workforce needs, and provides related supports as follows:

- Establishes the "Strengthening Alignment between Industry and Learning (SAIL) to 60" Initiative to increase to 60 percent the percentage of working-age adults who hold a high-value postsecondary certificate, degree, or training experience by the year 2030.
- Establishes the "Last Mile Scholarship Program," subject to legislative appropriation, to annually award the cost of in-state tuition and required fees for Florida resident students who are in good standing at FCS institutions and state universities and who are within 12 or fewer credit hours of completing their first associate or baccalaureate degree.
- Requires the DOE to provide assistance to specified entities when notifying students, parents, and members of the community about apprenticeship and preapprenticeship opportunities.
- Creates the "Florida Pathways to Career Opportunities Grant Program," subject to legislative appropriation, to provide competitive grants to specified entities to expand existing apprenticeship and preapprenticeship programs and establish new programs.
- Reconstitutes the Higher Education Coordinating Council as the Florida Talent Development Council for the purpose of developing a coordinated, data-driven, statewide approach to meeting Florida's need for a 21st century workforce, which utilizes the Florida's talent supply system. The bill also moves the administrative support for the council from the DOE to the Department of Economic Opportunity, revises the council's membership, and specifies reporting requirements.

The bill specifies the following provisions related to the consolidation of accreditation of the University of South Florida (USF) branch campuses:

- Requires that the BOG use its 2019 Accountability Plan in determining a state university's preeminence designations and in distributing awards from the 2019-2020 fiscal year appropriation.
- Requires the USF, St. Petersburg and USF, Manatee/Sarasota to maintain branch campus status after each campus's accreditation is consolidated into a single accreditation, as monitored by the BOG.
- Provides the definition of a branch campus, which is identical to the definition by the Commission on Colleges of the Southern Association of Colleges and Schools.
- Prohibits the BOG, if specified requirements are met, from using the consolidated performance data from the USF branch campuses in determining USF's status as a preeminent state research university until July 1, 2022.

If approved by the Governor, these provisions take effect July 1, 2019, except for the "Scholar" designation provision which is effective upon the bill becoming law.
Vote: Senate 40-0; House 113-0

Committee on Environment and Natural Resources

CS/CS/HB 95 — C-51 Reservoir Project

by State Affairs Committee; Agriculture and Natural Resources Subcommittee; and Rep. Jacobs and others (CS/CS/SB 92 by Appropriations; Environment and Natural Resources; and Senators Book and Mayfield)

The bill authorizes the South Florida Water Management District (SFWMD) to acquire any portion of the C-51 reservoir project not already committed to utilities for alternative water supply purposes. The bill authorizes the SFWMD to acquire land near the C-51 reservoir project through the purchase or exchange of land owned by the SFWMD or state as necessary to implement any part of the project. Previously, these authorizations pertained only to Phase II of the project.

The bill requires the operation of Phase I of the C-51 reservoir project to be in accordance with any operation and maintenance agreement approved by the SFWMD. Water made available by the reservoir must be used for natural systems in addition to any permitted amounts for water supply. Water in the reservoir that is received from Lake Okeechobee may be made available to support consumptive use permits, but only if such use is in accordance with the SFWMD's rules.

The bill authorizes Phase II of the C-51 reservoir project to be funded by appropriation in addition to the existing authorized funding sources.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 38-1; House 112-0

Committee on Environment and Natural Resources

SB 320 — Residential Conservation Programs

by Senator Hooper

The bill authorizes the Fish and Wildlife Conservation Commission to organize, staff, equip, and operate residential conservation programs to provide education and training about fish and wildlife conservation to the public, commission employees, and volunteers. The bill provides explicit statutory authorization to the commission to support its long history of providing these programs.

The bill authorizes the commission to establish cooperative efforts with federal, state, and local entities; procure commodities and contractual services such as travel, lodging, and meal services; and hire and train appropriate personnel and volunteers to support these programs.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 40-0; House 117-0

Committee on Environment and Natural Resources

CS/HB 325 — Coastal Management

by State Affairs Committee and Rep. LaMarca and others (SB 446 by Senators Mayfield, Hutson, Wright, Book, Broxson, and Rodriguez)

The bill amends the criteria the Department of Environmental Protection (DEP) must consider when determining annual funding priorities for beach management projects. Under the bill, DEP is required to implement a new scoring system consisting of equally weighted criteria divided into four tiers to determine annual project funding priorities. The bill also amends related requirements for DEP regarding reporting, oversight, and the use of surplus funds.

The bill amends the criteria DEP must use to establish annual funding priorities for inlet management projects. The bill also amends related requirements for DEP regarding reporting and the amount of annual funding designated for inlet management projects.

The bill amends the requirements for DEP to develop and maintain the components of the comprehensive long-term beach management plan for the restoration and maintenance of Florida's critically eroded beaches. Under the bill, DEP must annually submit to the Legislature a 3-year work plan that lists beach restoration, beach nourishment, and inlet management projects in priority order based on the applicable criteria.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 38-0; House 113-0

Committee on Environment and Natural Resources

CS/CS/HB 767 — Right of Entry

by Agriculture and Natural Resources Appropriations Subcommittee; Agriculture and Natural Resources Subcommittee; and Rep. Robinson (CS/CS/SB 1500 by Appropriations; Environment and Natural Resources; and Senator Simmons)

The bill releases the right of entry to any interest in phosphate, minerals, and metals, or any interest in petroleum, reserved for a local government, water management district, or other agency of the state, for any parcel of property that is or has ever been a contiguous tract of less than 20 acres in the aggregate under the same ownership.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 40-0; House 113-0

Committee on Environment and Natural Resources

CS/CS/HB 771 — Environmental Regulation

by State Affairs Committee; Local, Federal and Veterans Affairs Subcommittee; and Rep. Overdorf and others (CS/SB 816 by Environment and Natural Resources and Senator Perry)

The bill requires local governments to address the contamination of recyclable material in contracts for the collection, transportation, and processing of residential recyclable material. The bill applies to contracts between a local government and a residential recycling collector or recovered materials processing facility that are executed or renewed after October 1, 2019. Such contracts are required to define the term "contaminated recyclable material" based on certain factors. The bill specifies topics that must be addressed in local governments' contracts with residential recycling collectors or recovered materials processing facilities.

The bill prohibits local governments from requiring a person claiming certain exceptions from environmental permitting requirements to provide further verification from the Department of Environmental Protection. The bill also changes the specific requirements for the replacement or repair of a dock or pier that is exempt from permitting requirements.

The bill creates a moratorium, expiring July 1, 2024, prohibiting local governments from adopting or enforcing an ordinance or other local regulation relating to single-use plastic straws. The Office of Program Policy Analysis and Government Accountability is required to conduct a study of each ordinance or regulation adopted by local governments in Florida that restricts or prohibits the use of single-use plastic straws and submit a report on its findings to the President of the Senate and the Speaker of the House of Representatives no later than December 1, 2019.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 24-15; House 87-23

Committee on Environment and Natural Resources

SB 1552 — Florida Red Tide Mitigation and Technology Development Initiative

by Senators Gruters and Hooper

The bill establishes the Florida Red Tide Mitigation and Technology Development Initiative as a partnership between the Fish and Wildlife Conservation Commission's Fish and Wildlife Research Institute and Mote Marine Laboratory. The purpose of the initiative is to develop technologies and approaches needed to address the control and mitigation of red tide and its impacts. The bill requires funds specifically appropriated by the Legislature for the initiative to be awarded by the Fish and Wildlife Research Institute to Mote Marine Laboratory to achieve the goals of the initiative. The bill establishes within the initiative the Initiative Technology Advisory Council.

The bill requires the Florida Red Tide Mitigation and Technology Development Initiative to submit an annual report, beginning January 15, 2021, containing an overview of the initiative's accomplishments and priorities to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of Environmental Protection, and the Executive Director of the Fish and Wildlife Conservation Commission. The section authorizing the initiative expires on June 30, 2025.

The bill provides for an annual appropriation of $3 million beginning in the 2019-2020 fiscal year and going through the 2024-2025 fiscal year, from the General Revenue Fund to the Fish and Wildlife Conservation Commission for the purpose of implementing the bill.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 37-0; House 112-1

Committee on Environment and Natural Resources

CS/CS/CS/SB 1666 — Vessels

by Rules Committee; Community Affairs Committee; Environment and Natural Resources Committee; and Senators Flores and Pizzo

The bill revises provisions relating to vessels, specifically relating to the following issues:

- Boater safety education:
  - The bill establishes criteria for obtaining a temporary certificate for boater safety education which is valid for 90 days.
  - The bill provides that boating safety identification cards and temporary certificates may be issued in a digital, electronic, or paper format.
  - The bill authorizes the Fish and Wildlife Conservation Commission (FWC) to appoint agents to administer qualifying boating safety education and temporary certificate requirements. Agents must charge a $2 fee and may charge a $1 service fee for each boating safety education card or temporary certificate issued.
- Long-term stored vessels:
  - The bill defines the term "long-term stored vessel" to mean a vessel which has remained anchored or moored outside of a public mooring field without supervision or control for at least 30 days out of a 60-day period.
  - The bill requires FWC to conduct a study, contingent upon appropriation, on the impacts of long-term stored vessels on local communities and the state, and to present the report to the Governor and Legislature.
- No-discharge zones:
  - The bill authorizes, upon federal approval, counties designated as rural areas of opportunity to create within their jurisdiction a "no-discharge zone" where treated and untreated sewage discharges are prohibited for specified vessels.
  - The bill requires vessel operators within a no-discharge zone to keep sewage discharges onboard for discharge at specified locations.
  - The bill imposes a civil penalty if an unlawful discharge is made in a no-discharge zone.
- Vessel registration fees:
  - The bill requires a certain portion of vessel registration fees designated for use by the counties to be deposited into the Marine Resources Conservation Trust Fund to fund grants for derelict vessel removal. Undisbursed balances from vessel registration fees may be reapportioned to fund the Florida Boating Improvement Program or public boating access. Appropriated funds not utilized by local governments for derelict vessel removal by a certain time may be used by FWC to remove derelict vessels.
- Derelict vessels:
  - The bill prohibits a person who leaves or abandons a derelict vessel from residing or dwelling on the vessel until it is permanently removed from state waters or returned to waters in a non-derelict condition.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 40-0; House 114-0

Committee on Environment and Natural Resources

SR 1820 — Moratorium on Drilling in the Gulf of Mexico

by Senator Hooper

SR 1820 states that:

- The State of Florida must maintain a united front in supporting an extension of the current moratorium on drilling in the Gulf of Mexico east of the Military Mission Line;
- To allow drilling east of the Military Mission Line would mean loss of range areas and possible relocation of aircraft and bases to other unrestricted range areas; and
- The Florida Senate supports an indefinite extension of the restriction, specified in the Gulf of Mexico Energy Security Act of 2006 (GOMESA), on oil and gas leasing in all areas east of the Military Mission Line and an indefinite extension of GOMESA's ban on oil and gas leasing within 125 miles of the Florida coastline in the Eastern Planning Area and in a portion of the Central Planning Area.

Vote: Senate Adopted.

Committee on Ethics and Elections

CS/CS/HB 5 — Ballot Measures

by State Affairs Committee; Local, Federal and Veterans Affairs Subcommittee; Rep. DiCeglie and others (CS/CS/SB 336 by Rules Committee; Finance and Tax Committee; and Senator Brandes)

Constitutional Ballot Initiatives

The bill creates additional requirements and procedures relating to the constitutional amendment initiative process and paid petition signature gatherers. Specifically, the bill changes the initiative process as follows:

- **Circulator Registration Requirements**: Paid petition circulators (circulators) must register with Secretary of State prior to obtaining signatures, and consent to jurisdiction in this State. Failing to register constitutes a second-degree misdemeanor.
- **Circulator Compensation**: A person is prohibited from compensating a petition circulator on a per-signature basis. Violations are a first-degree misdemeanor.
- **Petition Forms**: The Florida Division of Elections (DOE) or county supervisors of elections (supervisors) are responsible for making petition forms available to circulators, and must develop a tracking system for petition forms and circulators.
- **Circulator's Affidavit**: Circulators verify, under penalty of perjury, that they witnessed the signature on the petition.
- **Petition Submission Deadline**: Petition sponsors are fiduciaries responsible for ensuring submitting signed petitions to supervisors within 30 days after they are signed. The sponsor is liable for fines, with exceptions, for petitions submitted late or not at all.
- **Economic Impact Information**: The initiative financial impact statement included on the ballot and prepared by the Financial Impact Estimating Conference (FIEC) is expanded in length (75 to 150 words) and scope, to include the economic impact on the state and local economies. If an initiative will result in increased costs, decreased revenues, a negative impact on the state or local economy, or an indeterminate impact, the ballot must include a statement in **bold font** to such effect. Finally, the supervisors must distribute the summary of each initiative's financial *information* statement (also prepared by the FIEC) along with their sample ballots.
- **DOE Rulemaking**: The DOE must adopt rules to ensure the integrity of the petition gathering process, including providing for a complaint process for voters to challenge signature issues and a requirement that sponsors account for all petition forms used.
- **Effective Date/Application**: The ban on per-signature compensation takes effect upon becoming a law but does not apply to preexisting contracts. Other provisions take effect 30 days after the bill becomes law.

Local Tax Referenda

The bill mandates that all referenda to adopt or amend a local discretionary sales surtax be held at a general election. The bill also mandates that requiring a petition sponsor of an initiative to adopt a charter county and regional transportation system surtax comply with additional

requirements within a specified timeframe before the proposed referendum. Further, the bill establishes additional requirements and time frames with respect to the statutorily-required performance audit for proposed discretionary sales surtaxes. Finally, the bill disqualifies referenda results for failure to comply with some of the new requirements.

If approved by the Governor, these provisions take effect upon becoming law, except as otherwise expressly provided.
Vote: Senate 22-17; House 67-43

Committee on Ethics and Elections

CS/HB 281 — Public Records/Voters and Voter Registration

by State Affairs Committee and Rep. Stevenson (SB 342 by Senator Lee)

The bill amends s. 97.0585(1), F.S., which contains several public records exemptions for voter registration information.

Current law holds confidential and exempt all declinations to register to vote, information relating to the location a person registered to vote, and the person's social security number, driver's license number, and Florida identification number. The bill continues the confidential and exempt status of this information if the information was obtained for the purpose of voter registration.

The bill makes confidential and exempt from public inspection and copying requirements information related to a voter registration applicant's or voter's prior felony conviction and whether such person has had his or her voting rights restored by the Board of Executive Clemency or pursuant to Art. VI, s. 4, State Constitution.

The bill also makes all information concerning 16 and 17-year-olds who preregister to vote confidential and exempt from public inspection and copying requirements until they reach the age of 18.

The bill provides that the exemptions are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides statements of public necessity as required by the State Constitution.

Because the bill creates new public records exemptions, it required a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

If approved by the Governor, these provisions take effect on July 1, 2019.
Vote: Senate 38-0; House 106-2

Committee on Ethics and Elections

SB 702 — Qualified Blind Trusts

by Senators Lee and Diaz

The bill repeals s. 112.31425, F.S. Before passage of SB 702, the placement of assets and investments in a qualified blind trust by a public officer avoided conflicts of interest that might otherwise require that the interests be divested or that the public officer recuse himself or herself.

The bill repeals the statute that addresses qualified blind trusts, eliminating the operation and parameters of the described trust. Also, repealed is the statutory determination that a public officer who holds a beneficial interest in a qualified blind trust does not have a statutorily prohibited conflict of interest with regard to matters pertaining to that interest.

The bill repeals language that provides that a public officer holding a beneficial interest in a qualified blind trust is not required to report on his or her financial disclosure forms any source of income to the blind trust as a secondary source of income.

If approved by the Governor, these provisions take effect January 1, 2020.
Vote: Senate 40-0; House 112-0

Committee on Ethics and Elections

CS/HB 7021 — Financial Disclosure

by State Affairs Committee; Public Integrity and Ethics Committee; and Rep. Altman
(CS/CS/SB 7040 by Appropriations Committee; Governmental Oversight and Accountability Committee; and Ethics and Elections Committee)

The bill revises the administration of the submission of information relating to the disclosures of financial interests and statements of financial interests.

The bill requires the Commission on Ethics to procure and test an electronic filing system by January 1, 2022. The system must:

- Provide access through the internet for the completion and submission of disclosures of financial interests (CE Form 6) and statements of financial interests (CE Form 1);
- Allow for a procedure to make filings available in a format that is accessible by an individual using standard internet-browsing software;
- Issue a verification or receipt that the Commission on Ethics has received the submitted disclosure or statement;
- Provide security that prevents unauthorized access to the electronic filing system's functions or data; and
- Provide a method for an attorney or a certified public accountant to complete the disclosure or statement and certify that he or she prepared it in accordance with s. 112.3144, F.S., or s. 112.3145, F.S., and that the information on the disclosure or statement is true and correct.

The bill requires electronic submission of CE Form 6 beginning January 1, 2022, and CE Form 1 beginning January 1, 2023. The Commission on Ethics must provide notice and other communications to filers by email message and is required to provide notice to filers that any information entered electronically will be publicly released. A filer may no longer include a federal income tax return, or copy thereof, in a filing to the Commission. All disclosures (CE Form 1 and CE Form 6) must be for the calendar year rather than for either the calendar year or the taxable year. Beginning with required electronic submission of CE Form 1, filers must use the dollar value threshold method of reporting (rather than the comparative or percentage threshold).

The bill has an estimated fiscal impact of $2.2 to $5 million over three to four fiscal years, due to system upgrades to accommodate for electronic filings. The fiscal impact of this bill can be absorbed within existing resources.

If approved by the Governor, these provisions, except for Section 2, which becomes effective January 1, 2020, take effect upon becoming law.
Vote: Senate 37-0; House 117-0

Committee on Ethics and Elections

CS/HB 7023 — Public Records/Financial Disclosure

by State Affairs Committee; Public Integrity and Ethics Committee; and Rep. Altman (CS/SB 7042 by Governmental Oversight and Accountability Committee and Ethics and Elections Committee)

The bill exempts from public inspection and copying secure login credentials held by the Commission on Ethics for the purpose of allowing access to the electronic filing system for financial disclosures created in CS/HB 7021, this bill's companion. The bill also exempts from public inspection and copying any information entered in the electronic filing system for purposes of financial disclosure until a disclosure of financial interests or statement of financial interests is submitted by the filer to the Commission on Ethics, or in the case of a candidate, filed with a qualifying officer.

The bill provides that the exemptions are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

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

The bill has no fiscal impact on state funds.

The bill's effective date is contingent upon, and concurrent with, passage of CS/HB 7021. CS/HB 7021 will take effect upon becoming a law, except for Section 2 of that bill, which becomes effective January 1, 2020.

Because the bill creates new public records exemptions, it required a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

If approved by the Governor, these provisions take effect on the same date that CS/HB 7021 takes effect, if such legislation becomes a law.
Vote: Senate 36-0; House 117-0

Committee on Ethics and Elections

CS/SB 7066 — Election Administration

by Rules Committee and Ethics and Elections Committee

The bill makes substantive changes to the Florida Election Code and implements Amendment 4 to the Florida Constitution, which was approved by the voters of Florida on November 6, 2018, restoring the voting rights of certain convicted felons. Major provisions of the bill include:

Voting Rights Restoration (Amendment 4)

- Modifies the voting application to require a person to make an affirmative statement that he or she has been convicted of a felony and if so, has obtained his or her right to vote pursuant to executive clemency or Art. VI, s. 4, of the State Constitution.
- Defines which offenses constitute "murder" and "felony sexual offenses" under the new constitutional provision.
- Provides that voting rights are restored upon "completion of all terms of sentence", meaning completion of any portion of a sentence within the four corners of the sentencing document:
  - Nonmonetary (imprisonment, probation/community control, monitored supervision [including parole], any other term); and,
  - Monetary (victim's restitution, court-ordered fines/fees, any other term).
- Specifies that restitution, fines, and fees ordered by the court do not include any fines, fees, or costs accrued after the date of the sentence.
- Specifies that restitution, fines, and fees be completed in the following manner or in any combination thereof: actual payment; upon the payee's approval, the termination of such financial obligation by the court; or completion of all community service hours, if the court, unless otherwise prohibited by law, converts the financial obligation to community service.
- Authorizes the court to make certain modifications of the financial obligations to provide relief, provided such modifications do not infringe on a defendant's or victim's constitutional rights, but clarifies that this provision does not apply to the conversion of financial obligations to civil liens.
- Provides in s. 98.0751, F.S., that the Department of State (DOS) makes the initial determination on whether the information is credible and reliable regarding whether a person is eligible to vote under Art. VI, s. 4, of the State Constitution, and forwards such to the supervisor of elections.
- Provides in s. 98.0751, F.S., that the supervisor of elections (supervisor) verifies and makes the final determination whether a person who registers to vote is eligible under Art. VI, s. 4, of the State Constitution. The supervisor may request additional assistance from the DOS in making the final determination.
- Grants registrants immunity from prosecution for submitting false voter registration information regarding their eligibility following a felony conviction on registration applications submitted from January 8, 2019 (effective date of Amendment 4) until before July 1, 2019 (effective date of the bill).

- Mandates that the state and county notify convicted felons of the outstanding terms of their sentence with respect to voting eligibility, upon release from custody/supervision.

Elections Process

- **Voting Systems/disability voting:** Mandates that voters with disabilities cast a ballot on voting systems that produce a voter verifiable paper output (VVPO) for canvassing and recount purposes; and, authorizing the general use of such VVPO touchscreen systems by all voters, not just those with disabilities.
- **Voting Systems/sorting and counting ballots:** Prohibits voting systems that cannot simultaneously count and sort ballot overvotes and undervotes in multiple races.
- **Primary Election Day:** Moves the primary election back from 10 to 11 weeks before the general election, to allow more time for overseas general election ballots.
- **Vote-by-Mail (VBM) Ballots/deadlines & cure:** Extends the cure deadline for defective VBM ballot signatures from 5:00 p.m. on the day *before* the election to 5:00 p.m. on the 2nd day *after* the election; modifies the ballot-envelope voter's certificate to request additional contact information; creates additional phone and electronic notice requirements, to conform.
- **Provisional Ballots/deadlines & cure:** Creates a provisional ballot signature cure process that mirrors the revised VBM signature cure process; provides for cure through 5:00 p.m. on the 2nd day *after* an election; modifies the ballot-envelope voter's certificate to request additional contact information; creates additional phone and electronic notice requirements, to conform.
- **VBM Ballots/request and mail-out deadlines:** Moves the last day for voters to request VBM ballots from six to 10 days before an election, and prohibits supervisors from mailing out such ballots less than eight days prior to the election (currently four days); allows voter designees to physically pick-up VBM ballots for electors beginning 9 days before an election instead of the current five days, to conform.
- **VBM Ballots/domestic mailing deadlines:** Allows supervisors to mail domestic VBM ballots between 40 and 33 days before an election (currently 35 to 28 days prior).
- **VBM Ballots/drop-off locations:** Allows a voter to drop off his or her VBM ballot at a secure drop box located at each active early voting location and the supervisor's main or branch office; allows supervisors to set-up drop-boxes at *unused* early voting locations authorized in s. 101.657, F.S., (i.e., courthouses, county commission buildings), provided that the site is staffed by a supervisors' office employee or law enforcement officer during the county's early voting hours of operation.
- **VBM Ballots/start of canvassing period:** Allows canvassing of VBM ballots to start one week earlier, at 22 days before an election rather than 15 days before the election.
- **VBM Ballots/duplication:** Permits physically present candidate and political party/political committee officials, and/or their designees, to observe duplication of VBM ballots.
- **Voter Signature Updates/deadline:** Moves the deadline for a voter to update his or her signature for purposes of validating a VBM ballot from the beginning of the VBM canvassing period to when the VBM ballot is received.

- **Voter Signature Updates/cure affidavits:** Creates a process to use valid provisional and VBM ballot cure affidavits to update voter signatures immediately; provides for post-election notice to electors whose ballots are invalidated due to a signature discrepancy.
- **Early Voting:** Requires most early voting sites (excluding supervisor of elections' main and branch offices) to "provide sufficient nonpermitted parking to accommodate the anticipated amount of voters."
- **Polls/no-solicitation zone:** Expands the no-solicitation zone around polling places/rooms and early voting sites from 100 feet to 150 feet; prohibits the owners or operators of property on which supervisors site polling places or early voting locations from restricting solicitation beyond the 150-foot zone.
- **Polls/photographs:** Allows a voter to photograph his or her ballot in a polling place.
- **Election Results/precinct-level reporting:** Prohibits precinct-level results by ballot type if 30 or fewer votes are cast rather than 10, to ensure voter anonymity.
- **Ballot Design/uniformity:** Provides ballot uniformity, requiring ballot instructions either be centered across the top of the ballot or in the leftmost column as long as there are no individual races below the column instructions, in most cases; requiring all vote targets to be ovals.
- **Ballot Design/Lieutenant Governor designation:** Removes "not yet designated" language on primary ballot for the joint Governor/Lieutenant Governor ticket if a running mate has not been selected.
- **Ballots/security:** Requires the DOS rule regarding minimum security standards to address in detail chain of custody of ballots, transport of ballots, and ballot security.
- **Ballots/ballot-on-demand technology:** Allows supervisors to use ballot-on-demand printing systems at polling places on Election Day, not just at early voting sites.
- **Ballots/sample ballot publication:** Allows a supervisor to forego publication of a sample ballot in a newspaper of general circulation if the supervisor e-mails or mails every registered voter a sample ballot at least seven days before an election.
- **County Canvassing Boards (CCBs):** Mandates a number of meeting notice content and publication requirements, along with measures to make CCB personnel more easily identifiable by requiring I.D. badges.
- **Election Code Violations/supervisors:** Prohibits a supervisor from receiving a special qualification salary for a period of 24 months after being found to have willfully violated the Florida Election Code.
- **Election Contests:** Authorizes courts reviewing the validity of voter signatures in election contests to consider the signature on VBM/provisional ballot voter certificates and cure affidavits, along with voter ID submitted therewith, to conform.

If approved by the Governor, these provisions take effect July 1, 2019, except as otherwise expressly provided.
Vote: Senate 22-17; House 67-42

Committee on Finance and Tax

CS/HB 7123 — Taxation

by Appropriations Committee; Ways and Means Committee; and Rep. Avila (CS/CS/SB 1412 by Appropriations Committee; Commerce and Tourism Committee; and Senators Gruters and Stargel)

CS/HB 7123 contains provisions for tax relief and changes to tax policy.

Sales Tax Holidays

- The bill grants a 5-day "back-to-school" sales tax holiday for clothing, school supplies, and computers with a sales price of $1,000 or less. (August 2 – August 6, 2019).
- The bill grants a 7-day hurricane preparedness sales tax holiday for the purchase of items related to hurricane preparedness, including batteries, self-powered lights, self-powered radios, tarpaulins, ground anchoring systems, portable generators, fuel tanks, food storage coolers, and reusable ice. (May 31 – June 6, 2019).

Commercial Rent

- The bill reduces the sales tax rate on the rental of commercial property from 5.7 percent to 5.5 percent.

Hurricane Recovery

The bill grants refunds of sales tax paid on:

- Building materials used to repair or replace nonresidential farm buildings damaged as a result of Hurricane Michael, and fencing materials used to repair or replace farm fencing on lands classified as agricultural if the fencing was damaged as a result of Hurricane Michael.
- The bill grants refunds of motor fuel taxes used for agricultural shipments and debris removal after Hurricane Michael.
- The bill provides equipment used on a farm, farm operation, or agricultural processing facility that is unable to be used for 60 days due to Hurricane Michael will be assessed at salvage value on the 2019 property tax roll.
- The bill authorizes the Department of Revenue to use the best information available in conducting level of assessment analyses for counties that have limited property assessment information available due to recent disasters.
- The bill moves from January 2020 to June 2020 a reimbursement from the state to fiscally constrained counties and Monroe County for ad valorem tax abatements paid to homestead property owners for certain losses caused by Hurricanes Matthew, Hermine, and Irma. This change allows the state appropriation to be based on actual data instead of an estimate.

School Voted Taxes

The bill requires revenues from school district voted discretionary millages to be shared with charter schools based on each charter school's proportionate share of the district's total unweighted full-time equivalent student enrollment. The bill requires charter schools to use the funds in the same manner as required by non-charter schools. This change applies to referendums held on or after July 1, 2019.

Contributions to Scholarship Organizations

The bill allows an insurance company to contribute to a Scholarship Organization after the end of its taxable year and before its tax return is due.

Documentary Stamp Tax

Current law exempts transfers of homestead property between spouses from documentary stamp tax when the transfer occurs within 1 year of marriage. The bill removes the 1-year limitation.

Traffic Infraction Reduction

The bill increases from 9 percent to 18 percent the reduction to a traffic fine when the driver attends traffic school.

Donations to a Charitable Organization

The bill exempts from sales tax property purchased by a business for resale that is donated to a charitable organization.

Right-of-Way Fees

The bill excludes from the definition of a "pass-through provider," a person who does not remit communications services tax, but who sells communications services to another person who does collect the tax. The result is that these excluded entities are not subject to a county's or municipality's fees for the use of a right-of-way.

Appropriation

The bill appropriates the following amounts from the General Revenue Fund to the Department of Revenue:

- $237,000 to implement the "back-to-school" sales tax holiday.
- $91,319 to implement the commercial rent tax rate reduction.

If approved by the Governor, these provisions take effect upon becoming a law.
Vote: Senate 23-17; House 81-25

Committee on Finance and Tax

HB 7127 — Corporate Income Tax

by Ways and Means Committee and Rep. Avila (CS/CS/SB 576 by Appropriations Committee; Finance and Tax Committee; and Senators Perry, Flores, and Stargel)

The bill adopts provisions of the Internal Revenue Code in effect on January 1, 2019, for purposes of Florida's corporate income tax; however, the bill decouples from the Global Intangible Low-Taxed Income (GILTI) provisions of the Tax Cuts and Jobs Act of 2017. As a result, a taxpayer is allowed to subtract GILTI in determining the taxpayer's net income subject to tax in Florida.

The bill provides if Fiscal Year 2019-2020 corporate income tax net collections exceed the February 2018 corporate income tax estimate by more than seven percent, then the amount over seven percent must be refunded to taxpayers, and the corporate income tax rate is decreased for taxable years beginning on or after January 1, 2019, but before January 1, 2020. The bill provides additional refunds if Fiscal Year 2020-2021 corporate income tax net collections exceed the February 2018 corporate income tax estimate by more than seven percent. In such case, the corporate income tax rate is decreased for taxable years beginning on or after January 1, 2020, but before January 1, 2021.

The bill requires taxpayers to submit additional information to the Department of Revenue for taxable years that begin in calendar years 2018 and 2019. The required information includes specified items of income and deduction related to the Tax Cuts and Jobs Act of 2017.

If approved by the Governor, these provisions take effect upon becoming law and operate retroactively to January 1, 2019, except that provisions that allow the GILTI subtraction operate retroactively to January 1, 2018.
Vote: Senate 39-1; House 71-41

Committee on Governmental Oversight and Accountability

CS/CS/SB 426 — Firefighters

by Appropriations Committee; Community Affairs Committee; and Senators Flores, Torres, Hooper, Perry, Gruters, Broxson, Stewart, Taddeo, Berman, Powell, Mayfield, Rouson, Montford, Bracy, Farmer, Book, Gibson, Bean, Wright, Harrell, Baxley, Rodriguez, and Rader

The bill (Chapter 2019-21, L.O.F.) makes firefighters who are diagnosed with certain cancers eligible to receive certain disability or death benefits. Specifically, in lieu of pursuing workers' compensation coverage, a firefighter is entitled to cancer treatment and a one-time cash payout of $25,000, upon the firefighter's initial diagnosis of cancer. In order to be entitled to such benefits, the firefighter must:

- Be employed full-time as a firefighter;
- Be employed by the state, university, city, county, port authority, special district, or fire control district;
- Have been employed by his or her employer for at least five continuous years;
- Not have used tobacco products for at least the preceding five years; and
- Have not been employed in any other position in the preceding five years which is proven to create a higher risk for cancer.

The bill provides that the term "cancer" includes bladder cancer, brain cancer, breast cancer, cervical cancer, colon cancer, esophageal cancer, invasive skin cancer, kidney cancer, large intestinal cancer, lung cancer, malignant melanoma, mesothelioma, multiple myeloma, non-Hodgkin's lymphoma, oral cavity and pharynx cancer, ovarian cancer, prostate cancer, rectal cancer, stomach cancer, testicular cancer, and thyroid cancer.

The employer must provide coverage within an employer-sponsored health plan or through a group health insurance trust fund. The employer must timely reimburse the firefighter for any out-of-pocket deductible, co-payment, or coinsurance costs incurred due to the treatment of cancer.

For disability and death benefits, the employer must consider a firefighter permanently and totally disabled if diagnosed with one of the 21 enumerated cancers and meets the retirement's plan definition of totally and permanently disabled due to the diagnosis of cancer or circumstances that arise out of the treatment of cancer. Moreover, the cancer or the treatment of cancer is deemed to have occurred in the line of duty, resulting in higher disability and death benefits.

The fiscal impact on state and local governments employing firefighters is indeterminate. However, to cover the costs associated with changes to Florida Retirement System (FRS) benefits (disability retirement benefits and in-line-of-duty benefits), the bill provides adjustments to the employer-paid contribution rates for the Special Risk class and the Deferred Retirement Option Program (DROP) that fund the FRS's normal costs and unfunded actuarial liability, and adjusts the percentage of funds allocated to provide in line of duty death benefits for investment plan members.

These provisions were approved by the Governor and take effect July 1, 2019.
Vote: Senate 38-0; House 116-0

Committee on Governmental Oversight and Accountability

CS/CS/HB 1121 — Support Organizations

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; and Rep. Altman (CS/SB 7074 by Rules Committee and Governmental Oversight and Accountability Committee)

In 2014, the Legislature scheduled the repeal of the statutory authorization of various direct support and citizen support organizations associated with state agencies.

The bill removes the scheduled repeal of provisions governing citizen support organizations (CSOs) established under the Department of State, Department of Environmental Protection, and the Fish and Wildlife Conservation Commission, allowing the CSOs to continue operating and providing benefits to the respective departments.

The bill repeals s. 288.809, F.S., which created Florida Intergovernmental Relations Foundation, a direct support organization (DSO) under the Executive Office of the Governor.

The bill extends the repeal date for the Florida Endowment for Vocational Rehabilitation, a DSO for the Division of Vocational Rehabilitation in the Department of Education, from October 1, 2019, to October 1, 2023.

The bill removes the scheduled repeal date of the law authorizing the Florida Department of Agriculture and Consumer Services to establish DSOs to provide assistance, funding, and support to assist the department in furthering its goals. These DSOs include:

- Friends of the Florida State Forests;
- Forestry Arson Alert Association, Inc.;
- Florida Agricultural Museum;
- Florida Agriculture in the Classroom, Inc.;
- Florida Agriculture Center and Horse Park Authority; and
- Living Healthy in Florida, Inc.

The bill requires Department of Environmental Protection to submit a report to the President of the Senate and the Speaker of the House of Representatives by December 1, 2019, on financial transparency, accountability and ethics of certain CSOs.

The bill extends the repeal date for the Friends of the Babcock Ranch Preserve, Inc., a CSO, and the Florida Beef Council, a DSO, within the Department of Agriculture and Consumer Services, from October 1, 2019, to October 1, 2024.

The bill authorizes courts to order a person convicted of a violation of Commission rules or orders to pay an assessment to Wildlife Alert Reward Association, Inc., allowing courts to continue an existing practice that provides a significant portion of Wildlife Alert Reward Association, Inc.'s funding. The bill authorizes Wildlife Alert Reward Association, Inc., to pay rewards from assessments collected by court order to persons who provide information leading

to the arrest of a person for a violation of the Fish and Wildlife Conservation Commission rules or orders.

The bill has no impact on state revenues or expenditures.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 29-0; House 107-1

Committee on Governmental Oversight and Accountability

CS/SB 1306 — Women's Suffrage Centennial Commission

by Appropriations Committee and Senators Book, Pizzo, and Rader

The bill creates s. 267.0618, F.S., to establish a 19-member Women's Suffrage Centennial Commission for the purpose of ensuring a suitable statewide observance of the centennial of women's suffrage in 2020. The commission may establish a youth working group to advise and provide recommendations to the commission in fulfilling its duties. The commission is created adjunct to the Department of State and, except as otherwise provided in the bill, must operate in a manner consistent with s. 20.052, F.S.

The bill provides for the expiration of the commission on December 31, 2020.

The Department of State will incur costs associated with supporting the commission, including the costs of per diem and travel by the commission members.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 114-0

Committee on Governmental Oversight and Accountability

HB 5301 — Information Technology Reorganization

by Governmental Operations and Technology Appropriations Subcommittee and Rep. Williamson (SB 1570 by Senator Hooper)

The bill makes changes in law relating to state agency information technology. The bill:

- Transfers the Agency for State Technology (AST), with all of its existing powers, duties, functions, personnel, records, property, and funds, including the state data center, to the Department of Management Services (DMS) as the newly created Division of State Technology. The bill repeals the statute authorizing the AST;
- Clarifies that the Department of Environmental Protection will review practices related to geospatial data;
- Codifies the Statewide Travel Management System to standardize and maintain records of travel for all state executive and judicial branch agencies;
- Enacts a "cloud-first" policy to require each state agency to show a preference for third party data systems over State Data Center infrastructure in its procurements process for new information technology; and
- Creates the Cybersecurity Task Force to study cybersecurity procedures, rules, and vulnerabilities and make recommendations thereupon.

The fiscal impact on state expenditures is indeterminate.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 112-0

Committee on Governmental Oversight and Accountability

CS/SB 7014 — Government Accountability

by Community Affairs Committee and Governmental Oversight and Accountability Committee

The bill (Chapter 2019-15, L.O.F.) amends various statutes to enhance government accountability and auditing processes based on recommendations noted in recent reports by the Auditor General. The bill:

- Authorizes the Governor or Commissioner of Education, or designee, to notify the Joint Legislative Auditing Committee if an entity fails to comply with certain auditing and financial reporting requirements;
- Provides definitions for the terms "abuse," "fraud," and "waste";
- Adds tourist development council and county tourism promotion agency to the definition of "local government entity" to clarify that the Auditor General has authority to audit the entities;
- Removes water management districts from the definition of local government entities for the purposes of audit cycles and follow-up reviews;
- Requires the Florida Clerks of Court Operations Corporation to notify the Legislature quarterly if a clerk is not meeting workload performance standards;
- Requires each agency, the judicial branch, the Justice Administrative Commission, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, the Guardian Ad Litem program, local governmental entities, charter schools, school districts, Florida College System institutions, and state universities to establish and maintain internal controls designed to prevent and detect fraud, waste, and abuse;
- Requires counties, municipalities, special districts, and water management districts to maintain certain budget documents on their websites for specified timeframes;
- Revises the monthly financial statement requirements for water management districts;
- Provides that the Department of Financial Services may request additional information from local government entities when preparing its annual verified report;
- Revises the membership, and restrictions thereof, for an auditor selection committee of a county, municipality, special district, district school board, charter school, or charter technical career center;
- Requires completion of an annual financial audit of the Florida Virtual School; and
- Requires the Florida College System and Florida State University System to comply with employee background screenings requirements.

These provisions were approved by the Governor and take effect July 1, 2019.
Vote: Senate 40-0; House 113-0

Committee on Governmental Oversight and Accountability

SB 7016 — State-administered Retirement Systems

by Governmental Oversight and Accountability Committee

The bill (Chapter 2019-8, L.O.F.) establishes the contribution rates paid by employers participating in the Florida Retirement System (FRS) beginning July 1, 2019. These rates are intended to fund the full normal cost and the amortization of the unfunded actuarial liabilities of the FRS. With these modifications to employer contribution rates, the FRS Trust Fund will receive roughly $123.3 million more in revenue on an annual basis beginning July 1, 2019. The public employers that will incur these additional costs are state agencies, state universities and colleges, school districts, counties, and certain municipalities and other governmental entities.

These provisions were approved by the Governor and take effect July 1, 2019.
Vote: Senate 40-0; House 112-0

Committee on Governmental Oversight and Accountability

CS/SB 7098 — Death Benefits

by Appropriations Committee and Governmental Oversight and Accountability Committee

The bill implements Amendment 7 to the State Constitution, which was approved by the voters in November 2018 to require the payment of death benefits to the survivors of certain first responders, Florida National Guard members, and members of the United States Armed Forces. Current law provides various death benefits to many, but not all, of the first responders, Florida National Guard members, and members of the U.S. Armed Forces who are eligible for benefits under Amendment 7. Therefore, the Legislature must expand some of the current death benefits to comply with the requirements of Amendment 7.

The bill expands the death benefits currently provided to Florida National Guard members on state active duty, firefighters, and law enforcement, correctional, and correctional probation officers and sets the amount of the benefits as follows:

- $75,000 when an eligible firefighter, Florida National Guard member, or law enforcement, correctional, or correctional probation officer is accidentally killed or receives accidental bodily injury that results in the loss of the individual's life.
- An additional $75,000 when an eligible firefighter, Florida National Guard member, or law enforcement, correctional, or correctional probation officer is accidentally killed in the above manner and meets additional requirements, such as the accidental death occurs as a result of the response to an emergency.
- $225,000 when an eligible firefighter, Florida National Guard member, or law enforcement, correctional, or correctional probation officer is unlawfully and intentionally killed or dies as a result of an unlawful and intentional act while engaged in the performance of official duties.

The bill also provides the benefits described above to paramedics and emergency medical technicians.

The bill removes the annual Consumer Price Index adjustment of the benefit amounts.

The bill creates a new death benefit of $75,000 for members of the U.S. Armed Forces, including Florida National Guard members, who are killed while on federal active duty and engaged in performing official duties. Other members of the U.S. Armed Forces who are killed while on active duty but not engaged in the performance of their official duties are entitled to a $25,000 death benefit.

The bill expands death benefits for certain educational expenses of surviving spouses and children by providing them to firefighters, law enforcement officers, correctional officers, correctional probation officers, and Florida National Guard members who are accidentally killed or receive accidental bodily injury resulting in loss of life. These benefits for educational expenses are also provided to paramedics and emergency medical technicians, as well as Florida

National Guard members who are killed while on federal active duty and U.S. Armed Forces members who are killed while on active duty.

The bill appears to have an indeterminate fiscal impact on the state and local governments. The bill includes a continuing appropriation from the General Revenue Fund to pay for any monetary benefits related to deceased members of the U.S. Armed Forces.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 37-0; House 115-0

Committee on Health Policy

CS/HB 19 — Prescription Drug Importation Programs

by Health and Human Services Committee and Rep. Leek and others (CS/CS/SB 1528 by Appropriations Committee; Health Policy Committee; and Senators Bean and Gruters)

The bill establishes two programs to import prescription drugs approved by the federal Food and Drug Administration (FDA) into the state, contingent on federal approval:

- The Canadian Prescription Drug Importation Program (CPDI Program) established by the Agency for Health Care Administration (AHCA) and the International Prescription Drug Importation Program (IPDI Program) established by the Department of Business and Professional Regulation (DBPR) in collaboration with the Department of Health (DOH).
- The CPDI Program focuses on providing savings and options for specific public programs identified in the bill:
  - Recipients in the Medicaid program;
  - Clients of free clinics and county health departments;
  - Inmates in the custody of the Department of Corrections;
  - Clients treated in developmental disability centers; and
  - Patients treated in certain state mental health facilities.
- The bill establishes eligibility criteria for the types of prescription drugs which may be imported and the requirements for entities that may export or import prescription drugs. The eligibility criteria cover:
  - Importation process;
  - Safety standards;
  - Testing requirements;
  - Drug distribution requirements; and
  - Penalties for violations of program requirements.
- Both programs must also adhere to federal product tracing requirements known as *track and trace* as described in Title II of the Drug Quality and Security Act, Drug Supply Chain Security Act, 21 U.S.C. 351 et seq. The bill includes a testing process with random sampling and batch testing of drugs as they enter the state under either program.
- Bond requirements and other financial responsibility requirements provisions were added for the following program contractors with their program noted:
  - Vendors (CPDI Program);
  - Pharmacy permittees (IPDI Program);
  - Wholesale distributor permittees (IPDI);
  - Nonresident prescription drug manufacturer licensees or permittees (IPDI); and
  - International prescription drug wholesale distribution permittees (IPDI).

  The fees for the new licenses and permits that are created under this bill are handled in a separate fee bill as required by the State Constitution. The specific financial requirements for each of these licenses or permits will be set by rule by the AHCA and DBPR.
- Both programs have an immediate suspension provision allowing either the AHCA or the DBPR to immediately suspend the importation of a specific drug or the importation of drugs by a specific importer if either a specific drug or a specific importer is in violation of any provision of the bill or any federal or state law or regulation. The suspension may

be lifted if, after conducting an investigation, the AHCA or DBPR determines that the public is adequately protected from counterfeit or unsafe drugs being imported into the state.

- The bill requires federal approval, followed by state legislative review of an implementation and funding plan, before either program can begin. The IPDI Program requires specific federal approval as there is not any current federal legislation authorizing such a program.
- CS/HB 19 is linked to HB 7073, which authorizes DBPR and DOH to charge fees relating to new permits created in this bill for the IPDI Program.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 27-13; House 93-20

Committee on Health Policy

CS/HB 21 — Hospital Licensure

by Health Market Subcommittee and Rep. Fitzenhagen (CS/CS/SB 1712 by Appropriations Committee; Health Policy Committee; and Senator Harrell)

The bill amends various provisions of law related to the requirement that a hospital must obtain a certificate of need (CON) as a prerequisite to licensure.

Effective July 1, 2019, the bill:

- Eliminates the requirement to obtain a CON prior to establishing a general acute care or long-term acute care hospital; and
- Eliminates the requirement that a hospital must obtain a CON prior to offering a new tertiary service.
    - Tertiary services include: pediatric cardiac catheterization; pediatric open-heart surgery; organ transplantation; neonatal intensive care units; comprehensive rehabilitation; medical or surgical services which are experimental or developmental in nature to the extent that the provision of such services is not yet contemplated within the commonly accepted course of diagnosis or treatment for the condition addressed by a given service; heart, kidney, liver, bone marrow, lung transplantation, pancreas and islet cells, and heart/lung transplantation; adult open heart surgery; and neonatal and pediatric cardiac and vascular surgery.
    - The bill specifies that the Agency for Health Care Administration (AHCA) may continue to use the CON rules for the regulation of a tertiary service until such time as the AHCA adopts licensure rules for such services.
    - The bill also requires the Legislature's Office of Program Policy Analysis and Government Accountability to study federal requirements and other state requirements for tertiary services and report to the Legislature by November 1, 2019. The report must include best practices for licensure requirements for tertiary services, including volume requirements.

Effective July 1, 2021, the bill eliminates the requirement to obtain a CON prior to establishing a new class II, III, or IV hospital.

- Class II hospitals include children's and women's hospitals;
- Class III hospitals include specialty medical, rehabilitation, and psychiatric, and substance abuse hospitals; and
- Class IV hospitals are specialty hospitals restricted to offering Intensive Residential Treatment Facility Services for Children.

If approved by the Governor, the bill's provisions take effect July 1, 2019, except as otherwise provided.
Vote: Senate 23-17; House 81-34

Committee on Health Policy

CS/CS/HB 23 —Telehealth

by Health and Human Services Committee; Ways and Means Committee; and Rep. Yarborough and others (CS/SB 1526 by Appropriations Committee and Senator Harrell)

The bill establishes a regulatory framework for telehealth under a new section of law, s. 456.47, F.S., including the following components:

- Establishing standards of practice for telehealth providers;
- Creating a registration process and requirements for out-of-state telehealth providers;
- Authorizing the prescribing of controlled substances in certain situations by telehealth;
- Providing record-keeping requirements for providers;
- Requiring the Department of Health (DOH) to create and maintain an informational website of out-of-state registered telehealth providers;
- Authorizing a disciplinary process for registered out-of-state telehealth providers;
- Establishing venue requirements for a civil or administrative action initiated by DOH, the appropriate health practitioner regulatory board, or a patient who receives telehealth services from an out-of-state telehealth provider;
- Providing rulemaking authority to administer these new requirements; and
- Creating insurance and health maintenance organization (HMO) contracting requirements relating to the voluntary acceptance of payment rates for telehealth services to ensure that telehealth providers are aware of the reimbursement provisions through initialing any specific telehealth payment terms, if different from in-person services, effective January 1, 2020.

The bill defines telehealth as the use of synchronous or asynchronous telecommunication technology to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of a medical data; patient and professional health-related education; public health services; and health administration. The definition does not include audio-only telephone call, e-mail messages, or facsimile transmissions.

The DOH is required to publish specific information about all out-of-state registrants via a public website. The required information includes the following information for each registrant:

- Name;
- Health care occupation;
- Completed health care training and education, including completion dates and any dates and certificates or degrees obtained;
- Out-of-state health care license with the license number;
- Florida telehealth provider registration number;
- Specialty;
- Board certification;
- Five-year disciplinary history, including sanctions and board actions;

- Medical malpractice insurance provider and policy limits, including whether the policy covers claims that arise in this state; and
- Name and address of the provider's registered agent designated for service of process in this state.

The definition of a telehealth provider includes any individual who provides health care and related services using telehealth and who is licensed or certified under one of 27 professions or occupations or is a member of a multi-state health care licensure compact of which Florida is a member state.

Disciplinary action against an out-of-state telehealth registrant will be taken by the appropriate board, or the DOH if there is no board. Action may be taken if the registrant:

- Fails to notify the appropriate entity of any adverse actions taken against his or her license;
- Has restrictions placed on or disciplinary action taken against his or her license in any state or jurisdiction;
- Violates any of the requirements of the telehealth provider statutory provisions; or
- Commits any act that constitutes grounds for disciplinary action under s. 456.072(1), F.S., the general provisions for discipline with penalties and enforcement.

The bill creates mechanisms for discipline of a telehealth provider registrant which may include a suspension or revocation of his or her registration or issuance of a reprimand or letter of concern. A corrective action plan could also be issued with a suspension which could require successful completion before reinstatement based on the rules that may be adopted by the respective board or the DOH. Florida-licensed providers who deliver medical services through telehealth are still subject to the review and discipline of their respective professional or occupational boards or the DOH through their Florida license.

The bill also directs the DOH to conduct an annual review of registration fees collected under the bill and determine the sufficiency of the fees for DOH and the boards to implement s. 456.47, F.S. A separate fee bill, HB 7067, imposes an initial out-of-state telehealth provider registration fee of $150 and a biennial renewal fee of $150.

For state fiscal year 2019-2020, $261,389 in recurring funds and $15,000 in non-recurring funds are appropriated from the Medical Quality Assurance Trust Fund and four full-time equivalent positions with an associated salary rate of $145,870, are authorized for the implementation of the bill.

If approved by the Governor, these provisions take effect July 1, 2019, except as otherwise provided.
Vote: Senate 30-9; House 113-0

Committee on Health Policy

CS/CS/CS/SB 182 — Medical Use of Marijuana

by Rules Committee; Innovation, Industry, and Technology Committee; Health Policy Committee; and Senators Brandes and Stewart

The bill (Chapter 2019-1, L.O.F.) amends various sections of the Florida Statutes related to the medical use of marijuana.

The bill:

- Removes language from the definition of "medical use" of marijuana (cannabis) indicating that medical use does not include the possession, use, or administration of marijuana in a form for smoking or the possession, use, or administration of marijuana flower except for flower in a sealed, tamper-proof receptacle for vaping. This eliminates the prohibition against the smoking of medical marijuana.
- Specifies that low-THC cannabis may not be smoked in public and prohibits the medical use of marijuana by smoking in an "enclosed indoor workplace," as defined in the Florida Clean Indoor Air Act.
- Permits a qualified patient and his or her caregiver to purchase and possess delivery devices for the medical use of marijuana by smoking from a vendor that is not a medical marijuana treatment center (MMTC).
- Requires a physician who certifies a patient to use smokable marijuana to submit specified documentation to the Board of Medicine or the Board of Osteopathic Medicine, as applicable. Each board must review the documentation submitted and establish practice standards for the certification of smokable marijuana in rule by July 1, 2021.
- Prohibits the certification of marijuana for medical use by smoking to patients under the age of 18 unless such patient is diagnosed with a terminal condition.
    - For terminal patients under the age of 18, the bill requires a qualified physician to certify that smoking is the most effective means of administering medical marijuana to the patient, and a second physician, who is a board-certified pediatrician, must concur with this determination.
    - The certifying physician must also obtain written informed consent from the patient's parent or legal guardian and must use a standardized consent form adopted in rule by the applicable board.
- Requires that the risks specifically associated with smoking marijuana must be included in the informed consent each patient must sign prior to being certified to receive medical marijuana.
- Specifies that a physician may not certify more than six 35-day supplies of marijuana in a form for smoking.
    - A 35-day supply may not exceed 2.5 ounces, and a patient may not possess more than four total ounces at any one time. A physician may request the DOH to authorize an exception to the supply and possession limits.
- Provides an exception to the one-to-one caregiver-to-patient limit for patients that are participating in a research program established at a teaching nursing home. The bill also requires the Consortium for Medical Marijuana Clinical Outcomes Research to

collaborate with teaching nursing homes and allows the consortium to award funds to a teaching nursing home for research on the medical use of marijuana to alleviate conditions related to chronic disease and aging.

- Restricts wrapping papers sold by an MMTC from being made from tobacco or hemp, specifies packaging and warning label requirements for medical marijuana intended for smoking, and also requires the DOH to establish requirements for marijuana delivery devices sold from an MMTC.
- Provides that s. 381.986, F.S., does not impair the ability of a private party to restrict or limit smoking or vaping on his or her private property and does not prohibit the medical use of marijuana in a nursing home, hospice, or assisted living facility if the facility's policies do not prohibit the medical use of marijuana.
- Renames the "Coalition for Medical Marijuana Research and Education" as the "Consortium for Medical Marijuana Clinical Outcomes Research." The Consortium is to be housed in a state university designated by the consortium's board of governors and must annually adopt a plan for medical marijuana research. The plan must organize a program of research that:
  - Contributes to the body of scientific knowledge on the effects of the medical use of marijuana, and
  - Informs both policy and medical practice related to the treatment of debilitating medical conditions with marijuana.
- Provides the following appropriations:
  - $1.5 million in recurring general revenue to fund the Consortium for Medical Marijuana Clinical Outcomes Research.
  - $391,333 in nonrecurring funds from the Grants and Donations Trust Fund for FY 18-19 and $705,331 in recurring funds from the Grants and Donations Trust Fund to the DOH for implementing the provisions of the bill.

These provisions were approved by the Governor and take effect March 18, 2019.
Vote: Senate 34-4; House 101-11

Committee on Health Policy

CS/HB 213 — Immunization Registry

by Health and Human Services Committee and Rep. Massullo and others (CS/SB 354 by Education Committee and Senator Montford)

The bill amends s. 381.003, F.S., relating to programs for the prevention and control of vaccine-preventable diseases within the Department of Health (DOH), including programs to immunize school children and the development of an automated, electronic, and centralized database and registry of immunizations.

Regarding statutory provisions allowing a child's parent or guardian to refuse to have his or her child included in the immunization registry, the bill provides that:

- For a child from birth through 17 years of age, a consent-to-treatment form must contain a notice that the parent or guardian may refuse to have the child included in the immunization registry;
- A parent or guardian wishing to opt-out of the registry must provide an opt-out form to the health care practitioner or the entity administering the vaccination upon administration of the vaccination, and such health care practitioner or entity must submit the form to the DOH;
- Such a parent or guardian may also submit the opt-out form directly to the DOH; and
- Any records or identifying information pertaining to the child must be removed from the registry if the child's parent or guardian has refused to have his or her child included in the immunization registry.

Regarding a college or university student aged 18 years of age to 23 years of age who obtains a vaccination from a college or university student health center or clinic, the bill provides that:

- A student may refuse to be included in the DOH immunization registry by signing a form obtained from the DOH, health center, or clinic indicating that the student does not wish to be included in the registry;
- A student wising to opt-out must provide an opt-out form to the health center or clinic upon administration of the vaccination, and the health center or clinic must submit the form to the DOH;
- A student wising to opt-out may also submit the opt-out form directly to the DOH; and
- Any records or identifying information pertaining to the student must be removed from the registry if the student has refused to be included in the registry.

The bill provides that a health care practitioner licensed under chs. 458 or 459, F.S. (a physician or physician assistant) or under ch. 464, F.S. (a nurse or related practitioner) who administers vaccinations or causes vaccinations to be administered to children from birth through 17 years of age, is required to report vaccination data to the DOH immunization registry, unless a parent or guardian of a child has refused to have the child included in the registry. Such a health care practitioner who administers vaccinations or causes vaccinations to be administered to college or university students from 18 years of age to 23 years of age at a college or university student

health center or clinic, is required to report vaccination data to the immunization registry, unless the student has refused to be included in the registry.

The bill provides that the DOH must make immunization records "electronically available" to entities that are required by law to have such records, as opposed to current law that requires DOH to "electronically transfer" the records. The bill provides that such entities include, but are not limited to, schools and licensed child care facilities, as opposed to current law specifying that such entities also include any other entity that is required by law to obtain proof of a child's immunizations.

The bill deletes language from current law providing authorization for such a practitioner who complies with rules adopted by the DOH to access the immunization registry and, through the immunization registry, to directly access immunization records and update a child's immunization history or exchange immunization information with another authorized practitioner, entity, or agency involved in a child's care.

The bill amends the DOH's rulemaking authority to adopt rules to implement s. 381.003, F.S., by specifying that such rules must be adopted pursuant to ss. 120.536(1) and 120.54, F.S. The bill deletes from s. 381.003(2), F.S., specific authority for such rules to include the following:

- Procedures for investigating disease, timeframes for reporting disease, definitions, procedures for managing specific diseases, requirements for follow-up reports of known or suspected exposure to disease, and procedures for providing access to confidential information necessary for disease investigations; and
- For purposes of the immunization registry, procedures for a health care practitioner to obtain authorization to use the immunization registry, methods for a parent or guardian to elect not to participate in the immunization registry, and procedures for a health care practitioner described above to access and share electronic immunization records with other entities allowed by law to have access to the records.

The bill also amends s. 1003.22, F.S., relating to school-entry health examinations, immunization against communicable diseases, exemptions, and duties of the DOH.

The bill requires each district school board and the governing authority of each private school to establish and enforce a policy requiring that, prior to admittance to or attendance in a public or private school, grades kindergarten through 12, or any other initial entrance into a Florida public or private school, each child is required to have on file with the DOH immunization registry a certification of immunization for the prevention of those communicable diseases for which immunization is required by the DOH. The bill deletes the current-law allowance for such a child to "present to" or have such certification on file with his or her school.

However, the bill provides that any child who is excluded from participation in the immunization registry pursuant to s. 381.003, F.S., must present or have on file with his or her school such certification of immunization.

The bill also requires each district school board and the governing authority of each private school to establish and enforce a policy to require the screening of students for scoliosis at the appropriate age, as opposed to at "the proper age" as under current law.

If approved by the Governor, these provisions take effect January 1, 2021.
Vote: Senate 38-0; House 111-2

Committee on Health Policy

CS/CS/SB 366 — Infectious Disease Elimination Programs

by Appropriations Committee; Health Policy Committee; and Senators Braynon, Pizzo, Book, Stewart, and Rader

CS/CS/SB 366 creates the *Infectious Disease Elimination Act (IDEA).*

The bill defines an "exchange program" as a sterile needle and syringe exchange program established under the IDEA. An exchange program must offer the free exchange of clean, unused needles and hypodermic syringes for used needles and hypodermic syringes as a means to prevent the transmission of HIV, AIDS, viral hepatitis, or other blood-borne diseases among intravenous drug users and their sexual partners and offspring.

The IDEA uses the current University of Miami pilot program as a model to authorize voluntary exchange programs statewide, provided such programs operate under the approval and authority of a county commission at one or more fixed locations or through a mobile unit in the applicable county. The bill provides that the overall goal of any exchange program established under the IDEA is the prevention of disease transmission.

Before a county commission can establish an exchange program, the county commission must:

- Authorize the program under a county ordinance;
- Execute a letter of agreement with the Department of Health (DOH) in which the county commission agrees to operate the program in accordance with the IDEA's statutory requirements;
- Enlist the local county health department (CHD) to provide ongoing advice, consultation, and recommendations for program operations; and
- Contract with one of the following entities to operate the county program:
  - A hospital licensed under chapter 395;
  - A health care clinic licensed under part X of chapter 400;
  - A medical school in Florida accredited by the Liaison Committee on Medical Education or the Commission on Osteopathic College Accreditation;
  - A licensed addictions receiving facility as defined in s. 397.311(26)(1), F.S., or
  - A 501(c)(3) HIV/AIDS service organization.

The bill includes other programmatic requirements for a county's exchange program:

- Development of an oversight and accountability system which meets the approval of the county commission, ensures compliance with statutory and contractual requirements, including measurable objectives and a tracking mechanism, application of consequences for noncompliance, and a requirement for routine reporting;
- Provision for maximum security at sites where needles and syringes are exchanged or equipment is used;
- A requirement that educational materials must be offered wherever needles and syringes are exchanged;

- Provision of on-site counseling and referrals for drug abuse prevention, education, and treatment;
- Provision of on-site HIV and viral hepatitis screening and referrals for such screening, or if not able to test and screen on-site, provide a referral where a test can occur within 72 hours in rural areas;
- Provision of emergency opioid antagonist kits or referral to a program that can provide such kits; and
- Collection of data as statutorily required for reporting to the CHD, county commission, and the state.

The bill also provides for immunity from civil liability for any law enforcement officer who arrests or charges a person in good faith who is thereafter determined to be immune from prosecution as provided under the IDEA.

The bill prohibits state, county, or municipal funds to be used to operate an exchange program. An exchange program may only be funded through grants and donations from private resources.

The original Miami-Dade needle and syringe pilot program established under chapter 2016-68, Laws of Florida, is authorized to continue to operate under that chapter until the Miami-Dade Board of County Commissioners establishes an IDEA-compliant exchange program, or until July 1, 2021, whichever occurs first.

A severability clause is included in the bill, providing that if any provision of the IDEA or its application to any person or circumstances is held invalid, the invalidity would not affect the other provisions or application of those other provisions of the IDEA which can be given effect without the invalid provision or application.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 40-0; House 111-3

Committee on Health Policy

CS/CS/HB 375 — Prescription Drug Monitoring Program

by Health and Human Services Committee; Health Quality Subcommittee; and Rep. Pigman and others (CS/SB 592 by Appropriations Committee and Senator Albritton)

The bill:

- Exempts prescribers and dispensers from the requirement to check the prescription drug monitoring program (PDMP) database if the patient to whom the drug is being prescribed or dispensed has been admitted to hospice;
- Defines the term "electronic health recordkeeping system";
- Allows the Department of Health to enter into reciprocal contracts or agreements to share PDMP information with the United States Department of Veteran Affairs, the United States Department of Defense, or the Indian Health Service; and
- Makes other conforming changes.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 114-0

Committee on Health Policy

CS/HB 411 — Nonemergency Medical Transportation Services

by Health Market Reform Subcommittee and Rep. Perez (CS/CS/SB 302 by Rules Committee; Health Policy Committee; and Senator Brandes)

The bill amends s. 316.87, F.S., to authorize a transportation network company, subject to compliance with state and federal Medicaid requirements, to provide nonemergency medical transportation services to a Medicaid recipient via the following arrangements:

- Under contract with a Medicaid managed care plan,
- Under contract with a transportation broker that is under contract with a Medicaid managed care plan,
- Under contract with a transportation broker that is under contract with the Agency for Health Care Administration (AHCA), or
- By referral from a transportation broker contracting with Medicaid managed care plans or the AHCA.

The bill provides that transportation network company drivers and prospective drivers must undergo a Level I background screening pursuant to s. 435.03, F.S., or functionally equivalent procedures, as determined by the AHCA.

By October 1, 2019, the AHCA is directed to update any regulations, policies, and other guidance, including the Non-Emergency Transportation Services Coverage Policy handbook, as necessary, to reflect the bill's authorizations. Requirements for transportation network companies and their drivers under the bill may not exceed the requirements under s. 627.748, F.S., except as necessary to conform to applicable state and federal Medicaid transportation requirements administered by the AHCA.

The bill stipulates that its provisions may not be construed to:

- Expand or limit the existing transportation benefit provided to Medicaid recipients or to require a Medicaid managed care plan to contract with a transportation network company or a transportation broker.
- Exempt any person, firm, corporation, association, or governmental entity that engages in the business or service of basic life support or advanced life support transportation from licensure requirements provided in s. 401.25, F.S.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 40-0; House 114-0

Committee on Health Policy

CS/CS/HB 451 — Nonopioid Alternatives

by Health and Human Services Committee; Health Quality Subcommittee; and Rep. Plakon and others (CS/SB 630 by Health Policy Committee and Senators Perry and Baxley)

The bill amends s. 456.44, F.S., to establish legislative findings that every competent adult has the right of self-determination regarding healthcare decisions, including the right to refuse treatment with a Schedule II opioid controlled substance.

The bill requires the Department of Health (DOH) to develop and publish on its website an educational pamphlet regarding the use of nonopioid alternatives for the treatment of pain. The pamphlet must include:

- Information on available nonopioid alternatives for the treatment of pain, including nonopioid medicinal drugs or drug products and nonpharmacological therapies; and
- The advantages and disadvantages of the use of nonopioid alternatives.

Additionally, the bill requires a health care practitioner, except a health care practitioner licensed under ch. 465, F.S., (the practice of pharmacy), prior to providing anesthesia or ordering, administering, dispensing or prescribing a Schedule II opioid drug to a patient in a nonemergency situation, to:

- Inform the patient of available nonopioid alternatives for the treatment of pain, which may include nonopioid medicinal drugs or drug products, interventional procedures or treatments, acupuncture, chiropractic treatments, massage therapy, physical therapy, occupational therapy, or any other appropriate therapy as determined by the health care practitioner;
- Discuss the advantages and disadvantages of the use of nonopioid alternatives, including whether the patient is at a high risk of, or has a history of, controlled substance abuse or misuse and the patient's personal preferences;
- Provide the patient with the educational pamphlet developed by the DOH; and
- Document the nonopioid alternatives considered in the patient's record.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 40-0; House 113-1

Committee on Health Policy

CS/CS/HB 501 — Alternative Treatment Options for Veterans

by Health and Human Services Committee; Health Market Reform Subcommittee; Rep. Ponder and others (CS/CS/SB 1518 by Appropriations Committee; Health Policy Committee; and Senators Wright, Book, and Cruz)

The bill authorizes the Florida Department of Veterans' Affairs (FDVA) to contract with one state university or Florida College System institution to furnish "alternative treatment options" for veterans who have been certified by the U.S. Department of Veterans Affairs or any branch of the U.S. Armed Forces as having posttraumatic stress disorder or a traumatic brain injury. To be eligible, a veteran:

- Must have been diagnosed with service-connected posttraumatic stress disorder or a traumatic brain injury by a health care practitioner;
- Must voluntarily agree to such alternative treatment; and
- Must demonstrate having previously sought services for traumatic brain injury or posttraumatic stress disorder through the federal Veterans Affairs service delivery system or through private health insurance, if such coverage is available to the veteran.

The bill provides the following definitions:

- "Posttraumatic stress disorder" means a mental health disorder that is developed after having experienced or witnessed a life-threatening event, including, but not limited to, military sexual trauma.
- "Traumatic brain injury" means an acquired injury to the brain. The term does not include brain dysfunction caused by congenital or degenerative disorders or birth trauma.

Alternative treatment options that may be provided under the bill include:

- Accelerated resolution therapy;
- Equine therapy;
- Hyperbaric oxygen therapy, which must be provided at a registered hyperbaric oxygen facility;
- Music therapy; and
- Service animal training therapy.

The provision of the alternative treatment services must be under the direction and supervision of an individual licensed under Florida law as an allopathic or osteopathic physician, a physician assistant, a chiropractor, a certified nurse midwife, a certified nurse practitioner, a certified registered nurse anesthetist, a clinical nurse specialist, a psychiatric nurse, a licensed practical nurse, a registered nurse, a certified nursing assistant, a general advanced practice registered nurse, a psychologist, a clinical social worker, a marriage and family therapist, or a mental health counselor.

Supervising practitioners must agree to cooperate with FDVA to provide data sufficient to assess the efficacy of alternative treatment modalities.

The bill requires the FDVA to compile specified data into a report by January 1 of each year, beginning in 2020, for submission to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The bill authorizes the FDVA to adopt rules for purpose of implementing the bill.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 40-0; House 114-0

Committee on Health Policy

HB 549 — Continuing Education for Dentists

by Rep. Sirois (SB 648 by Senators Mayfield, Perry, and Stewart)

The bill amends s. 466.0135, F.S., the dental practice act, to require that dentists complete two hours of dental continuing education on the safe and effective prescribing of controlled substances during every biennial license renewal period, as part of the 30 hours in general dental subjects currently required by law.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 36-0; House 113-0

Committee on Health Policy

CS/CS/SB 732 — Office Surgery

by Appropriations Committee; Health Policy Committee; and Senator Flores

The bill authorizes the Department of Health to register and regulate office surgeries. The bill creates ss. 458.328 and 459.0138, F.S., which both require an office in which a physician performs any of the following procedures to register with the department unless they are licensed under chs. 390 and 395, F.S.: a liposuction procedure in which more than 1,000 cc. of fat is removed; a Level II office surgery; or a Level III office surgery.

As a condition of registration, each office must demonstrate, and maintain, a level of financial responsibility that meets the same level of financial responsibility applicable to physicians under ss. 458.320 and 459.0085, F.S. Each physician practicing at a registered office must also meet the financial responsibility requirements of s. 458.320, F.S., or s. 459.0085, F.S.

The department must inspect a registered office annually to ensure compliance with these provisions, unless the office is accredited by a nationally-recognized accrediting agency approved by the Board of Medicine or the Board of Osteopathic Medicine, as applicable. The inspection of a registered office may be unannounced, unless the office is specifically exempted from unannounced inspections. The actual costs of registration and inspection must be paid by the person seeking to register the office. The Board of Medicine and the Board of Osteopathic Medicine are authorized to adopt rules to administer the registration, inspection, accreditation and safety of office surgery centers and the standards of practice for physicians who perform office surgery.

Each registered office must designate a physician to be responsible for the office's compliance with the health and safety requirements under these sections. The designated physician must have a full, active, and unencumbered license and must practice at the office where he or she has assumed responsibility. Within 10 days after the termination of a designated physician, the office must notify the department of the designation of another physician to serve as the designated physician. The department may suspend the office registration if the office fails to comply with this requirement. Each physician practicing at a registered office must also advise his or her board within 10 days of beginning or ending his or her practice at a registered office.

The department may suspend or revoke the registration of an office for failure of any of its physicians, owners, or operators to comply with these provisions. If an office's registration is revoked, the department may deny any person named in the registration, including owners and operators of the office, from registering an office for five years after the revocation. The department may also impose any penalty set forth in s. 456.072(2), F.S., against the designated physician for failure of the office to operate in compliance with the health and safety requirements. The board must also impose a fine of $5,000 per day on a physician who performs a procedure or surgery in an office that is not registered.

If approved by the Governor, these provisions take effect January 1, 2020.
Vote: Senate 37-0; House 114-0

Committee on Health Policy

CS/HB 831 — Electronic Prescribing

by Health and Human Services Committee and Rep. Mariano (CS/CS/SB 1192 by Appropriations Committee; Health Policy Committee; and Senators Bean, Baxley, and Rouson)

The bill amends s. 456.42, F.S., to require health care practitioners who maintain an electronic health records (EHR) system or who own, are employed by, or under contract with, a health care facility or practice that maintains such a system, to electronically transmit prescriptions for medicinal drugs upon renewal of the health care practitioner's license or by July 1, 2021, whichever is earlier.

The bill provides the following exceptions. The requirement does not apply if:

- The practitioner and the dispenser are the same entity;
- The prescription cannot be transmitted electronically under the most recently implemented version of the National Council for Prescription Drug Programs SCRIPT Standard;
- The practitioner has been issued a waiver by the DOH, not to exceed one year, due to a demonstrated economic hardship, technological limitations not reasonably within the practitioner's control, or other exceptional circumstances;
- The practitioner determines that it is impractical for a patient to obtain in a timely manner a drug electronically prescribed and the delay would adversely impact the patient's medical condition;
- The practitioner is prescribing a drug under a research protocol;
- The prescription is for a drug for which the federal Food and Drug Administration requires the prescription to contain elements that may not be included in electronic prescribing;
- The prescription is issued to an individual receiving hospice care or who is a resident of a nursing home facility; or
- The practitioner or patient determines that it is in the best interest of the patient to compare prescription drug prices among area pharmacies. In such instance, the determination must be documented in the patient's medical record.

Practitioners who do not have access, in their practice or employment, to an EHR system may continue to provide written prescriptions to their patients for medicinal drugs.

The bill makes numerous conforming amendments to related statutory provisions.

If approved by the Governor, these provisions take effect January 1, 2020.
Vote: Senate 39-0; House 104-8

Committee on Health Policy

CS/HB 843 — Health Care

by Health and Human Services Committee and Rep. Rodriguez, A.M. and others (CS/SB 7078 by Appropriations Committee and Health Policy Committee)

The bill provides the following revisions to health care and health insurance law:

Dental Services

The bill provides legislative intent regarding oral health and dental services. The bill:

- Re-creates the Dental Student Loan Repayment Program under s. 381.4019, F.S., for Florida-licensed dentists who practice in specific public health programs located in federally-designated dental health professional shortage areas or medically underserved areas.
- Creates the Donated Dental Services Program under s. 381.40195, F.S., to establish a network of voluntary dentists and other dental providers for the purpose of providing comprehensive dental services at no cost to eligible individuals.

Implementation of each of these programs by the Department of Health is subject to legislative appropriation.

Hospital Quality Report Cards

The bill amends s. 395.1012, F.S., to require hospitals to provide patients, or a patient's proxy, with written information and quality measures pertaining to quality of care for that hospital and the statewide average for those quality measures. Such information must be easily understandable and include an explanation of the relationship between patient safety and the hospital's data for quality measures.

Physician Access in a Hospital Setting

The bill creates s. 395.1052, F.S., to facilitate the involvement of a patient's primary care physician and specialists in a hospital setting:

- Hospitals must notify each patient's primary care provider within 24 hours after the patient is admitted and after discharge.
- Hospitals must also inform a patient that he or she may request the hospital's treating physician to consult with the patient's primary care doctor and/or specialist when developing the patient's plan of care. If such request is made, the treating physician is required to make reasonable efforts to do so.
- Hospitals must also provide the patient's discharge summary to the patient's primary care doctor within 14 days after the discharge summary is completed.

Ambulatory Surgical Centers

The bill amends s. 395.002, F.S., to allow a patient to stay in an ambulatory surgical center for up to 24 hours and deletes the current-law requirement that a patient be admitted and discharged on the same working day without staying overnight. The bill also amends s. 395.1055, F.S., to require the Agency for Health Care Administration (AHCA) to adopt rules to ensure the safe and effective delivery of care to children in ambulatory surgical centers.

Pediatric Cardiac Technical Advisory Panel

The bill amends s. 395.1055, F.S., to add three alternate at-large members to the existing Pediatric Cardiac Technical Advisory Panel established under AHCA. The bill also:

- Authorizes the AHCA Secretary to request announced or unannounced site visits to pediatric cardiac surgical centers for inspections by the panel and provides parameters for those inspections;
- Authorizes the AHCA Secretary to request recommendations from the panel for in-state physician experts to conduct on-site visits, and permits the Secretary to appoint up to two out-of-state physician experts for such visits;
- Authorizes the panel to present an advisory opinion and suggested actions for correction to the AHCA Secretary, as warranted;
- Authorizes AHCA to reimburse panel members for travel expenses; and
- Provides that panel members are agents of the state and are subject to sovereign immunity laws while conducting their duties in good faith.

Hospital Observation Status

The bill amends s. 395.301, F.S., to require that when a hospital places a patient on observation status instead of inpatient status, the hospital must immediately provide written notification to the patient. The bill requires the notice be given to Medicare patients through a Medicare form and to non-Medicare patients through a form adopted by AHCA rule.

Definition of Clinics

The bill amends s. 400.9905, F.S., to provide that the definition of "clinic" does not include providers certified by the federal Centers for Medicare & Medicaid services under the federal Clinical Laboratory Improvement Amendments and federal rules adopted thereunder.

Health Care Restrictive Covenants

Effective upon becoming law, the bill creates s. 542.336, F.S., to provide that certain restrictive covenants relating to health care practitioners are void and unenforceable until certain conditions are met.

Direct Health Care Agreements

The bill amends s. 624.27, F.S., relating to direct primary care agreements and expands the statute's effects to include any medical services provided by physicians, chiropractors, nurses, and dentists instead of solely primary care services.

Step-Therapy Protocols

Effective January 1, 2020, the bill creates s. 627.42393, F.S., to prohibit certain health insurance policies from requiring an insured to undergo a step-therapy protocol before approving a covered prescription drug if the patient has already been approved to receive the drug through the completion of a step-therapy protocol under previous health coverage in the past 90 days. The bill also creates an identical prohibition for certain health maintenance organization contracts by amending s. 641.31, F.S.

Office of Program Policy Analysis and Governmental Accountability (OPPAGA) Review

The bill directs OPPAGA to research and analyze the Interstate Medical Licensure Compact and the relevant provisions of Florida's general laws and Constitution and submit a report and recommendations to the Governor and the Legislature addressing Florida's prospective entrance into the Compact in a way that remains consistent with Florida's laws and Constitution. The report is due October 1, 2019.

If approved by the Governor, these provisions take effect July 1, 2019, except as otherwise provided.
Vote: Senate 39-0; House 115-0

Committee on Health Policy

HB 1045 — Closing the Gap Grant Proposals

by Rep. Brown and others (CS/SB 1436 by Appropriations Committee and Senator Gibson)

The bill amends s. 381.7355, F.S., to expand the priority areas eligible for a Closing the Gap grant award to include Alzheimer's disease and dementia.

The bill also amends s. 381.7354, F.S., to eliminate the requirement that up to 20 percent of any grants awarded under the program be set aside for projects related to Front Porch Florida Communities. The bill also prohibits the Department of Health (DOH) from establishing a minimum or maximum award amount, requires the DOH to determine grant award amounts based on the merit of the application, and requires the DOH to award grants in various regions of the state.

Finally, the bill provides that, subject to the availability of state and federal funds in the DOH HIV/AIDS program, DOH must promote synergistic initiatives between the Closing the Gap grant program and the HIV/AIDS program to leverage the expertise of the Closing the Gap grant program. These initiatives may include the establishment of a supplemental grant program whereby persons, entities, or organizations eligible for a Closing the Gap grant may submit to DOH a grant proposal, pursuant to the application process for the Closing the Gap program, to promote innovative prevention, treatment, and awareness initiatives for minority populations in metropolitan areas which have a higher prevalence of HIV/AIDS for the purposes of reducing the incidence of the HIV infection in such communities and prioritizing the identification of individuals, in a manner consistent with the clinical guidelines of the federal Health Resources and Services Administration, who are not yet aware of their HIV status.

If approved by the Governor, these provisions take effect July 1, 2019
Vote: Senate 40-0; House 110-0

Committee on Health Policy

CS/CS/HB 1253 — Prescription Drug Monitoring Program

by Health and Human Services Committee; Health Quality Subcommittee; and Rep. Mariano and others (CS/SB 1700 by Health Policy Committee and Senator Lee)

The bill amends ss. 893.055 and 893.0551, F.S., to:

- Define the term "electronic health recordkeeping system";
- Require the Department of Health (DOH) to assign a unique identifying number for each patient for whom a record exists in the prescription drug monitoring program database (PDMP);
- Allow the DOH to provide to the Attorney General (AG) a patient's unique identifying number, year of birth, county, city, and zip code if:
  - The AG is pursuing an active investigation or pending civil or criminal litigation;
  - A trial court has granted a motion or petition which specifically identifies the matter being pursued. The court must grant such a petition or motion when the information requested appears reasonably calculated to lead to the discovery of admissible evidence;
  - The AG ensures that information obtained from the system is not used for any purpose other than the specific matter stated in the petition;
- Require that if the motion or petition is granted and the requested information is provided, the AG must maintain a log of each person with whom the information is shared to document chain of custody and must execute a confidentiality agreement or protective order agreement with each such person that requires that the person to return or destroy all information shared upon the final resolution of the matter for which it was requested and upon penalty of perjury;
- Allow the AG to introduce information released pursuant to the above provisions as evidence in civil, criminal, or administrative actions against a dispenser, manufacturer, or a pharmacy. The PDMP program manager and authorized persons who participate in preparing, reviewing, issuing, or other activity related to the management of the system may be called to testify for the purposed of authenticating the record introduced;
- Make other conforming changes; and
- Establish that the provisions in the bill are repealed on June 30, 2021, unless reviewed and saved from repeal by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2019
Vote: Senate 39-0; House 111-0

Committee on Health Policy

CS/CS/SB 1460 — Stroke Centers

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

The bill revises the method by which a hospital may qualify as a stroke center that the Agency for Health Care Administration (AHCA) must list on its website and provide to the Department of Health (DOH). The bill also adds a new type of stroke center, the thrombectomy-capable stroke center (TSC), to the current types of stroke centers referenced in the Florida Statutes.

The bill requires a hospital to submit documentation verifying its certification as a stroke center, which may include offering and performing mechanical endovascular therapy consistent with standards identified by a nationally-recognized, guidelines-based organization approved by the AHCA. The bill prohibits a hospital from advertising that it is a state-listed stroke center unless the hospital has submitted the required verifying documentation to the AHCA. If a hospital chooses not to be certified, or has not attained certification, the hospital must notify the AHCA and the agency must immediately remove the hospital from the stroke center list.

The bill directs the DOH to include data from TSCs in its annual list of stroke centers to be provided to the medical directors of licensed emergency medical service providers and directs the medical directors to develop protocols which must consider the capability of an emergency receiving facility to improve outcomes for patients suspected of having an emergent large vessel occlusion.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 114-0

Committee on Health Policy

HB 7003 — OGSR/Alzheimer's Disease Research Grant Advisory Board

by Oversight, Transparency and Public Management Subcommittee and Rep. Pigman (SB 7002 by Health Policy Committee)

The bill amends s. 381.82(3)(d), F.S., to save from repeal the public records exemptions for information related to the Alzheimer's Disease Research Grant Advisory Board's (board) receipt and review of research grant applications. The documents received, and those generated by the board during the review process, except final recommendations, are designated as confidential and exempt but may be disclosed with the written consent of the person to whom the information pertains, or the person's legally authorized representative, or by court order upon a showing of good cause.

Section 381.82(3)(d), F.S., also exempts from the public meetings laws those portions of the board's meetings at which the grant applications are discussed.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2019, unless reviewed and reenacted by the Legislature.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 40-0; House 110-0

Committee on Health Policy

HB 7009 — OGSR/Identification and Location Information/Department of Health

by Oversight, Transparency and Public Management Subcommittee and Rep. Good (SB 7004 by Health Policy Committee)

The bill amends s. 119.071(4)(d)2.o., F.S., a public records exemption for certain personal identification and location information of the Department of Health personnel, their spouses, and children. The exemption applies to records of personnel whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints against health care practitioners, or the inspection of health care practitioners or health care facilities.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2019, unless saved from repeal by the Legislature.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 40-0; House 108-0

Committee on Health Policy

CS/HB 7099 — Child Welfare

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Rep. Stevenson and others (CS/CS/SB 1650 by Children, Families, and Elder Affairs Committee; Health Policy Committee; and Senator Albritton)

The bill makes a number of changes to Florida child welfare laws under ch. 39, F.S., and related statutes, primarily to ensure compliance with federal regulations for implementation of the federal Family First Prevention Services Act and to align with the federal Title IV-E and the Guardianship Assistance Program (GAP) requirements. Specifically, the bill:

- Provides that guardianship assistance benefits under the GAP will be terminated if the guardian is no longer providing support for the child.
- Clarifies provisions relating to the extended foster care program, including requiring a young adult participating in the program to provide specified documentation of eligibility.
- Amends provisions relating to judicial reviews for young adults who are leaving and re-entering extended foster care.
- Clarifies provisions relating to financial assistance and other benefits available to children and young adults.
- Amends requirements relating to the licensure of family foster homes, residential child-caring agencies, and child-placing agencies, to either meet federal requirements or to streamline requirements for Level I licensing for foster homes under s. 409.175, F.S.
- Reduces from three months to 60 days the period of time for a court review following a child's placement in a residential treatment program.
- Provides the Department of Children and Families (DCF) with rulemaking authority to administer the extended foster care and GAP programs.

The bill amends s. 39.402, F.S., to provide that, in the provision of psychotropic medications to a child in the custody of the DCF, a psychiatric nurse as defined under s. 394.455, F.S., may perform certain medical, psychiatric, and psychological examinations of and provide treatment to children in care, and may perform physical, mental, and substance abuse examinations of a person with or requesting child custody services.

The bill creates s. 402.57, F.S., to require the DCF to establish a direct-support organization to support the Florida Children and Youth Cabinet.

The bill amends ss. 39.201(2) and 39.303(4), F.S., to provide new requirements for reports of child abuse and neglect related to children who are being treated in medical facilities in the state.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 114-0

Committee on Infrastructure and Security

SB 64 — Transportation Facility Designations/Officer Lance Christian Whitaker Highway

by Senators Gibson and Bean

The bill designates the portion of I-295/E. Beltway 295 between Alta Drive and Pulaski Road in Duval County as "Officer Lance Christian Whitaker Highway" and directs the Florida Department of Transportation to erect suitable markers.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 40-0; House 115-0

Committee on Infrastructure and Security

CS/CS/HB 87 — Registration and Titling of Vehicles and Vessels

by State Affairs Committee; Transportation and Infrastructure Subcommittee; and Rep. Ponder and others (CS/CS/SB 234 by Judiciary Committee; Infrastructure and Security Committee; and Senator Baxley)

The bill authorizes a natural person who owns a heavy truck that weighs between 5,001 and 7,999 pounds to renew his or her registration during his or her birth month rather than exclusively in December, as currently required by law. To implement the change in renewal dates, the bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to prorate registration renewal fees to give customers the option to renew their registrations on their dates of birth in 2021 or 2022. Customers whose dates of birth occur in the months of January through June may choose to renew for one to 18 months, and customers whose dates of birth occur in the months of July through December may choose to renew for seven to 24 months. The bill limits the option to prorate to renewal or unexpired registrations and registrations that have been expired for not more than 30 days.

This change will allow a person to renew registrations for other motor vehicles at the same time as the heavy truck registration and will also benefit the DHSMV and tax collector offices by reducing the workload on their staffs in December.

The bill expands the documentation that is acceptable for a surviving spouse or owner to rely upon when applying to transfer title to a motor vehicle or vessel from a deceased person. By authorizing the DHSMV and tax collector offices to use an electronic file of death records maintained by the Department of Health to verify information, applicants are no longer required to personally produce a certified death certificate to complete the transfer.

If approved by the Governor, these provisions take effect July 1, 2019, with a later effective date of September 1, 2020, for the revised heavy truck registration periods.
Vote: Senate 40-0; House 109-0

Committee on Infrastructure and Security

CS/HB 107 — Wireless Communications While Driving

by Transportation and Infrastructure Subcommittee and Reps. Toledo, Slosberg, and others (CS/CS/CS/CS/SB 76 by Rules Committee; Judiciary Committee; Innovation, Industry, and Technology Committee; Infrastructure and Security Committee; and Senators Simpson, Passidomo, Hooper, Mayfield, Book, Rouson, Berman, Perry, Taddeo, Cruz, and Stewart)

The bill changes current enforcement of the ban on texting while driving from a secondary offense to a primary offense, which will allow a law enforcement officer to stop a vehicle solely for texting while driving.

The bill creates a new section of statute titled "school and work zones; prohibition on the use of a wireless communications device in a handheld manner." It authorizes enforcement of a ban on the use of a wireless communications device in a handheld manner while operating a motor vehicle in a designated school crossing, school zone, or active work zone area as a primary offense punishable as a moving violation. The bill provides for enforcement only by a warning from October 1, 2019, through December 31, 2019, after which a person may be issued a citation.

For both texting while driving and use of a wireless communications device in a handheld manner while operating a motor vehicle in a designated school crossing, school zone, or work zone the bill:

- Allows for a statewide public education and awareness campaign;
- Requires a law enforcement officer to inform the motor vehicle operator that he or she has a right to decline a search of his or her wireless communications device;
- Prohibits a law enforcement officer from accessing the wireless communications device without a warrant, confiscating the device while waiting for the issuance of a warrant, or using coercion or other improper method to convince the operator to provide access to such device without a warrant; and
- Requires a law enforcement officer to record the race and ethnicity of a person issued a citation for texting while driving or for the use of a wireless communications device in a handheld manner while operating a motor vehicle in a designated school crossing, school zone, or active work zone area.

If approved by the Governor, these provisions take effect July 1, 2019, with a later effective date of October 1, 2019, for the implementation of the prohibition on the use of a wireless communications device in a handheld manner in school and work zones.
Vote: Senate 33-5; House 108-7

Committee on Infrastructure and Security

CS/CS/SB 252 — Driver License, Identification Card, and Motor Vehicle Registration Applications

by Appropriations Committee; Infrastructure and Security Committee; and Senator Flores

The bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to include an option on the motor vehicle registration application to make a voluntary contribution of $1 or more to the Live Like Bella Childhood Cancer Foundation. Such contributions will be distributed by the DHSMV to the foundation.

The bill repeals the requirement that the DHSMV include an option on the motor vehicle registration application and on the driver license and identification card application to make a voluntary contribution of $1 or more to the Auto Club Group Traffic Safety Foundation, Inc.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 37-0; House 115-0

Committee on Infrastructure and Security

CS/HB 311 — Autonomous Vehicles

by State Affairs Committee and Rep. Fischer (CS/CS/SB 932 by Appropriations Committee; Infrastructure and Security Committee; and Senator Brandes)

The bill revises various provisions of law relating to autonomous vehicles. The bill deems an automated driving system to be the operator of an autonomous vehicle while operating in autonomous mode, regardless of whether a person is physically present in the vehicle.
The bill authorizes operation of a fully autonomous vehicle on Florida roads regardless of whether a human operator is physically present in the vehicle. Under the bill, a licensed human operator is not required to operate a fully autonomous vehicle. The bill authorizes an autonomous vehicle or a fully autonomous vehicle equipped with a teleoperation system to operate without a human operator physically present in the vehicle when the teleoperation system is engaged. A remote human operator must be physically present in the United States and be licensed to operate a motor vehicle by a United States jurisdiction.

The bill exempts fully autonomous vehicles operating with the automated driving system engaged from certain duties under chapter 316, F.S., such as the duty to give information and render aid, in the event of an accident. Provisions relating to unattended motor vehicles or property are also deemed inapplicable to such fully autonomous vehicles. The bill amends other provisions related to video displays, use of wireless communications devices, and other statutes to incorporate exemptions for autonomous vehicles.

Additionally, the bill applies provisions relating to the operation of transportation network companies and vehicles to on-demand autonomous vehicle networks. The bill requires a fully autonomous vehicle with the automated driving system engaged while logged on to an on-demand autonomous vehicle network or engaged in a prearranged ride to have specified insurance coverage. The bill also requires proof of financial responsibility to respond to a claim for damages arising out of a motor vehicle accident for owners or registrants of certain fully autonomous vehicles that are not subject to the insurance requirements described above. These requirements are repealed on January 1, 2024.

The bill authorizes the Florida Turnpike Enterprise within the FDOT to enter into one or more agreements to fund, construct, and operate facilities for the advancement of autonomous and connected innovative transportation technologies for specified purposes.

The bill expresses legislative intent to provide for uniformity of laws governing autonomous vehicles throughout the state and prohibits a local government from imposing any tax, fee, for-hire vehicle requirement, or other requirement on automated driving systems, autonomous vehicles, or on a person who operates an autonomous vehicle.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 37-0; House 110-0

Committee on Infrastructure and Security

CS/HB 341 — Motor Vehicles and Railroad Trains

by Transportation and Infrastructure Subcommittee and Rep. LaMarca and others (CS/SB 1002 by Infrastructure and Security Committee and Senator Hutson)

The bill clarifies the duties of law enforcement with respect to the collection of information required for crash reports in the event of a motor vehicle crash involving a railroad train.

The bill revises the definition of "railroad train" to provide that a railroad train is not a motor vehicle for purposes of the Florida Uniform Traffic Control Law.

The bill specifies that in the event that a motor vehicle crash involves a railroad train, the collection of certain required crash report information is at the discretion of the law enforcement officer having jurisdiction to investigate the crash.

Current law requires that the crash report contain the names of insurance companies for the "respective parties" involved in the crash, unless not available. The bill amends this requirement to specify it applies to insurance companies of the motor vehicles involved in the crash.

The bill provides a railroad train crew member or a passenger on a railroad train is not a passenger for purposes of completing a crash report. However, in the event of a motor vehicle crash involving a railroad train, a railroad train crew member must furnish: date, time, and location of the crash; description of the vehicles involved in the crash; and the names and addresses of parties involved in or witnesses to the crash. A railroad train crew member must also furnish the train engineer's or the conductor's federally-required, railroad-issued certificates, upon the request of the law enforcement officer investigating the crash.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 38-0; House 116-0

Committee on Infrastructure and Security

CS/CS/CS/HB 385 — Transportation

by State Affairs Committee; Ways and Means Committee; Transportation and Infrastructure Subcommittee; Reps. Avila and Perez (CS/CS/SB 898 by Appropriations Committee; Infrastructure and Security Committee; and Senator Diaz)

The bill contains various transportation-related issues, most relating to the newly created Greater Miami Expressway Agency, as well as various miscellaneous provisions.

Greater Miami Expressway Agency

- Effective upon the bill becoming law, repeals the existing part I of Chapter 348, Florida Statutes, and dissolves the Miami-Dade County Expressway Authority.
- Creates a new part I of the same chapter, to which the bulk of the existing provisions are relocated, and transfers all assets, powers, duties, and operations and maintenance control to the Greater Miami Expressway Agency (GMX), subject to all bond terms and covenants.
- Provides for appointment of nine members to the GMX governing body and prohibits appointment of persons who were members of the governing body or employees of the former MDX on or after July 1, 2009, with certain exceptions.
- Provides various definitions and sets out multiple ethics requirements applicable to members, employees, officers, and consultants of the GMX, the latter group of which does not include firms or individuals retained by the GMX to provide architectural, engineering, landscape architecture, or registered surveying and mapping services.
- Prohibits the GMX from increasing its toll rates until July 1, 2029, except as necessary to comply with bond covenants or, on or after July 1, 2024, as approved by a supermajority vote of the GMX governing body; and requires approval of any toll rate increase by a two-thirds vote of the governing body.
- Restricts the amount of toll revenues used for administrative costs to no more than ten percent above the annual state average of administrative costs, with the average to be determined by the Florida Transportation Commission based on the annual administrative costs of all the expressway authorities in the state.
- Requires a distance of at least five miles between main through-lane tolling points, not including entry and exit ramps, and authorizes the GMX to establish toll rates such that the rate per mile is equal to the rates in effect on July 1, 2019.
- Authorizes the GMX to finance or refinance the planning, design, acquisition, construction, extension, etc., of a public transportation facility or transportation facilities owned or operated by Miami-Dade County; an intermodal facility or facilities; multimodal corridors, bicycle facilities or greenways, or any programs or projects that will improve levels of service on an expressway system.
- Creates the Greater Miami Toll Rebate Program within the GMX, subject to certain conditions, affording monthly rebates beginning January 1, 2020, in the form of SunPass account credits for SunPass holders with vehicles registered in Miami-Dade County who incur $12.50 or more each month in tolls. The bill specifies a goal of rebating 25 percent

of tolls paid, requires the GMX to review the amount of the toll rebate once every five years, and authorizes the GMX to adjust the toll rate.
- Before October 1, 2019, requires the Auditor General to submit a report assessing the financial situation of the GMX, the financial feasibility of the toll rebate program, and the financial feasibility of a toll rate reduction.
- Requires the GMX, beginning October 1, 2020, to annually submit to the Miami-Dade County metropolitan planning organization (MPO) and post on the GMX's website a report providing information regarding the amount of tolls collected and how the tolls were used in the GMX's previous fiscal year.

Other Miami-Dade County Provisions

- Prohibits the Miami-Dade County MPO from assessing any fees for municipalities, counties, or other governmental entities that are members of the MPO.
- Effective October 1, 2022, and to the extent not prohibited by bond contracts or bond covenants, revises the authorized uses of the proceeds of discretionary sales surtaxes in Miami-Dade County; limits the distribution of such proceeds to municipalities in that county to no more than 25 percent; and specifies the authorized uses of such proceeds by municipalities.
- Revives and makes permanent the rebuilt motor vehicle inspection program in Miami-Dade County repealed on July 1, 2018, to be implemented by the Department of Highway Safety and Motor Vehicles (DHSMV) by October 1, 2019; provides additional requirements for program participants and facilities; and requires the DHSMV to submit a report by July 1, 2021, evaluating the effectiveness of the program and whether to expand it to other counties.

Miscellaneous Provisions

- Authorizes an electronic copy, rather than a paper copy, of rental or lease documentation issued for a motor vehicle to be in the possession of the vehicle operator or carried in the vehicle and exhibited upon demand of any authorized law enforcement officer or DHSMV agent.
- Provides that the act of presenting an electronic device displaying an electronic copy of such rental or lease documentation does not constitute consent to access any information on the device other than the displayed rental or lease documentation, and provides the person presenting the device assumes liability for any resulting damage to it.
- Prohibits a person from renting a motor vehicle to another unless he or she inspects the driver license of the renter and verified that the driver license is unexpired.
- Deems a rental car company to be in compliance with certain statutory requirements regarding physical driver license verification under certain conditions relating to rentals made by digital or electronic means or rentals to renters who do not execute a rental contract at the time of taking possession of the vehicle.

- Requires the Florida Department of Transportation (FDOT), for portions of transportation projects on, under, or over an FDOT-owned right-of-way to review the project's design plans for compliance with FDOT design standards.
- Changes the FDOT's authorization for innovative "highway" projects to innovative "transportation" projects, including projects demonstrating innovative techniques of bridge design, along with those of highway construction, maintenance, and finance, with the intended effect of measuring resiliency and structural integrity.
- Repeals the Osceola County Expressway Authority, which has transferred its projects to the Central Florida Expressway Authority; and relocates from the repealed part I of Chapter 348, F.S., public-private partnership authorization for the Tampa-Hillsborough County Expressway Authority and the Central Florida Expressway Authority.
- Authorizes 40 honorary or memorial transportation facility designations around the state and directs the FDOT to erect suitable markers.

If approved by the Governor, these provisions take effect July 1, 2019, except as otherwise provided.
Vote: Senate 23-16; House 79-28

Committee on Infrastructure and Security

CS/CS/HB 453 — Micromobility Devices

by State Affairs Committee; Local, Federal and Veterans Affairs Subcommittee; and Rep. Toledo (CS/SB 542 by Infrastructure and Security Committee and Senator Brandes)

The bill establishes a regulatory framework for authorizing the operation of micromobility devices and motorized scooters. The bill:

- Defines "micromobility device" and revises the definition of "motorized scooter."
- Grants certain rights and applies certain duties to the operator of a micromobility device or motorized scooter that are the same as those of a bicycle rider.
- Specifies that a local government is not prevented from exercising its regulatory authority with respect to the operation of micromobility devices or motorized scooters on streets, highways, and sidewalks under its jurisdiction.
- Allows operation of a micromobility device or motorized scooter without a valid driver license.
- Excludes micromobility devices and motorized scooters from compliance with vehicle registration, licensing, and insurance requirements; equipment requirements for slow-moving vehicles; and motor vehicle provisions related to licensing and license-plate display.
- Requires a person who offers motorized scooters or micromobility devices for hire to secure all such devices located in any area of the state where an active tropical storm or hurricane warning has been issued.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 32-1; House 115-0

Committee on Infrastructure and Security

CS/CS/CS/HB 475 — Certificates of Title for Vessels

by State Affairs Committee; Transportation and Tourism Appropriations Subcommittee; Transportation and Infrastructure Subcommittee; and Rep. Williamson and others (CS/CS/SB 676 by Appropriations Committee; Infrastructure and Security Committee; and Senator Hooper)

The bill incorporates the Uniform Certificate of Title for Vessels Act into Florida's existing vessel titling and lien law. The bill contains numerous revisions to current title application requirements, revises information that must be included on a certificate of title for a vessel, provides for the perfection of security interests in a vessel and for the rights of a secured party, provides requirements for the transfer of ownership in a vessel, and revises various duties and responsibilities of the Department of Highway Safety and Motor Vehicles (DHSMV) with respect to titling of vessels.

Generally, the bill:

- Provides requirements for applications for certificates of titles for vessels, including their detailed content, and provides exceptions from the requirement to apply for a certificate.
- Provides responsibilities of an owner and insurer of a hull-damaged vessel and of the DHSMV when creating a certificate of title.
- Specifies that possession of a certificate of title does not by itself provide a right to obtain possession of a vessel, but nothing prohibits enforcement of a security interest in, levy on, or foreclosure of a statutory or common-law lien on a vessel.
- Provides the DHSMV with duties relating to the creation, issuance, refusal to issue, or cancellation of a certificate of title, and provides additional requirements for obtaining a duplicate certificate of title.
- Sets out requirements for the determination and perfection of a security interest in a vessel and for the delivery of a statement of the termination of a security interest.
- Provides for the rights of a purchaser of a vessel who is not a secured party and for the rights of a purchaser who is a secured party.
- Specifies circumstances by which the DHSMV may create a new certificate of title after the receipt of an application for a transfer of ownership or termination of a security interest, without the applicant providing a certificate of title.
- Provides requirements for the voluntary transfer of vessel title ownership, transfer by a secured party, and transfer by operation of law.
- Applies the bill to any transaction, certificate of title, or record relating to a vessel entered into or created before July 1, 2023, but provides for certain exceptions.

If approved by the Governor, these provisions take effect July 1, 2023.
Vote: Senate 36-0; House 116-0

Committee on Infrastructure and Security

CS/HB 611 — Motor Vehicle Racing

by Criminal Justice Subcommittee and Reps. Mercado, Plakon, and others (CS/SB 116 by Rules Committee and Senator Stewart)

The bill allows an officer to warrantlessly arrest and take a person into custody if the officer has probable cause to believe he or she committed a violation of s. 316.191(2), F.S., which prohibits any form of participation in motor vehicle racing. Removes the requirement that an officer either witness the offense and arrest immediately or in fresh pursuit, or secure an arrest warrant.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 114-1

Committee on Infrastructure and Security

CS/CS/HB 725 — Commercial Motor Vehicles

by State Affairs Committee; Transportation and Infrastructure Subcommittee; and Rep. Payne
(CS/CS/SB 1638 by Rules Committee; Infrastructure and Security Committee; and Senator Lee)

The bill relates to commercial motor vehicles (CMV) and:

- Updates CMV regulations to address compatibility concerns with federal regulations;
- Removes exceptions regarding the visibility of headlamps and turn signals by waste collection vehicles under specified circumstances;
- Provides an effective date for certain requirements relating to the use of electronic logging devices and hours of service support documents;
- Removes language requiring intrastate CMVs that are not carrying hazardous materials to comply with certain federal regulations providing maximum drive time requirements;
- Removes a duplicative $100 fine for falsifying hours of service records;
- Amends a provision to correct a federal regulations reference that allows certain short-haul drivers to be exempt from maintaining records of duty status;
- Conforms to federal regulation by adding the terms "gross vehicle weight rating" and "gross combined vehicle weight rating" for determining which vehicles, not transporting hazardous materials, meet the 26,001 pound threshold requirement for select intrastate commerce exemptions;
- Removes an exemption from federal regulations for transporting petroleum products due to the inclusion of flammable liquids that could require a hazardous material placard;
- Requires charter buses operating interstate to register as apportionable vehicles;
- Authorizes the transport of general freight on a return trip by an automobile transporter, as long as the vehicle still complies with Interstate System weight restrictions;
- Prohibits the state from imposing a length limitation of less than 80 feet and extends the front bumper overhang allowance on a stinger-steered automobile transporter from the current three feet to the federal allowance of four feet;
- Creates a definition for "towaway trailer transporter combinations" that is consistent with provisions contained in the Fixing America's Surface Transportation Act;
- Provides that an unlawful weight and load calculation may be calculated by reducing the actual gross vehicle weight by the certified weight difference between the electric battery system and fueling system and a comparable diesel tank and fueling system; and
- Creates a five year program for permitting certain combinations of truck tractor, semitrailer, and trailer combinations operating as a single unit to transport farm products within the Everglades Agricultural Area.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 39-0; House 111-0

Committee on Infrastructure and Security

CS/CS/CS/HB 905 — Department of Transportation

by State Affairs Committee; Transportation and Tourism Appropriations Subcommittee; Transportation and Infrastructure Subcommittee; and Rep. Andrade (CS/CS/SB 1044 by Appropriations Committee; Infrastructure and Security Committee; and Senator Albritton)

The bill addresses various issues relating to the Florida Department of Transportation (FDOT). Specifically, the bill:

- Revises the FDOT's authorization for innovative highway projects to include innovative transportation projects demonstrating innovative techniques of bridge design.
- Prohibits a local government from adopting standards or specifications for certified aggregate materials that are contrary to the FDOT's standards or specifications, with an exception for certain multicounty independent special districts.
- Prohibits a local government from adopting standards or specifications that are contrary to the FDOT's for permissible use of reclaimed asphalt pavement material in construction, and provides that such material may not be considered solid waste.
- Prohibits a contractor who is not pre-qualified and in good standing with the FDOT as of January 1, 2019, and who has not satisfactorily completed two projects, each in excess of $15 million, from bidding on FDOT contracts in excess of $50 million.
- Prohibits an entity from performing both design and construction engineering inspection services for a project funded by the FDOT and administered by a local governmental entity, with an exception for seaports.
- Increases the dollar value of claim amounts for additional compensation arising out of an FDOT construction or maintenance contract that may be submitted to the State Arbitration Board to up to $1 million per contract at the claimant's option or up to $2 million if the parties agree.
- Extends the FDOT's obligation to reimburse a local governmental entity for the direct actual operating costs of the fire station at mile marker 63 on Alligator Alley; requires a local contribution from the entity operating the fire station; caps the amount of reimbursement in any state fiscal year; and transfers the ownership and title of all fire, rescue, and emergency equipment used at the fire station to the state on June 30, 2027.
- Revises the definition of "small county" for purposes of the Small County Outreach Program (SCOP) to increase the population ceiling from 170,000 to 200,000. This revision would allow continued eligibility to compete for SCOP funding by retaining or adding in the definition Bay, Charlotte, Hernando, Okaloosa, and Santa Rosa Counties.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 38-0; House 114-1

Committee on Infrastructure and Security

CS/HB 1057 — Motor Vehicles

by Transportation and Infrastructure Subcommittee; and Rep. McClure and others (CS/CS/SB 974 by Appropriations Committee; Infrastructure and Security Committee; and Senator Perry)

The bill authorizes the use of red and white lights on vehicles operated by the fire department, fire patrol, and volunteer firefighters, and revises the definition of an "authorized emergency vehicle", to include a vehicle with red and white lights. It also authorizes vehicles to be equipped with lamps or devices underneath the vehicle.

The bill amends laws related to the business of storing and selling or reselling damaged or dismantled vehicles. The bill requires that when an insurance company notifies an independent entity in possession of a vehicle to release it, the insurance company must provide the independent entity a release statement authorizing release of the vehicle to the owner or to the lienholder.

The bill allows the independent entity's notice to the owner to be provided by a commercial delivery service that provides proof of delivery, in addition to certified mail. When the Department of Highway Safety and Motor Vehicles (DHSMV) does not have the owner's address on record, the bill allows the notice to be sent to the vehicle owner's address on file with the insurance company and on file with the vehicle's most recent titling jurisdiction.

The bill allows an independent entity in possession of a vehicle to apply for a certificate of destruction or a certificate of title if a vehicle is not claimed within 30 days after the attempted delivery of notice to the owner.

When applying for a certificate of destruction or salvage certificate of title, the bill requires the independent entity in possession of a vehicle to:

- Provide proof of all lien satisfactions or proof of a release on all liens on a vehicle;
- Provide an affidavit indicating a notice had been sent to all lienholders and 30 days has passed since the notice was delivered or delivery was attempted, in the event a lien satisfaction or a release of all liens on a vehicle cannot be obtained;
- Provide proof of notice delivery to the lienholder at the address on the certificate of title and, if the address is different than the one on file with the Department of State for the lienholder's registered agent, provide proof of notice delivery to that address.

The bill allows a licensed salvage vehicle dealer or vehicle auction or insurance company that processes title transactions, derelict motor vehicle certificates, and certificates of destruction for derelict and salvaged vehicles to act as an electronic filing system agent of the DHSMV, if the entity does so in the normal course of business.

If approved by the Governor, these provisions take effect October 1, 2019, with an earlier effective date of July 1, 2019, for the provisions related to insurance company notifications, independent entity notifications, proof of lien satisfactions, and applications for a certificate of destruction or a certificate of title.
Vote: Senate 38-1; House 113-1

Committee on Infrastructure and Security

HB 7011 — OGSR/Division of Emergency Management

by Oversight, Transparency and Public Management Subcommittee and Rep. Daniels (SB 7032 by Infrastructure and Security Committee)

The bill amends s. 252.905, F.S., to save from repeal the current exemption from public records disclosure for any information provided by individuals and businesses to the Division of Emergency Management for the purposes of being provided assistance with emergency planning. The bill removes the scheduled repeal date of the exemption, thus continuing the exemption.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 39-0; House 109-0

Committee on Infrastructure and Security

SB 7034 — OGSR/Automated License Plate Recognition System

by Infrastructure and Security Committee

The bill amends s. 316.0777, F.S., to save from repeal the exemption from public disclosure for all images obtained from an automatic license plate recognition system as well as any personal identifying information in any data generated from images obtained from such a system. The bill removes the scheduled repeal date of the exemption, resulting in the continuation of the exemption.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 39-0; House 116-0

Committee on Infrastructure and Security

SB 7036 — OGSR/Payment of Toll on Toll Facilities/Identifying Information

by Infrastructure and Security Committee

The bill saves from repeal the exemption from public inspection and copying of personal identifying information held by the Department of Transportation, a county, a municipality, or an expressway authority for the purpose of paying, prepaying, or collecting tolls and associated administrative charges due for the use of toll facilities. The bill removes the scheduled repeal date, resulting in the continuation of the exemption.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 40-0; House 115-0

Committee on Infrastructure and Security

CS/SB 7068 — Transportation

by Appropriations Committee and Infrastructure and Security Committee

Multi-use Corridors of Regional Economic Significance

The bill creates the Multi-use Corridors of Regional Economic Significance (M-CORES) Program within the Florida Department of Transportation (FDOT), with the purpose of revitalizing rural communities, encouraging job creation, and providing regional connectivity, while leveraging technology, enhancing quality of life and public safety, and protecting the environment and natural resources. The program is designed to advance construction of regional corridors that will accommodate multiple modes of transportation and multiple types of infrastructure.

The bill sets out the intended benefits of the program and identifies three corridors comprising the program:

1. Southwest-Central Florida Connector, extending from Collier County to Polk County;
2. Suncoast Connector, extending from Citrus County to Jefferson County;
3. Northern Turnpike Connector, extending from the north end of the Florida Turnpike northwest to the Suncoast Parkway.

M-CORES projects will be Turnpike projects and are subject to statutory economic and environmental feasibility criteria, as well as additional environmental and other evaluation requirements set out in the bill. Decisions on M-CORES corridor configuration and alignment must be determined in accordance with the FDOT's rules, policies, and procedures. To the greatest extent practical, the projects must be designed to minimize project construction within conservation lands.

FDOT must convene a task force for each corridor comprised of representatives from various stakeholders to evaluate and coordinate corridor analysis, environmental and land use impacts, and other pertinent impacts of the corridors. Each task force must issue a written report by October 1, 2020. To the maximum extent feasible, the bill requires project construction to begin no later than December 31, 2022, with projects open to traffic no later than December 31, 2030.

The bill authorizes corridor project funding, including redirecting to the State Transportation Trust Fund (STTF), on a phased-in schedule, portions of motor vehicle license taxes currently deposited into the General Revenue (GR) Fund. The bill specifies how and when the increased revenues available from the State Transportation Trust Fund are to be distributed. This shift of revenues will be over a multiyear schedule:

- 2019-2020: $45M to STTF & $83.9M to GR
- 2020-2021: $90M to STTF & $40.12M to GR
- 2021-2022 and thereafter: $132.5M to STTF

After being fully phased-in by Fiscal Year 2022- 2023, about $135 million will be annually available to fund M-CORES and other transportation programs. The bill also authorizes annual funding for programs benefiting rural areas:

- $10 million annually for the Small County Road Assistance Program (SCRAP);
- $10 million annually for the Small County Outreach Program (SCOP); and
- $10 million annually for the Transportation Disadvantaged (TD) Program.

In addition, the bill creates and provides three years of funding - $2.5 million per year - for a construction workforce development program within the FDOT.

Bid Protest Settlements

The bill also provides requirements relating to payments by the FDOT of $1 million or more to a non-selected responsive bidder through a settlement agreement. The bill requires the FDOT, when it determines that it is in the best interest of the public to resolve a bid protest of the award of certain contracts through a settlement agreement requiring such payment, to:

- Document in the FDOT secretary's written memorandum the specific reasons that such settlement and payment is in the best interest of the state, including:
  - A description of the rights, trademarks, engineering or other design work the FDOT will acquire or retain as a result of the settlement; and
  - The specific appropriation in the existing General Appropriations Act which the FDOT intends to use to provide the payment.
- Provide a written notice that settlement discussions have begun in earnest and a written notice at least five business days, or as soon thereafter as practicable, before the FDOT makes the agreement final.

Finally, the bill prohibits the FDOT from pledging any current or future action by another branch of state government as a condition of any procurement action. The bill provides that any settlement committing the state to spending amounts in excess of current appropriations, to appropriation of funds in a subsequent fiscal year, or to policy changes inconsistent with current state law must be contingent upon legislative appropriation or statutory amendment.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 37-1; House 76-36

Committee on Innovation, Industry, And Technology

CS/CS/HB 327 — Pub. Meetings/Pub. Records/Local Government Utilities

by Oversight, Transparency and Public Management Subcommittee; Energy and Utilities Subcommittee; and Reps. Davis, Yarborough, and others (CS/CS/SB 450 by Governmental Oversight and Accountability Committee; Innovation, Industry, and Technology Committee; and Senators Gibson and Bean)

Current law provides a public record exemption for the following information held by a utility owned or operated by a unit of local government ("local government utility"):

- Information related to the security of a local government utility's technology, processes, and practices designed to protect the utility's networks, computers, programs, and data from attack, damage, or unauthorized access that, if disclosed, would facilitate the alteration, disclosure, or destruction of the data or information technology resources; and
- Information related to the security of a local government utility's existing or proposed information technology systems or industrial control technology systems that, if disclosed, would facilitate unauthorized access to, and alteration or destruction of, the systems in a manner that would adversely impact the safe and reliable operations of the systems and the utility.

The bill creates a public meeting exemption for that portion of a meeting held by a local government utility that would reveal the above information. The bill requires that all portions of a local government utility meeting exempted by the bill be recorded and transcribed. These recordings and transcripts are exempt from disclosure as public records except to the extent that any portion of the recording or transcript is determined by a court of competent jurisdiction, after an in camera review, to reveal nonexempt data.

The bill provides that the public meeting and public record exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 38-0; House 113-0

Committee on Innovation, Industry, And Technology

CS/CS/HB 441 — E911 Systems

by Commerce Committee; Energy and Utilities Subcommittee; and Reps. DuBose, Toledo, and others (CS/CS/SB 536 by Appropriations Committee; Innovation, Industry, and Technology Committee; and Senators Brandes, Perry, and Book)

The bill contains three requirements relating to 911 services and provides legislative findings that each serves an important state interest in protecting the public safety.

First, the bill requires each county to develop a countywide plan to implement text-to-911 services and to implement the plan by January 1, 2022.

Second, the bill requires the Technology Program within the Department of Management Services to develop a plan by February 1, 2020, to upgrade 911 public safety answering points (PSAP) within the state to allow the transfer of an emergency call from one local, multijurisdictional, or regional E911 system to another local, multijurisdictional, or regional E911 system in the state. The bill specifies that this transfer capability should include voice, text message, image, video, caller identification information, location information, and additional standards-based 911 call information. It also provides duties in developing the plan.

Third, the bill requires the development and implementation of communications systems that allow direct radio communication between each PSAP and first responders.

Each sheriff must facilitate the development and execution of written interlocal agreements between all primary first responder agencies within the county. Each agreement must establish written protocols that outline circumstances and public safety emergencies under which a PSAP will directly provide notice by radio of an emergency to the on-duty personnel of a first responder agency for which the PSAP does not provide primary dispatch functions. Each agreement must require the PSAP to have direct radio contact with primary first responder agencies and their dispatchers, for whom the PSAP can reasonably receive 911 communications, without having to transfer a 911 communication to another PSAP or dispatch center for dispatch. The method of complying is to be established by the first responder agency heads and set forth in the interlocal agreement.

Each PSAP must be capable of immediately broadcasting 911 communications or public safety information over the primary radio dispatch channels of each first responder agency in the county it serves, except in those first responders service areas where the PSAP cannot reasonably receive 911 calls. If a county or jurisdiction has multiple PSAPs, each PSAP must have this capability.

Unless technologically precluded due to radio incompatibility, upon written request from a law enforcement agency head, a law enforcement agency head in the same county or in an adjacent jurisdiction in another county must authorize the requesting agency to install the responding

agency's primary dispatch channel or channels in the requesting agency's PSAP, dispatch center, or mobile or portable radios.

Each primary first responder agency, PSAP, and dispatch center within each county is required to train all applicable personnel regarding the procedures and protocols specified in the interlocal agreements. The training must also include radio functionality and how to readily access the necessary dispatch channels in accordance with the interlocal agreements.

By January 1, 2020, each sheriff must provide to the Department of Law Enforcement: a copy of each interlocal agreement and written certification that all PSAPs in his or her county are in compliance.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 40-0; House 110-0

Committee on Innovation, Industry, And Technology

CS/HB 591 — Pub. Rec./Public Utility Held Customer Information and Data

by Energy and Utilities Subcommittee and Reps. Yarborough, Davis, and others (CS/SB 600 by Innovation, Industry, and Technology Committee and Senators Gibson and Bean)

The bill exempts from public disclosure and inspection requirements customer meter-derived data and billing information in increments of less than one billing cycle held by a utility owned or operated by a unit of local government. The bill provides legislative findings as to the public necessity for the exemption and the balancing of public and private harm as required by the Florida Constitution. The exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 40-0; House 114-0

Committee on Innovation, Industry, And Technology

CS/HB 629 — Lottery Games

by Gaming Control Subcommittee and Rep. Robinson

The bill requires the placement of warnings on advertisements, promotions, and lottery tickets. The warnings must appear in an equal number of advertisements and promotions beginning January 1, 2020, and on all lottery tickets beginning January 1, 2021.

The required warnings are:

- "WARNING: LOTTERY GAMES MAY BE ADDICTIVE;" or
- "PLAY RESPONSIBLY"

A warning must meet all of the following requirements:

- If on television, on the Internet, or in any other electronic medium, the warning must appear in black font on a white background and occupy at least 10 percent of the surface area of the advertisement or promotion.
- If in print, including in a newspaper, in a magazine, or on a billboard, the warning must appear in prominent text and occupy at least 10 percent of the surface area of the advertisement or promotion.
- If on radio, the warning must be audibly announced at the conclusion of the advertisement or promotion.

Beginning January 1, 2020, all vendor contracts relating to lottery tickets must require the vendor to place or print a warning on every lottery ticket which meets these requirements:

- Appear in prominent text on the front side of each lottery ticket.
- Occupy at least 10 percent of the total face of the lottery ticket.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 27-13; House 98-8

Committee on Innovation, Industry, And Technology

HB 763 — Registered Contractor Licensing

by Rep. B. Watson and others (SB 604 by Senator Pizzo)

The bill extends until November 1, 2021, the deadline for eligible electrical contractors, electrical specialty contractors, and alarm system contractors who are registered with the Department of Business and Professional Regulation (DBPR) and who are authorized to work in local jurisdictions, to apply for a certificate of competency from DBPR.

Qualification as a certified contractor is discretionary, and not mandatory. Certified contractors may engage in their trade category throughout the state, with no geographic limitation. The DBPR estimates there are approximately 1,501 registered contractors in the state who may be eligible to apply for certification through the new deadline of November 1, 2021.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 33-0; House 112-0

Committee on Innovation, Industry, And Technology

CS/CS/CS/SB 796 — Public Utility Storm Protection Plans

by Appropriations Committee; Infrastructure and Security Committee; Innovation, Industry, and Technology Committee; and Senators Gruters, Bracy, Montford, and Broxson

The bill requires each public utility to file, pursuant to Florida Public Service Commission (commission) rule, a transmission and distribution storm protection plan that covers the immediate 10-year planning period. Each plan must explain the systematic approach the utility will follow to achieve the objectives of reducing restoration costs and outage times associated with extreme weather events and enhancing reliability. The commission is required to adopt rules to specify the elements that must be included in a utility's filing.

In reviewing a proposed transmission and distribution storm protection plan, the commission must consider the following:

- The extent to which the plan is expected to reduce restoration costs and outage times associated with extreme weather events and enhance reliability, including whether the plan prioritizes areas of lower reliability performance;
- The extent to which storm protection of transmission and distribution infrastructure is feasible, reasonable, or practical in certain areas of the utility's service territory, including, but not limited to, flood zones and rural areas;
- The estimated costs and benefits to the utility and its customers of making the improvements proposed in the plan; and
- The estimated annual rate impact resulting from implementation of the plan during the first 3 years addressed in the plan.

If a utility-filed proposed plan contains all the elements required by commission rule, the commission must determine whether it is in the public interest to approve, approve with modification, or deny the proposed plan no later than 180 days after the utility filing of the plan.

At least every 3 years after approval of a utility's plan, the utility must file for commission review an updated protection plan that addresses each element specified by commission rule. The commission must approve, modify and approve, or deny each updated plan pursuant to the criteria used for the initial plan.

The commission is required to conduct an annual proceeding to determine the utility's prudently incurred plan costs and allow the utility to recover such costs through a charge separate and apart from its base rates, to be referred to as the storm protection plan cost recovery clause. After commission approval of a utility's plan, proceeding with actions to implement the plan is not evidence of imprudence. If the commission determines that costs were prudently incurred, those costs will not be subject to disallowance or further prudence review except for fraud, perjury, or intentional withholding of key information by the public utility.

The annual transmission and distribution storm protection plan costs may not include costs recovered through the public utility's base rates and must be allocated to customer classes pursuant to the rate design most recently approved by the commission.

If a capital expenditure is recoverable as a plan cost, the public utility may recover the annual depreciation on the cost and a return on the undepreciated balance of the costs using the last approved return on equity.

The bill requires that, beginning December 1 of the year after the first full year of implementation of a transmission and distribution storm protection plan and annually thereafter, the commission must submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report on the status of utilities' storm protection activities. The report must include, but is not limited to, identification of all storm protection activities completed or planned for completion, the actual costs and rate impacts associated with completed activities as compared to the estimated costs and rate impacts for those activities, and the estimated costs and rate impacts associated with activities planned for completion.

The bill requires the commission to adopt rules to implement and administer these requirements, and to propose a rule for adoption as soon as practicable after the effective date of the act, but not later than October 31, 2019.

The bill provides that, for the 2019-2020 fiscal year, the sums of $261,270 in recurring funds and $15,020 in nonrecurring funds from the Regulatory Trust Fund are appropriated to the Public Service Commission, and 4 full-time equivalent positions with associated salary rate of 180,583 are authorized for the purpose of implementing this act.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-1; House 110-3

Committee on Innovation, Industry, And Technology

CS/CS/HB 827 — Engineering

by Commerce Committee; Business and Professions Subcommittee; and Rep. Toledo (CS/CS/CS/SB 616 by Rules Committee; Community Affair Committee; Innovation, Industry, and Technology Committee; and Senator Perry)

The bill amends s. 337.14, F.S., to prohibit an entity from performing both design services and construction engineering and inspection services for a project wholly or partially funded by the Department of Transportation and administered by a local governmental entity.

The bill amends s. 455.271, F.S., to provide a board or the Department of Business and Professional Regulation (DBPR) must adopt a rule to establish a reinstatement process for void licenses.

The Florida Board of Professional Engineers (board) in the DBPR Division of Professions regulates the practice of engineering. The board is responsible for reviewing applications, administering exams, licensing qualified applicants, and regulating and enforcing the proper practice of engineering in the state. By contract with the DBPR, the Florida Engineers Management Corporation (FEMC) provides administrative, investigative, and prosecutorial services to the board.

The bill amends various provisions in ch. 471, F.S., relating to the practice of engineering and licensure, to:

- Remove the requirement for engineering firms to pay a $125 fee for a certificate of authorization to practice engineering in the state; instead, a Florida-licensed engineer must qualify the firm to practice engineering in the state under specified conditions;
- Add an additional method for graduates with approved engineering science or engineering technology degrees to take the licensure examination before obtaining active engineering experience and removes an obsolete provision;
- Increase the required years of experience for graduates with engineering technology degrees, from four years to six years;
- Require applicants for licensure to submit proof of being at least 18 years old;
- Allow the board to extend the 90-day time limit for it to act on an application for licensure, when a personal appearance by the applicant before the board is required;
- Amend the procedure for engineering and firms from outside of Florida to obtain a temporary registration to practice engineering in the state for up to one year, on one specified project, and to appoint the Florida Department of State as an agent for service of process for specified proceedings; and
- Require successor engineers to assume full responsibility when assuming the work of another engineer; and releases an original engineer from liability for prior work assumed by the successor engineer.

The bill amends s. 553.79, F.S., to specify the stages of construction during which a special inspector must perform structural inspections on a threshold building. A threshold building is one higher than three stories or 50 feet in height, or which has an assembly occupancy classification exceeding 5,000 square feet in area and an occupancy of greater than 500 persons.

The bill also amends s. 553.791, F.S., relating to alternate construction inspection services and plans review, to establish shortened deadlines for local building official notices and responses, for projects on which a private provider has been retained to perform inspections and plans reviews on behalf of the project owner. The bill provides a local building official may not prohibit a private provider from performing inspections outside the official's normal operating hours, including after hours, weekends, or holidays.

The bill also shortens deadlines for issuance of building permits and notices of plan deficiencies by local building officials.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 37-0; House 111-0

Committee on Innovation, Industry, And Technology

CS/HB 977 — Public Accountancy

by Business and Professions Subcommittee and Rep. Stevenson and others (CS/SB 1252 by Banking and Insurance Committee and Senator Gruters)

The bill adds an attestation engagement to the services that require a certified public accountant license (CPA) for a person to perform or offer to perform. An attestation engagement is an arrangement with a client where an independent third party CPA investigates and reports on subject matter created by a client. Examples of attestation engagements include reporting on financial information formulated by a client, and reporting on how well the client's internal controls process functions. An attestation engagement gives users a higher level of confidence regarding the subject of the engagement.

The bill decreases the percentage of the required total hours of CPA continuing education that must relate to accounting-related and auditing-related subjects from 25 percent to 10 percent.

The bill also eliminates the process and the separate continuing education requirements for reactivation of a license that was inactive or delinquent on June 30, 2014. Under the bill, all inactive licensees must satisfy the same minimum continuing education requirements.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 117-0

Committee on Innovation, Industry, And Technology

CS/CS/CS/SB 1000 — Communications Services

by Appropriations Committee; Community Affairs Committee; Innovation, Industry, and Technology Committee; and Senator Hutson

The bill makes extensive changes to the statute governing the use of public rights-of-way by providers of communications services, including the Advanced Wireless Infrastructure Deployment Act relating to small and micro wireless facilities enacted two years ago. These changes include:

- Prohibiting a municipality or county from imposing permit fees for the use of public rights-of-way by communications services providers if it had not levied permit fees as of January 1, 2019, while allowing a municipality or county that was imposing permit fees as of that date to continue to do so or to elect to no longer impose permit fees;
- Creating a civil cause of action for any person aggrieved by a violation of the right-of-way statute;
- Prohibiting a local government from instituting, "either expressly or de facto, a moratorium or other mechanism that would prohibit or delay" permits for collocation of small wireless facilities or related poles;
- Deleting the authority for a local government to require performance bonds and security funds and allowing it to instead require a construction bond limited to no more than 18 months after the construction is completed;
- Requiring a local government to accept a letter of credit or similar instrument issued by any financial institution authorized to do business within the U.S.;
- Allowing a provider of communications services to add a local government to any existing bond, insurance policy, or other financial instrument, and requiring the local government to accept such coverage;
- Providing that a wireless provider shall comply with objective and reasonable requirements if the local government has required all public utility lines in the right-of-way to be placed underground, with certain exceptions;
- Prohibiting a local government from requiring a permit applicant to provide inventories, maps, or locations of communication facilities in the rights-of-way, unless it is necessary to avoid interference with existing facilities;
- Allowing a local government to require, annually, a notarized statement from a pass-through provider identifying information on the provider's pass-through facilities; and
- Providing additional requirements pertaining to a local government's permit registration and application process for communications services providers' use of public rights-of-way.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 34-3; House 96-16

Committee on Innovation, Industry, And Technology

CS/CS/SB 1020 — State Hemp Program

by Appropriations Committee; Agriculture Committee; and Senators Bradley, Albritton, Hutson, and Bracy

The bill authorizes the Department of Agriculture and Consumer Services (department) to create a state industrial hemp program to administer and oversee the cultivation of hemp. The Agricultural Improvement Act of 2018 (2018 Farm Bill) legalized the industrial use of hemp and removed it from the U.S. Drug Enforcement Agency's list of controlled substances, separating it from marijuana and placing it under the supervision of the U.S. Department of Agriculture. The 2018 Farm Bill also permits the United States Secretary of Agriculture to review and approve a state or Indian tribe plan to serve as the primary regulatory authority over the production of hemp in their state or tribal territory. The 2018 Farm Bill provides the criteria for the state plan.

The bill authorizes the distribution and retail sale of hemp extract, which is a substance or compound intended for ingestion that is derived from hemp, and does not have a THC concentration exceeding 0.3 percent on a dry weight basis. Before hemp extract may be distributed or sold, it must be analyzed and certified by an independent testing laboratory to confirm that the THC concentration does not exceed 0.3 percent on a dry-weight basis. The bill also provides package labeling requirements for hemp extract products.

The bill:

- Provides that s. 581.217, F.S., created by the bill, constitutes the state plan for regulation of the cultivation and of hemp for purposes of the 2018 Farm Bill.
- Directs the Commissioner of Agriculture (commissioner) to submit a plan for regulating hemp to the United States Secretary of Agriculture.
- Requires the commissioner to consult with the Governor and Attorney General to develop a recommendation to amend the state plan and submit the recommendation to the Legislature, if the state plan is not approved by the United States Secretary of Agriculture.
- Requires a license to cultivate hemp.
- Requires an applicant for a hemp cultivation license to submit a full set of fingerprints to the department for a criminal background check.
- Requires the department to deny an application for a hemp cultivation license, if the applicant has been convicted for a felony relating to controlled substances during the previous 10 years.
- Requires a license applicant to provide the global positioning coordinates and legal land description of the area where hemp will be cultivated.
- Authorizes the department to enter any public or private premises during regular business hours in performance of its duties related to hemp cultivation, including inspections.
- Provides that hemp seed and hemp seed dealers are subject to the provisions of the Florida Seed Law and that registrants shall only use certified seeds.

- Requires the department, by August 1, 2019, to initiate rulemaking to administer the state hemp program in consultation with the Department of Health and the Department of Business and Professional Regulation.
- Creates the 15-member Industrial Hemp Advisory Council to provide advice and expertise to the department with respect to plans, policies and procedures applicable to the administration of the state hemp program.
- Expands eligible participants in the industrial hemp pilot projects to include colleges and universities with engineering or pharmacy programs.
- Excludes hemp and industrial hemp from the definition of the controlled substance "cannabis" in ch. 893, F.S.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 112-1

Committee on Innovation, Industry, And Technology

CS/SB 7012 — Vaping

by Rules Committee and Innovation, Industry, and Technology Committee

The bill (Chapter 2019-14, L.O.F.) implements Amendment 9 to the Florida Constitution, which was approved by the voters of Florida on November 6, 2018, to ban the use of vapor-generating electronic devices, such as electronic cigarettes (e-cigarettes), in enclosed indoor workplaces. The use of e-cigarettes is commonly referred to as vaping.

The bill permits the use of vapor-generating electronic devices in the enclosed indoor workplace of a "vapor-generating device retailer" or "retail vape shop", which is defined as "any enclosed indoor workplace dedicated to or predominantly for the retail sale of vapor-generating electronic devices and components, parts, and accessories for such products, in which the sale of other products or services is merely incidental." The bill also permits vaping at the same locations currently authorized to permit tobacco smoking, i.e., private residences whenever not being used for certain commercial purposes, stand-alone bars, designated rooms in hotels and other public lodging establishments, retail tobacco shops, facilities owned or leased by a membership association, smoking cessation programs, medical or scientific research, and customs smoking rooms in airport in-transit lounges.

The bill amends the state's preemption of tobacco smoking regulation in s. 386.209, F.S., to adopt and implement the grant of authority to local governments by Amendment 9 to adopt more restrictive local ordinances on the use of vapor-generating electronic devices.

These provisions were approved by the Governor and take effect July 1, 2019.
Vote: Senate 40-0; House 116-0

Committee on Innovation, Industry, And Technology

HB 7121 — Public Records/Lottery

by State Affairs Committee; and Rep. Ingoglia (SB 7100 by Innovation, Industry, and Technology Committee)

The bill creates public records exemptions from inspection or copying of public records, for designated confidential and exempt information held by the Florida Department of the Lottery (department), which if released, could harm the security or integrity of the department, including information relating to:

- Security of the department's technologies and practices to prevent attacks and unauthorized access;
- Lottery games, tickets and equipment information;
- Information required to be maintained as confidential for the department to participate in multistate lottery associations or games; and
- Personal identifying information and financial information for current or future retailers and vendors, received by the department as part of background investigations.

The bill provides specified information related to department contracts is a public record, including the amount of money paid, the payment structure, expenditures, incentives, bonuses, fees, and penalties.

The public records exemptions are subject to the Open Government Sunset Review Act and will be repealed on October 2, 2024, unless reenacted by the Legislature.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 96-12

Committee on Judiciary

CS/CS/HB 91 — Judicial Process

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Altman and others (CS/CS/CS/SB 462 by Rules Committee; Community Affairs Committee; Judiciary Committee; and Senator Powell)

A notice of lis pendens is a notice recorded in the official records of a county warning that the outcome of litigation involving a parcel of real property may affect the interests of future purchasers or encumbrancers, such as those who may enforce a lien against the property. This bill clarifies that a notice of lis pendens precludes the enforcement of liens or other interests against a foreclosed property until the instrument transferring title to the property is recorded. This change is a response to a recent appellate court opinion that could be read to make a purchaser of property at a foreclosure sale responsible for liens recorded on the property after the sale but before the new title is recorded.

The bill also changes the statutes regulating service of process. The bill allows a certified process server to:

- Serve any nonenforceable civil process; and
- Attach dark window tinting material to the side and back windows of a vehicle owned or leased by the certified process server.
    -

Additionally, the bill allows all process servers to:

- Serve the spouse of the person to be served in any county of the state, not just the county of their shared residence;
- Serve a limited liability company at additional types of addresses used as a business address, including the address of a virtual office, executive office, or mini suite; and
- Electronically sign return-of-service forms that document the date and time of service, which is a convenience currently reserved for process servers employed by a sheriff.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 109-0

Committee on Judiciary

CS/CS/CS/SB 168 — Federal Immigration Enforcement

by Rules Committee; Infrastructure and Security Committee; Judiciary Committee; and Senators Gruters, Bean, Mayfield, Broxson, and Albritton

The bill creates a new chapter of Florida Statutes entitled "Federal Immigration Enforcement." The bill seeks to ensure that state and local entities and law enforcement agencies cooperate with federal government officials to enforce, and not obstruct, immigration laws. In its most general and broad terms, the bill requires law enforcement agencies to support the enforcement of federal immigration law.

In more specific terms, the bill:

- Prohibits a state entity, local governmental entity, or law enforcement agency from having a sanctuary policy, which is a law, policy, practice, procedure, or custom that restricts a law enforcement agency's ability to communicate or exchange information with a federal immigration agency on immigration enforcement matters or from complying with immigration detainers.
- Provides procedures for a court to follow to reduce a defendant's sentence by up to 12 days and thereby permit a law enforcement agency to transfer the defendant to a federal facility and complete the remaining 12 days of the sentence.
- Requires a law enforcement agency that has custody of someone who is subject to an immigration detainer to notify the judge of the detainer, record in the person's file the existence of the detainer, and comply with the detainer.
- Requires a county correctional facility to enter into an agreement with a federal immigration agency for the payment of costs associated with housing and detaining defendants.
- Provides that the Governor, in an exercise of his or her constitutional duties, may initiate judicial proceedings against any executive or administrative state, county, or municipal officer to enforce compliance with duties under the act or restrain unauthorized actions contrary to the act.
- Permits the Attorney General to institute an action for a violation of this law or to prevent a violation of the law.
- Requires any sanctuary policies currently in effect be repealed within 90 days after the effective date of the act.

If approved by the Governor, the bill takes effect July 1, 2019, except that the section establishing penalties takes effect October 1, 2019.
Vote: Senate 22-18; House 68-45

Committee on Judiciary

CS/CS/HB 337 — Courts

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Leek (CS/CS/CS/SB 328 by Appropriations Committee; Infrastructure and Security Committee; Judiciary Committee; and Senator Brandes)

The bill gradually raises the county courts' maximum jurisdictional amount for civil cases demanding money. The current maximum jurisdictional amount of the county courts in civil cases is $15,000 or less, an amount that was set back in 1992. The bill requires that the county courts' jurisdictional amount be raised incrementally over the next three years as follows:

- For cases filed on or after January 1, 2020, raised to $30,000; and
- For cases filed on or after January 1, 2023, raised to $50,000.

As the ceiling of the county courts' jurisdictional amount is raised, the floor of the circuit courts' jurisdictional amount will be raised correspondingly, to cases in excess of $30,000 effective January 1, 2020, and then $50,000 effective January 1, 2023.

Additionally, the bill retains the circuit courts' current appellate jurisdiction over county court cases demanding no more than $15,000 until January 1, 2023. In the meantime, the bill authorizes the Office of State Courts Administrator (OSCA) to study and provide feedback by February 1, 2021, on the impact of adjusting the county courts' jurisdiction and the feasibility of adjusting the circuit courts' appellate jurisdiction.

The bill also retains the current court filing fees by pinning the amount of the fee to the amount of monetary damages being claimed, regardless of whether the case is filed in county or circuit court. Additionally, the bill clarifies the specific monetary portion of various other court fines and fees that must be remitted to the General Revenue Fund after being collected by the Clerks of the Circuit Courts.

Finally, the bill also addresses funding and budgeting by the Clerks of the Circuit Courts, permitting the Clerks to carry forward unspent funds from the prior fiscal year and any remaining funds in the Clerks of Court Trust Fund for budgetary purposes. The bill also clarifies when excess funds in the Clerks of the Court Trust Fund must be transferred to the General Revenue Fund.

If approved by the Governor, these provisions take effect July 1, 2019, except as otherwise specified.
Vote: Senate 36-0; House 109-0

Committee on Judiciary

CS/CS/HB 409 — Electronic Legal Documents

by Judiciary Committee; Civil Justice Subcommittee; and Reps. Perez, Grant J., and others (CS/SB 548 by Judiciary Committee and Senator Brandes)

The bill authorizes and provides oversight for the use of Remote Online Notarizations (RON) by Florida notaries public. Remote Online Notarizations are possible because of audio-video communication technologies, such as FaceTime and Skype, where two or more people may be able to both see and hear one another in real time using a computer or mobile device, even from different states. This also means that a notary public can view the face of the principle signer and any witnesses using audio-video technology while simultaneously reviewing the identification and other credentials of each person.

Additionally, the bill puts Florida at the forefront of recognizing the validity of electronic legal documents, such as wills and powers of attorney, by authorizing their electronic creation as well as authorizing remote signing, remote notarization, and remote witnessing, even by a witness in separate location from both the notary and the principle signer. However, the bill contains safeguards for vulnerable adults and provides that witnesses must be physically present with a vulnerable adult in order for a legal document, such as a will or power of attorney, to be given any effect. Otherwise, the bill provides for the safekeeping of an electronic will until the testator's death by the appointment of a qualified custodian.

There are several advantages to using remote online notarization. First, online notarization sessions are recorded in their entirety and retained as a record, which may be used as evidence in the event the creation or execution of a remotely notarized document is challenged in court. Additionally, the verification of signer and witness credentials performed by an online notary is similar to those used credit card companies provided by third parties and public sources to verify that the person is who they claim to be (for example, verifying mother's maiden name).

If approved by the Governor, these provisions take effect January 1, 2020, except that the Department of State's rulemaking authority takes effect upon becoming law.
Vote: Senate 39-0; House 87-28

Committee on Judiciary

CS/HB 487 — Carrying of Firearms by Tactical Medical Professionals

by Criminal Justice Subcommittee and Reps. Smith, D., Gottlieb, and others (CS/CS/SB 722 by Rules Committee; Judiciary Committee; and Senator Hooper)

This bill expressly authorizes a "tactical medical professional" (TMP) who has a concealed weapons and firearms license to carry firearms, weapons, and ammunition when he or she is actively operating in direct support of a tactical law enforcement operation. However, for the authorization to apply, the bill also requires the law enforcement agency head to have appointed the TMP, the agency to have an established policy for these appointments, and the TMP to have completed two types of firearms training, one of which must be provided by the agency.

A TMP may carry a firearm in the same manner as a law enforcement officer and anywhere that a tactical law enforcement operation occurs. Additionally, a TMP has "the same immunities and privileges as a law enforcement officer . . . in a civil or criminal action arising out of a tactical law enforcement operation when acting within the scope of his or her official duties."

The bill defines a TMP as a paramedic, physician, or osteopathic physician who is appointed to provide medical support to a tactical law enforcement unit engaged in high-risk incidents, such as drugs raids and hostage situations.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-1; House 106-7

Committee on Judiciary

CS/CS/HB 741 — Anti-Semitism

by Education Committee; Criminal Justice Committee; and Reps. Fine, Caruso, and others (CS/SB 1272 by Judiciary Committee and Senators Gruters, Galvano, Albritton, Baxley, Bean, Benaquisto, Berman, Book, Bracy, Bradley, Brandes, Braynon, Broxson, Cruz, Diaz, Farmer, Flores, Gainer, Gibson, Harrell, Hooper, Hutson, Lee, Mayfield, Montford, Passidomo, Perry, Pizzo, Powell, Rader, Rodriguez, Rouson, Simmons, Simpson, Stargel, Stewart, Taddeo, Thurston, Torres, Wright, and Cruz)

The bill prohibits discrimination on the basis of religion in the K-20 public school system. Additionally, the bill requires public K-20 educational institutions to treat discrimination "by students or employees or resulting from institutional policies motivated by anti-Semitic intent in an identical manner to discrimination motivated by race." The bill provides that, for the purposes of the anti-Semitism provision, anti-Semitism includes:

- A certain perception of the Jewish people, which may be expressed as hatred toward Jewish people.
- Rhetorical and physical manifestations of anti-Semitism directed toward a person, his or her property, or toward Jewish community institutions or religious facilities.

The bill also provides many examples of anti-Semitism, including:

- Calling for, aiding, or justifying the killing or harming of Jews, often in the name of a radical ideology or an extremist view of religion.
- Accusing Jews as a people or the State of Israel of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or the alleged priorities of Jews worldwide, than to the interest of their own nations.

The bill also provides that examples of anti-Semitism related to Israel include:

- Applying a double standard to Israel by requiring behavior of Israel that is not expected or demanded of any other democratic nation, or focusing peace or human rights investigations only on Israel.
- Delegitimizing Israel by denying the Jewish people their right to self-determination and denying Israel the right to exist.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 40-0; House 114-0

Committee on Judiciary

CS/CS/CS/HB 829 — Attorney Fees and Costs

by Judiciary Committee; Local, Federal and Veterans Affairs Subcommittee; Civil Justice Subcommittee; and Rep. Sabatini and others (CS/CS/CS/SB 1140 by Rules Committee; Community Affairs Committee; Judiciary Committee; and Senator Hutson)

The bill authorizes an award of attorney fees and costs in challenges to proposed or adopted local government ordinances on subjects that are expressly preempted by the State Constitution or state law. Express preemption means that a particular topic or field is reserved in writing exclusively to the Legislature to regulate.

Under the bill, the prevailing party, or winning party, in a court challenge to a local ordinance on express preemption grounds is entitled to attorney fees and costs. This is an exception to the usual rule on attorney fees in Florida, which requires that each party to a legal action pay its own attorney fees and costs.

However, the bill also provides an "escape clause" from liability for the prevailing party's attorney fees and costs. The "escape clause" provides that, upon receiving a written claim that a current or proposed/noticed ordinance is expressly preempted, the local government must withdraw a proposed ordinance within 30 days or repeal an adopted ordinance within 60 days.

The bill does not, however, apply to ordinances relating to three fields or areas: comprehensive planning and growth management; the Florida Building Code; and the Florida Fire Code. Each of those statutory areas authorize local ordinances to pass local legislation under certain circumstances. The bill otherwise applies to express preemption challenges initiated on or after July 1, 2019.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 25-14; House 77-31

Committee on Judiciary

CS/HB 845 — Public Records/Petition for Certain Protective Injunctions

by Oversight, Transparency and Public Management Subcommittee; and Reps. Hage and Andrade (CS/SB 980 by Governmental Oversight and Accountability Committee and Senator Harrell)

The bill creates a public records exemption that temporarily blocks public access to any information that can be used to identify a petitioner or respondent in a petition for a protective injunction alleging domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyberstalking filed with the court. The information will be confidential and exempt only until the alleged batterer or stalker is served by a law enforcement officer with a copy of the petition, the notice of hearing, and copies of any affidavits or temporary injunctions.

The bill provides that the temporary exemption is a public necessity as it will ensure the physical safety of alleged victims and their families from retaliation by an abuser, as well as the physical safety of the law enforcement officers serving these petitions.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 114-0

Committee on Judiciary

SB 910 — Court-ordered Treatment Programs

by Senators Gainer and Passidomo

The bill expands the eligibility criteria for individuals who may participate in a military veterans' and servicemembers' court programs, more commonly known as veterans' courts. Veterans' courts are problem-solving courts aimed at addressing and treating the root causes of criminal behavior in order to reduce criminal recidivism. For military veterans and servicemembers who are charged with or convicted of criminal offenses, often the underlying cause of criminal behavior is a military-related injury, such as post-traumatic stress disorder, traumatic brain injury, or a substance abuse disorder.

Eligible veterans' courts participants may either be diverted to an appropriate treatment program before trial, or may be required to complete treatment after trial, as a condition of probation/community control. To help the participant successfully complete his or her treatment program, veterans' courts provide incentives (such as reduced penalties and record expungement), and individualized support.

Currently, the only veterans eligible to participate in Florida's veterans' courts are honorably discharged veterans, generally discharged veterans, and active duty servicemembers. Because of the success of the veterans' court programs in treating these individuals, the bill expands participation eligibility to any veteran discharged or released under any condition. Additionally, the bill extends participation eligibility to individuals who are current or former United States defense contractors or military members of a foreign allied country.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 39-0; House 114-0

Committee on Judiciary

CS/CS/HB 1247 — Construction Bonds

by Civil Justice Subcommittee; Business and Professions Subcommittee; and Rep. Perez
(CS/CS/SB 1200 by Rules Committee; Judiciary Committee; and Senator Stargel)

The bill defines the effect of incorrect or incomplete information in a notice of nonpayment for public and private construction contracts. This notice, as provided in existing law, is a notice that a subcontractor must serve on the contractor and the surety to preserve rights to make a claim against the contractor's payment bond.

Under the bill, the negligent inclusion or omission of information in a notice of nonpayment is not a default that would defeat an otherwise valid claim against a payment bond. However, a subcontractor who serves a fraudulent notice of nonpayment forfeits rights under the bond. A notice is fraudulent if it willfully exaggerates amounts unpaid or willfully includes claims for work not performed or materials not furnished or if it is prepared with gross negligence.

Finally, the bill adds contractors to the list of individuals or entities who are entitled to the benefits of a one-way attorney fee statute for prevailing in litigation against a surety that issues a payment or performance bond for a construction project.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 40-0; House 110-1

Committee on Judiciary

CS/SB 1656 — Criminal Statutes

by Criminal Justice Committee and Senators Lee and Rouson

This bill creates a savings statute for criminal laws which provides that, unless expressly intended by the Legislature, an amendment, reenactment, or revision of a criminal statute does not affect or abate:

- The prior operation of the statute or a prosecution or enforcement under the statute;
- A violation of the statute based on any act or omission occurring before the effective date of the act; or
- A prior penalty, forfeiture, or punishment incurred or imposed under the statute.

However, the bill also provides that a reenactment or amendment of a criminal statute which reduces a penalty, forfeiture, or punishment must be applied retroactively in a case in which a penalty, forfeiture, or punishment has not been imposed.

Finally, the bill provides that new defenses will be available to a defendant through the appellate process unless the defendant's conviction was affirmed before the new defense took effect.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-1; House 110-4

Committee on Judiciary

CS/SB 7006 —Uniform Interstate Depositions and Discovery Act

by Rules Committee and Judiciary Committee

This bill (Chapter 2019-13, L.O.F.) replaces Florida's Uniform Foreign Depositions Law with the Uniform Interstate Depositions and Discovery Act (Act). The act, which has been adopted by 41 other states and U.S. territories, is aimed at streamlining the process of "discovering" or obtaining evidence in another state for use in a civil lawsuit. For example, if a Georgia resident is involved in a traffic collision in Florida with a Florida resident, under the act, the Florida resident will be able to subpoena (or issue a summons to) the Georgia driver to provide testimony through a deposition, produce documents or photos, or permit inspection of the vehicle without having to hire a Georgia attorney or submit to a Georgia court.

Essentially, the act provides a streamlined, administrative process among the United States and U.S. territories by which a clerk of court can administratively "domesticate" a subpoena issued by another state court. Under the act, once an out-of-state attorney or party files a subpoena with the clerk of court in the Florida county where discovery is sought, the clerk of court must promptly issue a Florida subpoena as a ministerial act. The out-of-state attorney or party is not subject to the jurisdiction of the Florida courts based on the issuance of the domesticated subpoena *unless* the subpoena is challenged by the Florida resident receiving the subpoena or the out-of-state attorney or party seeks to modify or enforce the subpoena. The same is true for a Florida attorney or party seeking discovery in a different state or U.S. Territory that has also adopted the act. This means that a Florida resident seeking discovery from a Georgia resident need not hire a Georgia attorney or submit to the jurisdiction of Georgia courts before issuing a subpoena to the Georgia resident.

Notably, the act has been adopted by Georgia, and both Georgia and Florida have specified that the act does *not* apply to discovery in criminal cases.

These provisions were approved by the Governor and take effect July 1, 2019.
Vote: Senate 37-0; House 115-0

Committee on Judiciary

HB 7025 — OGSR/Treatment-based Drug Court Programs

by Oversight, Transparency and Public Management Subcommittee; and Rep. LaMarca (SB 7010 by Judiciary Committee)

This bill saves from repeal a public records exemption for health-related records, reports, and evaluations concerning applicants to or participants in treatment-based drug court programs.

Treatment-based drug court programs are problem-solving courts aimed at addressing one of the causes of criminal behavior and domestic violence: substance abuse and addiction. Generally, drug court programs identify individuals in either the criminal justice or dependency system who may benefit from substance abuse treatment. Those individuals may either be diverted to a substance abuse treatment center shortly after entering the justice system, or may be required to complete treatment later, as a condition of probation/community control or a dependency case plan. To help these individuals successfully complete treatment, drug courts provide incentives (such as reduced penalties) and support to the individual to help him or her succeed. In sum, by providing substance abuse treatment, drug court programs aim to reduce criminal recidivism and domestic violence by addressing one of the underlying causes of such behavior.

In order for a drug court program to either determine an applicant's eligibility or monitor a participant's progress in the program, a treatment provider must share the individual's health-related information with the judge and other relevant parties on the participant's drug court multidisciplinary team (such as the prosecutor or other agency attorney, a case worker, the drug court administrator, and so forth). Because an individual's health information becomes part of the court's record, in 2014, the Legislature enacted a public records exemption for the sensitive, health-related information that the drug court program applicants and participants must share with the drug court. The public records exemption makes the following health-related records, reports, and evaluations both confidential and exempt from inspection and copying by the public:

- Records relating to initial screenings for participation in the program.
- Records relating to substance abuse screenings.
- Behavioral health evaluations.
- Subsequent treatment status reports.

Under the Open Government Sunset Review Act, this public records exemption was set to automatically repeal on October 2, 2019. The law removes the scheduled repeal date to continue this public records exemption and protect the sensitive, health-related information of those seeking help through the drug court programs.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 38-0; House 114-0

Committee on Judiciary

HB 7047 — OGSR/Security Breach Information

by Oversight, Transparency and Public Management Subcommittee and Rep. Good (SB 7008 by Judiciary Committee)

The bill is based on an Open Government Sunset Review of a public records exemption for information received by the Department of Legal Affairs following a data-security breach of a covered entity. Consistent with the review, the bill repeals the schedule repeal of the exemption.

The exemption was enacted as a companion bill to the Florida Information Protection Act of 2014, which requires covered entities to take reasonable steps to protect and secure personal information held in electronic form, such as social security numbers, driver license numbers, and medical information. However, if unauthorized access to the information of at least 500 people nonetheless occurs, the Act requires the covered entity involved to notify the Department.

The exemption serves to protect sensitive personal, corporate, and governmental information, as well as to ensure the integrity of an investigation of a security breach.

If approved by the Governor, these provisions take effect October 1, 2019.
Vote: Senate 38-0; House 114-0

Committee on Judiciary

CS/HB 7081 — State Court System Administration

by Judiciary Committee; Civil Justice Subcommittee; and Rep. DiCeglie (CS/CS/SB 656 by Appropriations Committee; Judiciary Committee; and Senator Baxley)

The bill amends several statutes relating to the administration of the state court system. The bill addresses foreign language court interpreters and mediators, parenting coordination, judicial retirements, and electronic records and fingerprinting.

Foreign Language Court Interpreters and Mediators

The bill provides the Office of the State Courts Administrator with statutory authority to conduct national background screenings for court-appointed foreign language court interpreters and mediators. This statutory change is needed to comply with requirements established by the U.S. Department of Justice and the Federal Bureau of Investigation.

Parenting Coordination

The bill permits confidential communications between parties and the parenting coordinator, that are otherwise confidential, to be used as testimony and evidence in professional misconduct or professional malpractice cases against a coordinator. Members of the Parenting Coordinator Review Board and any other person who is appointed or employed by the Supreme Court to assist in a parenting coordinator disciplinary proceeding, such as a prosecutor or investigator, is given civil immunity for actions associated with disciplinary proceedings.

Judicial Retirements

The bill amends provisions relating to the Florida Retirement System to clarify that only a justice or a judge who reaches age 70 before July 1, 2019, is authorized to purchase service credit relating to either temporary duty as a senior judge after that date or the remainder of the justice or judge's term of office.

Electronic Judgments and Fingerprinting

The bill permits, but does not require, the courts to implement the use of electronic judgments and electronic fingerprinting in certain criminal cases. The bill requires that an electronic record of a judgment of guilty include a certification by the judge that the fingerprints belong to the defendant and that the certification, in a written or electronic record, of a guilty judgment is admissible as prima facie evidence that the fingerprints on the judgment are those of the defendant.

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

Vote: Senate 40-0; House 110-0

Committee on Military and Veterans Affairs and Space

SB 212 — Interstate Compact on Educational Opportunity for Military Children

by Senator Wright

SB 212 reenacts provisions of law establishing and implementing the Interstate Compact on Educational Opportunity for Military Children and provides for future legislative review and repeal of the Compact on July 1, 2022.

Participation in the compact enables member states to address educational transition issues faced by military families as they transfer from various states and school districts in accordance with official military orders. States are required to enact the compact into law in order to join the compact, which the Legislature did during the 2008 Regular Session. As of January 2015, all 50 states and the District of Columbia are active members of the compact. Since its enactment in 2008, Florida's compact legislation has included a provision requiring automatic repeal of the compact after a period of time, unless reauthorized by the Legislature. The Legislature last reauthorized the compact in 2016, and provided for its repeal on April 10, 2019.

In addition to reauthorizing the compact and providing for future legislative review and repeal of the law, by reauthorizing the compact, the Legislature adopts two changes to Compact Rules. The first requires each state council to meet at least once per fiscal year and submit state council meeting dates, agendas, and minutes to the Interstate Commission office within 60 days following each state council meeting. Florida's state council is an active council and exceeds the requirements of the rule. The second rule change increased the annual dues from $1.00 to $1.15 per military child; an increase above current dues of $2,373 for Fiscal Year 2019-20. Florida Statutes require that compact membership dues must be paid within existing resources by the Department of Education.

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

Vote: Senate 38-0; House 112-0

Committee on Military and Veterans Affairs And Space

CS/SB 292 — Education

by Military and Veterans Affairs and Space Committee and Senator Lee

This bill allows a student who is graduating from a public pre-K-12 educational institution to wear a dress military uniform to the graduation ceremony. Specifically, the bill prohibits a district school board from preventing a student from lawfully wearing to his or her graduation ceremony a dress uniform of any of the Armed Forces of the state or of the United States.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 115-0

Committee on Military and Veterans Affairs And Space

CS/CS/HB 427 — Honor and Remember Flag

by State Affairs Committee; Local, Federal and Veterans Affairs Subcommittee; and Rep. Gregory and others (CS/SB 718 by Military and Veterans Affairs and Space Committee and Senator Gruters)

This bill establishes the Honor and Remember flag as the state's emblem of the service and sacrifice of the brave men and women of the United States Armed Forces (USAF) who have given their lives in the line of duty.

The bill authorizes the flag to be displayed at the following state-owned locations: a building at which the United States flag is displayed, a military memorial, and any other location. A flag may also be flown at a local government building. Days on which the flag may be displayed are Veterans Day, Gold Star Mother's Day, and a day on which a Florida resident who is a member of the USAF has died in the line of duty. The flag must be made in the United States and displayed with no more than two additional flags on the flagpole.

By July 1, 2020, a department or an agency responsible for a location at which a flag may be flown or a participating local government may adopt regulations to implement this law. However, a regulation may not require an employee to report to work solely to display the flag.

If approved by the Governor, these provisions take effect January 1, 2020.
Vote: Senate 40-0; House 113-0

Committee on Military and Veterans Affairs And Space

CS/CS/SB 620 — Military-friendly Initiatives

by Rules Committee; Military and Veterans Affairs and Space Committee; and Senator Broxson

This bill provides a number of benefits to servicemembers and their families and additional protections and benefits for military organizations, land uses, and interests.

The bill requires K-12 public education school districts to accept a permanent change of station order as proof of residency for all public school programs. In accepting the order as proof of residency, the district must provide preferential treatment to the student in the entire controlled open enrollment process. The bill also enables an active duty member or a family member residing in the state to qualify for in-state tuition at the time of acceptance for admission at a public postsecondary institution, even if the active duty member is subsequently transferred.

To further protect military lands, the bill adds the Naval Support Activity Orlando and the United States Southern Command to the list of military installations that designated local governments are required to coordinate with on the compatibility of land development. The bill also provides that a conservation easement created to prevent the encroachment to a military installation survives a sale of property for the nonpayment of taxes.

Finally, the bill establishes the Blue Angels license plate as a specialty license plate, to be designed and implemented by the Department of Highway Safety and Motor Vehicles. The Blue Angels, or the Navy Flight Exhibition Team based in Pensacola, Florida, has performed flight shows since 1946 for almost 500 million fans. Annual use fees collected will be remitted to the Naval Aviation Museum Foundation for further distribution to fund the activities of the National Naval Aviation Museum and the National Flight Academy in Pensacola. However, the development of the plate is contingent upon the enactment of legislation creating the annual use fee for the Blue Angels license plate.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 39-0; House 113-0

Committee on Rules

CS/SM 804 — Humanitarian Assistance/Government of Venezuela

by Judiciary Committee and Senators Torres, Rodriguez, Taddeo, Powell, Bracy, Gibson, Cruz, Thurston, Book, Farmer, Braynon, Diaz, Pizzo, Rader, and Stargel

The memorial recognizes the humanitarian aid crisis in Venezuela and the violations of its citizens' rights at the hands of the now illegitimate Venezuelan "President," Nicholás Maduro, and other members of his regime. The memorial urges the United States Congress to:

1. Take appropriate action to assist in the delivery of humanitarian assistance to the people of Venezuela.
2. Continue and intensify financial sanctions against the illegitimate regime of Nicholás Maduro.
3. Instruct appropriate federal agencies to hold Nicholás Maduro and his illegitimate regime accountable for international human rights abuses and law violations.

Vote: Senate Adopted; House Adopted

Committee on Rules

HB 7067 — Registration Fees

by Health Quality Subcommittee and Rep. Yarborough

HB 7067 adds registration fees to a new process for out-of-state health care providers to register with the Department of Health before providing health care services to patients in Florida via telehealth.

HB 7067 is linked to HB 23, which creates the registration process for out-of-state telehealth providers. HB 7067 requires a fee of $150 for initial registration and for biennial registration renewal.

If approved by the Governor, these provisions take effect on the same date that HB 23 takes effect. HB 23 provides an effective date of July 1, 2019.
Vote: Senate 38-0; House 113-3

Committee on Rules

HB 7073 — Permit and Inspection Fees

by Health Quality Subcommittee and Reps. Plakon and Leek

HB 7073 authorizes the Department of Business and Professional Regulation and the Board of Pharmacy within the Department of Health to charge fees relating to new permits created under HB 19.

HB 19 seeks to create an International Prescription Drug Importation Program, contingent on authority granted under federal law, rule, or approval, along with two new permits:

- An international export pharmacy permit under the Board of Pharmacy; and
- An international prescription drug wholesale distributor permit under DBPR.

Under HB 7073, the parameters for the new permit fees are as follows:

- The Board of Pharmacy may charge international export pharmacies initial permit and renewal fees up to $250, delinquent fees up to $100, and change of location fees up to $100; and
- The DBPR must charge international prescription drug wholesale distributors an annual permit fee between $300 and $800; an annual on-site inspection fee between $1,000 and $3,000; and a late permit renewal fee of $100.

If approved by the Governor, these provisions take effect on the same date that HB 19 takes effect. HB 19 provides an effective date of July 1, 2019.
Vote: Senate 35-0; House 103-11