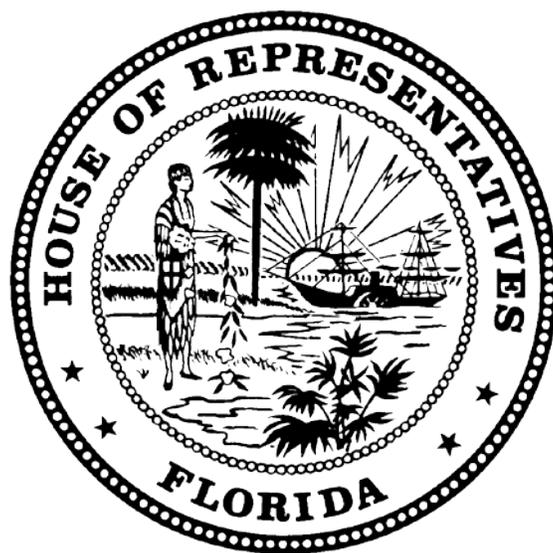


FLORIDA HOUSE OF REPRESENTATIVES

2016 SESSION SUMMARY



Steve Crisafulli, SPEAKER

MARCH 2016

2016 LEGISLATIVE SESSION

END OF SESSION REPORT

This report was compiled by the staff of the Florida House of Representatives upon completion of the 2016 Legislative Session. This information is intended to provide Florida legislators and their constituents with a summary of the bills that passed both legislative chambers. This document is not an in-depth description of the bills noted.

For your convenience, an “Index of Passed Legislation” is included in the back of this report. The index is presented in bill number order. This index also serves as a cross-reference index, which identifies bills passed as components of other bills. As you review this index it will become evident that a House bill number may be listed under a Senate bill number or vice versa, indicating that each bill contains all or a portion of another bill.

The complete text of the bills included in this report and a section-by-section analysis of each bill can be found by accessing the following website:

House Bills: www.myfloridahouse.gov

The website includes both the current (or latest) version of a bill or analysis and all earlier versions:

- The enrolled version of a bill is the one that passed both chambers and is presented to the Governor - this is the version of the bill that has, or will, become law unless vetoed;
- Earlier versions of the bill do not reflect the exact language as passed by both chambers.

It should be noted that at the time this publication was compiled, some acts had not been presented to the Governor and the time allotted for the Governor to approve or veto an act had not expired. Therefore, some acts identified as “passed” by both chambers may not show as becoming law.

To verify the status of acts passed by the Legislature, visit the Legislature’s website or call the Division of Legislative Information at 1-850-488-4371.

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HOUSE OF REPRESENTATIVES
Appropriations Committee
Representative Richard Corcoran, Chair
Representative Jim Boyd, Vice Chair

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Agriculture & Natural Resources Appropriations Subcommittee

Representative Ben Albritton, Chair
Representative Ray Pilon, Vice Chair

Education Appropriations Subcommittee

Representative Erik Fresen, Chair
Representative H. Marlene O'Toole, Vice Chair

Government Operations Appropriations Subcommittee

Representative Jeanette M. Nuñez, Chair
Representative Charles E. Van Zant, Vice Chair

Health Care Appropriations Subcommittee

Representative Matt Hudson, Chair
Representative W. Travis Cummings, Vice Chair

Justice Appropriations Subcommittee

Representative Larry Metz, Chair
Representative Ross Spano, Vice Chair

Transportation & Economic Development Appropriations Subcommittee

Representative Clay Ingram, Chair
Representative George R. Moraitis, Jr., Vice Chair

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The following is a summary of HB 5001 as it passed the Legislature prior to the vetoes of any specific appropriations.

- Total Conference Report on HB 5001: \$82.3 billion
 - General Revenue Funds \$30.3 billion
 - State Trust Funds \$24.1 billion
 - Federal Funds \$28.0 billion
- Compared to the Fiscal Year (FY) 2015-16 Budget – up by \$3,951.7 million (5.0%)
 - General Revenue Funds – up by \$1,412.1 million (4.9%)
 - State Trust Funds – up by \$1,640.6 million (7.3%)
 - Federal Funds – up by \$898.9 million (3.3%)
- Compared to the Base Budget – up by \$16.1 billion (24.3%)
 - General Revenue Funds – up by \$2,028.7 million (7.2%)
 - State Trust Funds – up by \$9,703.5 million (67.6%)
 - Federal Funds – up by \$4,361.1 million (18.4%)
- FTE's
 - FY 2016-17 FTE = 113,416
 - FY 2015-16 FTE = 113,687
 - Reduction of 270 FTE (-0.2%)
- Reserves – \$3.0 billion
 - General Revenue Fund = \$1.0 billion
 - Budget Stabilization Fund = \$1,384.4 million
 - Lawton Chiles Endowment Fund = \$567.9 million
- Trust Fund Sweeps – \$307.9 million
 - Agriculture & Natural Resources – \$59.1 million
 - Government Operations – \$25.0 million
 - Health Care – \$48.9 million
 - Transportation & Economic Development – \$171.9 million
 - Education – \$3.0 million

AGRICULTURE & NATURAL RESOURCES

The Agriculture & Natural Resources Appropriations budget totals \$3.9 billion (\$388.9 million General Revenue and \$3.5 billion Trust Funds), including funding for 8,734 positions. There is a \$555.7 million increase (16.5 percent) over the current year (30 percent in General Revenue and 15.2 percent in Trust Funds). The budget includes an overall reduction of 28 positions (one-third of 1 percent).

Highlights

- **Everglades Restoration \$203.8M (\$1.7M Recurring GR; \$90.8M Recurring Land Acquisition Trust Fund (LATF); \$111.3M nonrecurring (NR) LATF)—\$100M for Comprehensive Everglades Restoration Plan; \$32M for Restoration Strategies Regional Water Quality Plan; \$56.8M for**

Northern Everglades & Estuaries Protection; and \$15M for Lake Okeechobee agricultural restoration projects.

- **Florida Forever \$60.2M (\$2.8M NR GR; \$20.6M Recurring LATF; \$33.4M NR LATF; \$3.4M NR TF)**—\$35M for Rural & Family Lands Protection Program; \$10M for Florida Community Trust; and \$15.2M for the Florida Forever Priority List.
- **Additional Land Acquisition \$30.3M (\$2.6M NR GR; \$27.7M NR LATF)**—\$16.9M for Lake Hicpochee North Hydrologic Enhancement Project; \$5M for Picayune Strand Restoration Project; \$5.8M for Biscayne Bay Coastal Wetlands Project; \$2M for Howell Branch Preserve; and \$600,000 for Helena Run Preserve.
- **Additional/Increased Land Management \$60.3M (\$4M NR GR; \$19.1M Recurring LATF; \$37.2M NR LATF)**—\$12.2M for state forests and working ranches; \$1.7M for water management districts; \$30.1M for state parks, coastal and aquatic managed areas, and greenways and trails; \$16.3M for wildlife management areas.
- **Water Projects \$81.2M NR GR**—Provides funds for various storm water, wastewater, and water supply projects in local communities.
- **Springs Restoration/Protection/Preservation \$50M Recurring LATF**—Provides funds for springs restoration, protection, and preservation.
- **Beach Restoration \$32.1M (\$10.9M NR GR; \$10.1M Recurring LATF; \$11.1M NR LATF)**— Provides financial assistance to local governments and special taxing authorities for beach and dune restoration.
- **Additional Agricultural Nonpoint Source Best Management Practices \$11.5M LATF**—Provides \$4M for Passive Dispersed Water Storage; \$7.5M for nonpoint regulatory solutions to water quality problems for agriculture.
- **Drinking Water and Wastewater Revolving Loan Programs \$15.9M NR GR; \$223.7M NR TF**— Provides financial assistance to local governments for the construction of drinking water systems and critical environmental infrastructure.
- **Hazardous Waste Cleanup \$130M NR TF**—Provides \$118M for the cleanup of contaminated petroleum sites, \$8.5M for dry-cleaning solvents contaminated site cleanup, and \$3.5M for other hazardous wastes.
- **Citrus Greening Response \$31.9M (\$5.7M GR; \$18M NR GR; \$5.7M NR TF)**—\$8M citrus research; \$14.2M for Citrus Health Response Program; \$2M for citrus crop decline supplemental; \$7M for marketing and promotion efforts; and \$650K for new varieties development.
- **Trust Fund Transfers to General Revenue Fund**—\$59.1M from state trust funds to the General Revenue Fund.

Agency Summaries

Department of Agriculture and Consumer Services

Total budget of \$1.7 billion, which is an increase of \$228.6 million (14.9 percent) over current year.

- **Rural and Family Lands Protection Program \$35M NR TF**—Provides funds to acquire permanent easements to protect agricultural lands through the Florida Forever Program.
- **Lake Okeechobee Agricultural Projects \$15M LATF (\$11.1M NR LATF)**—Agricultural nutrient reduction and water retention projects in the Lake Okeechobee Watershed.
- **Additional Agricultural Nonpoint Source Best Management Practices \$11.5M Recurring LATF**— Provides \$4M for Passive Dispersed Water Storage and \$7.5M for nonpoint regulatory solutions to water quality problems for agriculture.

- **Agricultural Water Quantity/Quality Programs \$10.4M GR (\$1.5M NR GR)**—\$8.9M for operations and maintenance for newest Hybrid Wetlands and Floating Aquatic Vegetative Tilling projects and \$1.5M for water supply planning, technical assistance and implementation of cost-shared programs and irrigation system efficiency conversions for statewide water conservation.
- **Citrus Greening Response \$24.2M (\$16.5M NR GR; \$7.7M NR TF)**—\$8M for citrus research; \$14.2M for Citrus Health Response program; and \$2M for citrus crop decline supplemental.
- **Increased Land Management \$12.2M L ATF (\$10.8M NR L ATF)**—Provides funds for managing the use and development of land resources in state forests and working ranches and reforestation cost-share incentives for private land owners.
- **Wildfire Equipment \$4.3M NR GR**—Provides funds for the replacement of critical firefighting equipment, fire mobile radios and one aircraft.
- **Food Distribution \$5.0M GR (\$4.1M NR)**—Provides funds for Farm Share (\$2.2M) and Food Banks (\$2.8M), which collect and distribute surplus food and grocery items to people in poverty or times of crisis.
- **Agriculture Education and Promotion Facilities \$6.7M NR GR**—Provides funds to local governments for construction or renovations to facilities that promote and educate residents to agriculture, horticulture, livestock, equestrian and other resources.
- **Maintenance and Repairs \$3.4M (\$2.6M NR GR; \$800,000 NR TF)**—Provides funds for repairs and renovations to State Farmers’ Markets, facility and lab renovations, and HVAC completion.

Department of Citrus

Total budget of \$49.1 million, which is an increase of \$7.3 million (17.3 percent) over current year.

- **Citrus Marketing and Promotions \$7M GR (\$2M NR GR)**—Provides \$5M for consumer communication program, \$1M for fresh fruit promotion, and \$1M for citrus nutrition information for those who influence consumer choices.
- **New Varieties Development \$650,000 GR**—Provides funding to support in-state citrus breeding programs and to develop and acquire new citrus varieties to progress with an evolving marketplace and consumer preferences.

Department of Environmental Protection

Total budget of \$1.7 billion, which is an increase of \$299.2 million (20.7 percent) over current year.

- **Everglades Restoration \$188.8M (\$1.7M Recurring GR; \$86.9M Recurring L ATF; \$100.2M NR L ATF)**—\$100M for Comprehensive Everglades Restoration Plan; \$32M for Restoration Strategies Regional Water Quality Plan; and \$56.8M for Northern Everglades & Estuaries Protection.
- **Florida Forever \$60.2M (\$2.8M NR GR; \$20.6 Recurring L ATF; \$33.4M NR L ATF; \$3.4M NR TF)**—\$35M for Rural & Family Lands Protection Program; \$10M for Florida Community Trust; and \$15.2M for the Florida Forever Priority List.
- **Additional Land Acquisition \$30.3M (\$2.6M NR GR; \$27.7M NR L ATF)**—\$16.9M for Lake Hicpochee North Hydrologic Enhancement Project, \$5M for Picayune Strand Restoration Project, \$5.8M for Biscayne Bay Coastal Wetlands Project, \$2M for Howell Branch Preserve, and \$600,000 for Helena Run Preserve.
- **Land Management Funding Increase \$31.8M (\$4M NR GR; \$2.2M Recurring L ATF; \$25.6M NR L ATF)**—Provides \$1.7M to water management districts, \$30.1M for managing the use and development of land resources in state parks, greenways and trails, and coastal aquatic managed areas.

- **Water Projects \$81.8M NR GR**—Provides funds for various stormwater and wastewater treatment projects.
- **Drinking Water and Wastewater Revolving Loan Programs \$239.6M (\$15.9M NR GR)**— Provides financial assistance to local governments for the construction of drinking water systems and critical environmental infrastructure.
- **Total Maximum Daily Loads \$8.8M (\$7.4M NR GR; \$1.4M Recurring LATF)**—Provides grant funds to local governments for storm water quality restoration projects and nonpoint source best management practices.
- **Indian River Lagoon Muck Dredging \$21.5M NR GR**—\$20M for muck dredging in the North and Central Indian River Lagoon and Banana River, and \$1.5M for assessment of environmental benefit.
- **Beach Restoration \$32.1M (\$10.9M NR GR; \$10.1M Recurring LATF; \$11.1M NR LATF)**— Provides financial assistance to local governments and special taxing authorities for beach and dune restoration.
- **State Park Improvement \$4.5M NR TF**—\$1M to stabilize and protect the shoreline at Long Key State Park from ongoing erosion and \$3.5M to repair and reopen the Bahia Honda Historic Overlook at Bahia Honda State Park.
- **Florida Recreation Development Assistance Program \$10.4M NR GR**—Provides funds to local governments for park and trail projects around the state.
- **Hazardous Waste Cleanup \$130M NR TF**—Provides \$118M for the cleanup of contaminated petroleum sites, \$8.5M for dry-cleaning solvent contaminated site cleanup and \$4.5M for a variety of hazardous substances.
- **Small County Wastewater Grants \$21M NR TF**—Provides grant funds for disadvantaged small communities to assist with meeting their needs for adequate sewer facilities.
- **Federal Grant Budget Authority \$21.5M NR TF**—Clean Marina Program (\$3M), Federal Land/Water Conservation Grants (\$3M), Florida Coastal Zone Management Program (\$.96M), and National Recreation Trail Grants (\$2.5M), and Nonpoint Source Management Planning Grants (\$12M).

Fish and Wildlife Conservation Commission

Total budget of \$379.6 million, which is an increase of \$20.6 million (5.7 percent) over current year.

- **Increased Land Management \$16.3M LATF (\$761,000 NR LATF)**—Provides additional funds to improve and conduct natural resource management on wildlife management areas.
- **Boating Infrastructure and Improvements \$5.7M NR TF**—Provides funds to local governments for various boating access and maintenance and repair projects.
- **Derelict Vessel Removal \$1.4M NR GR**—Provides funds to remove derelict vessels from state waterways.
- **Nuisance Wildlife Control \$798,000 NR GR; \$500,000 TF**—Provides funds for removal and management of invasive species, including lionfish (\$298K) and pythons (\$500K); and provides funds to be distributed to counties or local governments to cost-share the purchase of bear-resistant garbage containers (\$500,000).

EDUCATION — PREK-12

The PreK-12 Education budget totals \$14.5 billion, which is an increase over the base budget of \$460 million (3.28 percent).

- Combined State Funds (General Revenue, Education Enhancement Trust Fund, and State Schools Trust Fund) increased by \$418.2 million (3.56 percent).

The PreK-12 Education budget contains the highest amount of state funds ever, totaling \$14.5 billion, which is an increase over the prior year budget of \$388.2 million (2.76 percent).

- Combined State Funds (General Revenue, Education Enhancement Trust Fund, and State Schools Trust Fund) increased by \$359.8 million (3.05 percent).

FEFP

The state funding portion of the FEFP absorbs the total cost of the Required Local Effort school property tax increase, which was estimated at \$428 million. This represents an average school tax savings of \$54 per household.

The FEFP budget also increases the funds per student 1.00 percent for a total of \$7,178.49, which is a \$71.16 per-student increase. This increase provides a historic level of funding per student, exceeding the highest level of funding of \$7,126.33 in 2007-08 by \$52.16.

- The FEFP includes \$20.2 billion in total funding, an increase of \$458.2 million in total funds. This includes:
 - an additional \$20 million for a technology supplemental allocation of \$80 million;
 - an additional \$96 million for the Exceptional Student Education Guaranteed allocation; and
 - an additional \$61 million in Supplemental Academic Instruction.

Early Learning

Total early learning funding provided is \$1 billion, which is an increase of \$44.5 million in GR and Trust Funds.

VPK

The VPK program total budget is \$395.2 million, which funds an estimated enrollment increase of 2,200 students and maintains the base student allocations of \$2,437 for the school year program and \$2,080 for the summer program.

School Readiness

The School Readiness program total budget is \$570.8 million, which includes an additional \$10 million for additional childcare slots.

Other Early Learning Program Increases are provided for:

New Early Learning programs:

- Business and Leadership Institute for Early Learning - \$350,000
- ARC Gateway - Pearl Nelson Child Development Center - \$509,000

- Guiding Stars of Duval County - \$500,000
- Hollywood Childcare Scholarships - \$861,000
- Little Havana Activities and Nutrition Centers Child Care Program - \$100,000
- Miami Children's Museum - Professional Development School Readiness Institute - \$200,000
- Paradise Christian School Head Start Federal Match - \$297,250
- Fixed Capital Outlay - ARC Gateway - Pearl Nelson Child Development Center - \$3,000,000

Restoration of prior year nonrecurring funds:

- The Children's Trust Help Me Grow - \$2,457,143 restore nonrecurring of \$648,186
- Literacy Jump Start - \$110,000 restore nonrecurring of \$110,000
- Teacher Education and Compensation Helps Program (T.E.A.C.H.) - \$10,000,000 restore nonrecurring of \$7,000,000
- School Readiness Teacher Training - \$3,000,000 restore nonrecurring of \$3,000,000
- Home Instruction Program for Preschool Youngsters (HIPPPY) - \$3,900,000 restore nonrecurring of \$2,500,000
- School Readiness Provider Performance Funding - \$15,500,000 restore nonrecurring of \$12,000,000

Other K-12 Program Funding

The Non-FEFP Budget Entity funding totals \$200 million.

- The budget restores nonrecurring funding for:
 - AMI Kids - \$1,850,000 restore nonrecurring of \$1,100,000
 - Family Café - \$450,000 restore nonrecurring of \$100,000
 - Florida Alliance of Boys and Girls Clubs - \$5,152,768 restore nonrecurring of \$3,000,000
 - Holocaust Memorial Miami Beach - \$230,000 restore nonrecurring of \$163,499
 - Jobs for Florida's Graduates - \$1,500,000 restore nonrecurring of \$1,500,000
 - Lauren's Kids - \$1,000,000 restore nonrecurring of \$1,000,000
 - Learning for Life - \$2,569,813 restore nonrecurring of \$650,000
 - Mourning Family Foundation - \$1,000,000 restore nonrecurring of \$1,000,000
 - School District Matching Grants Program - \$4,500,000 restore nonrecurring of \$500,000
 - SEED School of Miami - \$4,600,000 restore nonrecurring of \$4,600,000
 - The Florida Best and Brightest Teacher Scholarship Program - \$49,000,000 restore nonrecurring of \$44,050,000
 - Virtual Curriculum Marketplace/Digital Literacy Program - \$1,100,000 restore nonrecurring of \$1,100,000
 - YMCA of Central Florida After School Program - \$1,500,000 restore nonrecurring of \$1,000,000
 - YMCA Youth in Government - \$300,000 restore nonrecurring of \$200,000
- The budget provides new program funding for:
 - All Pro Dad's Fatherhood Involvement in Literacy Campaign - \$500,000
 - Benchmark and Intervention/Student and Teacher Support - \$1,500,000
 - Boys Choir of Tallahassee - \$71,000
 - Breakthrough Miami - \$650,000
 - Brevard Public Schools Aviation and Manufacturing Technology High School Programs - \$500,000
 - City Year - \$500,000

- College Prep & STEM Programs for Girls - \$25,000
- Coral Gables Museum Green City Program - \$200,000
- Earn to Learn Program - \$201,680
- Eight in Eighth - \$250,000
- Florida Children's Initiatives - \$600,000
- Florida Grants and Standards Instruction Tools - \$309,700
- Florida PBS Learning Media Content Library - \$882,000
- Florida Safe Schools Assessment Tools - \$307,000
- Florida Venture Foundation - \$125,000
- Hernando County School District Project StarFISH - \$500,000
- I Am A Leader Foundation - \$250,000
- Junior Achievement of Florida Foundation, Inc. - \$500,000
- Minority Male Initiative - \$400,000
- Moore-Mickens Education Vocation Center - \$250,000
- National Flight Academy - \$421,495
- Palm Beach County Library System Online Tutor Assistance - \$74,000
- Pinellas Education Foundation-Career Path Planning - \$250,000
- Public School Technology - \$1,561,433
- Specialty Children's Hospital Academics Program - \$100,000
- Summer Job Skills and Coding Internship Program - \$50,000
- Take Charge Foundation College Ready - \$300,000
- Teach for America, Inc. - Florida - \$500,000
- Teacher of the Year Summit - \$50,000
- Virtual Professional Development for School Board Members - \$200,000
- Volusia County Schools Manufacturing - \$185,000
- The budget provides increased funding for:
 - Advancement Via Individual Determination (AVID) - \$1,000,000, an increase of \$300,000
 - Auditory-Oral Education Grant Funding - \$750,000, an increase of \$200,000
 - Autism Program - \$9,400,000, an increase of \$400,000
 - Big Brothers Big Sisters - \$3,730,248, an increase of \$1,500,000
 - Florida Holocaust Museum - \$300,000, an increase of \$200,000
 - Knowledge is Power Program (KIPP) Jacksonville - \$1,224,000, an increase of \$724,000
 - School Related Personnel of the Year - \$306,182, an increase of \$300,000
 - Teacher of the Year - \$718,730, an increase of \$700,000
- The budget provides Fixed Capital Outlay projects for:
 - Academies of Clay County Schools - \$1,000,000
 - Seminole County High Tech Manufacturing Facility - \$500,000
 - National Flight Academy - \$2,000,000
 - North Florida School of Special Education Expansion Project - \$2,000,000
 - Margate Blount Archaeological Site - \$285,000
 - Pinellas Education Foundation Career Planning - \$250,000
 - Holocaust Memorial - \$100,000
- The State Board of Education Budget includes a decrease of 30.5 FTE for vacant positions.

EDUCATION — HIGHER EDUCATION

The Higher Education budget totals \$7.3 billion, which is an increase over the base budget of \$301 million (4.1 percent), or an increase over the current year appropriation of \$261 million (3.7 percent).

- Combined State Funds (General Revenue, Education Enhancement Trust Fund, and Tuition & Fees Trust Fund) increased by \$264.8 million (3.6 percent) for a total state funds allocation of \$7.0 billion.

State University System

Total funding for the State University System (SUS) is \$4.7 billion, which is an increase of \$225.5 million from the base budget, or \$200.3 million from the current year appropriation.

Within the SUS, there are specific funding increases of:

- \$75 million in additional funds for State University Performance Funding.
- \$20 million additional funds for Preeminent State Universities (which is split between UF and FSU).
- \$6.9 million in additional funds for Preeminent State Universities (which is restored nonrecurring funds from 2015-16).
- \$10 million additional funds for Emerging Preeminent State Universities.
- \$465,000 additional funds for the Johnson Matching Gift Program.
- UF receives additional funding of:
 - \$2 million increase for The Lastinger Center for Learning, Math Nation and Algebra Nation.
 - \$400,000 increase for The Lastinger Center Winning Reading Boost Pilot Program.
 - \$8.9M for IFAS research initiatives and support.
 - \$750,000 increase for Neurodegenerative Disease research at the UF College of Medicine.
 - \$750,000 for the Foundation for Healthy Families at the UF College of Medicine.
 - \$500,000 for the Integrated Pediatric Research and Education at the UF College of Medicine.
- FSU receives additional funding of:
 - \$1 million for College of Law Scholarships.
 - \$1.6 million for the High-Risk Delinquent and Dependent Youth Educational Research Project.
 - \$2 million for the Innovation and Engineering Pipeline Project.
 - \$300,000 for University Security Management Technology.
 - \$1 million for Mental Health Early Screening at the FSU Med School.
- USF receives additional funding of:
 - \$2.5 million for the Tampa Bay History Center Facility Expansion.
 - \$100,000 for the South Florida Museum's Institute for STEAM Teaching: Center for PAInT at the Sarasota/Manatee branch campus.
 - \$300,000 for the Center for PAInT at the Sarasota/Manatee branch campus.
 - \$250,000 for the Poynter Library Weekly Challenger Digital Collection at the St. Pete branch campus.

- \$250,000 increase for Neurodegenerative Disease research at the UF College of Medicine.
- FAU receives additional funding of:
 - \$100,000 for Secondary Robotics Team Support.
 - \$1.5 million for the STEM Life Sciences Initiative.
- UWF receives \$1.5M for the statewide integrated library system.
- UCF receives additional funding of:
 - \$2 million increase for Istation.
 - \$500,000 increase for the Lou Frey Institute.
 - \$5 million for the Advanced Manufacturing Sensor Project.
 - \$1.5 million for the Evans Community School.
 - \$5 million for the Dr. Phillips Center for Performing Arts.
 - \$100,000 for the Florida FIRST Robotics Team Grant.
 - \$1 million for the UCF Incubator.
 - \$250,000 for the Urban Teacher Institute.
 - \$300,000 for the University Security Management Technology.
 - \$100,000 for Crohn’s and Colitis Research at the UCF Med School.
- FIU receives additional funding of:
 - \$354,817 for the Washington Center Scholarship Program.
 - \$3 million for the UP:LIFT program.
 - \$300,000 for the University Security Management Technology.
 - \$1 million for the Neuroscience Centers of Florida Foundation at the FIU Med School.
- FGCU receives additional funding of \$1 million for the Target Existing Talent Gaps initiative.
- Florida Poly receives additional funding of:
 - \$1.5 million for the Statewide Hazing Prevention Online Course.
 - \$2.5 million for the Entrepreneurship Center.
- New College receives additional funding of \$500,000 for the Career & Internship Program.
- UNF receives additional funding of \$855,000 for Advanced Manufacturing & Materials Innovation.
- And the Institute of Human & Machine Cognition receives additional funding of \$2 million.

Florida College System

Total funding for the Florida College System is \$1.2 billion, which is a \$64.8 million increase (5.2 percent) from the base budget, or \$58 million (4.9 percent) from the current year appropriation.

Additional funding provided to the Florida College System includes:

- \$5 million for in performance funding for industry certifications earned by students.
- \$3 million for FRS adjustments.
- \$10 million in new state funding for Performance; \$10 million additional from college’s base.
 - Totals \$60 million in Performance (\$30M state; \$30M colleges’ base).
- \$12.5 million for compression funding adjustments.
- \$10 million in new funding distributed through the colleges’ funding formula.
- \$9.8 million in increased operational support for various colleges, including:
 - \$1 million for Polk State College.
 - \$3.2 million for Valencia College.
 - \$1.7 million for Seminole State College.

- \$500,000 for St. John’s River State College.
- \$500,000 for Gulf Coast State College.
- \$2.5 million for Santa Fe College.
- \$500,000 for Hillsborough Community College.
- \$12.5 million to aid various colleges starting new programs, including:
 - \$2.8 million for Hillsborough Community College Regional Transportation Training Center.
 - \$500,000 for Miami-Dade College Robotics and Data Analytics Program.
 - \$1.2 million for Daytona State College Academy of Hospitality Beverage Service.
 - \$800,000 for Palm Beach State College Veteran Resource Center.
 - \$800,000 for Tallahassee Community College Truck Driver Training School.
 - \$2.5 million for Pasco-Hernando State College – STEM Stackable Credentials.
 - \$200,000 for Broward College Seaport Training Grant.
 - \$115,000 for St. Petersburg College for Men in the Making.
 - \$100,000 for Tallahassee Community College – Leon Works Career Expo and Entry Level Skills Training.
 - \$550,000 for Eastern Florida State College Advanced Manufacturing Center.
 - \$1 million for Eastern Florida State College Critical Evaluation Learning Management System and Curriculum.
 - \$1 million for Florida State College at Jacksonville Medical Simulation Center.
 - \$1 million for Florida State College at Jacksonville Nursing Simulation Program.
- \$2 million for Distinguished Florida Colleges – \$1M each for Valencia College and Santa Fe College.

Workforce Education

Total funding for Workforce Education is \$489M, which is a \$5.2M increase from the base budget, or \$4.7 million over the current year appropriation.

- \$1.2 million is provided for various local workforce programs, including:
 - \$300,000 for the AmSkills Program.
 - \$250,000 for the Hispanic Federation Adult Education Program.
 - \$750,000 for the Smart Horizons Online Adult Education through State Libraries Pilot Program.
- \$4 million is provided for various technical center fixed capital outlay projects, including:
 - \$500,000 for First Coast Technical College – Putnam County Campus.
 - \$1 million for Haney Technical Center – LPN Building Renovation.
 - \$1.5 million for Glades West Tech HVAC Training Center.
 - \$1 million for Fort Walton Firefighter Training Center.

Student Financial Assistance

Total state funding for Student Financial Assistance is \$408 million, a decrease in funding for Student Financial Aid Programs of \$14.5 million from the base budget. Funding includes adjustments based on estimating conference enrollment projections. These include the following:

- \$22.5 million reduction in Bright Futures due to a decline of 12,207 in the estimated number of students.

- \$4.5 million increase in Florida National Merit Scholarship Program for 270 additional students.
- \$1.7 million for the Children and Spouses of Deceased and Disabled Veterans.

In addition, funding was provided to restore nonrecurring funds for the following:

- \$1 million for the Florida Achieving a Better Life Experience (ABLE), Inc.
- \$500,000 for the McKnight Doctoral Fellowship Scholarship Program.

Private Colleges & Universities

Private Colleges and Universities received funding for the following programs:

- \$800,000 for Historically Black Colleges.
 - \$300,000 for Florida Memorial University.
 - \$500,000 for the Bethune-Cookman University Petrock College of Health Sciences.
- \$250,000 in increased funding for the Medical Training and Simulation Laboratory.
- \$4.3 million for various private colleges and university programs.
 - \$300,000 for initiatives at the University of Miami's Institute for Cuban and Cuban-American Studies.
 - \$2 million for Embry-Riddle Manufacturing Academy and Apprenticeship/Internship Program.
 - \$2 million for Jacksonville University Entrepreneurial Program EPIC.
- \$6.5 million for fixed capital outlay projects for private colleges.
 - \$5 million for Embry-Riddle Technology Park.
 - \$1.5 million to establish a research laboratory in support of a Space Exploration Laboratory.
- \$1 million for Nova Southeastern Tuition Assistance for Health Profession Students.
- \$1 million in increased funding for Lake Erie College of Medicine.

Vocational Rehabilitation

Vocational Rehabilitation received funding for the following programs:

- \$750,000 for the Inclusive Transition and Employment Management Program (ITEM).
- \$83,793 for the WOW Center.
- \$535,892 for the Flagler Adults with Disabilities Program.
- \$1,019,247 for the Jackson Adults with Disabilities Program.
- \$1,125,208 for the Miami-Dade Adults with Disabilities Program.
- \$42,500 for the Sumter Adults with Disabilities Program.
- \$225,000 for the Palm Beach Habilitation Center.
- \$114,723 for the Community Based Supported Employment.
- \$109,006 for the Adults with Disabilities – Helping People Succeed Program.
- \$800,000 for the Broward County Public Schools Adults with Disabilities Program.
- \$70,000 for the Daytona State College Adults with Disabilities Program.
- \$100,000 for the Gadsden Adults with Disabilities Program.
- \$35,000 for the Gulf Adults with Disabilities Program.
- \$30,000 for the Jefferson Adults with Disabilities Program.
- \$225,000 for the Leon Adults with Disabilities Program.
- \$42,500 for the Taylor Adults with Disabilities Program.
- \$42,500 for the Wakulla Adults with Disabilities Program.

- \$25,000 for the Tallahassee Community College Adults with Disabilities Program.

Blind Services

Blind Services received funding for the following programs:

- \$50,000 increase for the Lighthouse for the Blind and Visually Impaired – Pasco/Hernando counties.
- \$250,000 increase for the Florida Association of Agencies Serving the Blind.
- \$125,000 for the Lighthouse Works – Orange County.

EDUCATION — FIXED CAPITAL OUTLAY

PECO (Public Education Capital Outlay) projects totaling \$693.5 million are funded with a combination of cash from the PECO Trust Fund, General Revenue, and bonding. Bond proceeds of approximately \$328.3 million are needed to fund the level of appropriation. This level of bonding represents 13 percent of the total bond capacity available.

Maintenance Funding (\$248 million total) for the following:

- Public Schools – \$75 million
- Charter Schools – \$75 million
- Florida Colleges
 - Regular Maintenance Category – \$36.2 million
- State Universities
 - Regular Maintenance Category – \$61.8 million

New Construction/ New Renovation Funds:

- Florida Colleges – \$176 million
- Universities – \$168.6 million
- Special Facilities Construction – \$75.4 million
 - Washington County (3rd and FINAL) – \$9.2 million
 - Levy County (3rd and FINAL) – \$11.5 million
 - Calhoun County (3rd and FINAL) – \$8.4 million
 - Holmes County (3rd and FINAL) – \$18.7 million
 - Dixie County (3rd and FINAL) – \$6.7 million
 - Hamilton County (2nd of 3) – \$10.1 million
 - Jefferson County (1st Year of 3) – \$4.8 million
 - Taylor County (1st Year of 3) – \$5.9 million

Other Issues:

- Developmental Research Labs Schools – \$5.3 million
- Florida School for the Deaf and Blind – \$9.1 million
- Public Broadcasting Projects – \$3.1 million
- Division of Blind Services – \$0.3 million
- Fixed Capital Outlay – Osceola County – \$4 million
- Lake Technical College – Center for Advanced Manufacturing – \$2.8 million
- First Coast Technical College – Putnam County Campus – \$1 million

- Capital Improvement Fee Trust Funded Projects – \$35 million

GOVERNMENT OPERATIONS

The Government Operations Appropriations budget totals \$1.97 billion (\$310.2 million in General Revenue and \$1.66 billion in Trust Funds), including funding for 11,347.75 positions. Overall, there is a \$15.6 million increase (0.8 percent) over the current year budget (4.3 percent in General Revenue and 0.2 percent in Trust Funds).

Highlights

- **State-Owned Facilities** – Provides \$44.2 million to address maintenance and repair needs of state-owned facilities. Provides \$43.8 million to the Department of Management Services (DMS) to address the \$294.0 million backlog of repairs, Historic Capitol renovation, and a facilities study of the 2nd District Court of Appeal. Provides \$365,000 to the Department of Financial Services for repairs and maintenance for the Arson Lab and State Fire College.
- **MyFloridaMarketPlace** – Continues the reduction of the transaction fee from 1 percent to 0.7 percent for purchases made by agencies through the state’s on-line purchasing system. The reduction will save businesses that do business with the state millions in fees. The savings are estimated to be \$4.9 million in the first year and over \$37 million the following five years through FY 2020-21.
- **Florida Accounting Information Resource System (FLAIR)** – Provides \$5.9 million for the continued development and eventual replacement of the state’s accounting system. Funding is also included for DFS to conduct a business case for maintaining any agency business systems after the replacement of FLAIR.
- **Fiscally Constrained Counties** – \$25.2 million. This issue provides funding for counties to offset the reductions in ad valorem tax revenue as a result of State Constitutional Amendments approved by voters in 2008.
- **Workload** – Provides \$5.0 million and 11.00 positions to accommodate increased workload in the various state agencies within the Government Operations Appropriations Subcommittee.
- **Reductions** – Eliminates \$14.5 million in total reductions and 47.00 positions within the agencies in the Government Operations Appropriations Subcommittee.

Agency Summaries

Department of Management Services

Total Budget of \$628.9 million, which is a 0.4 percent decrease from the current year (excluding the Agency for State Technology).

- **Repairs and maintenance of state facilities** – Provides \$43.8 million to address the \$294.0 million backlog of repairs and other needed improvements to state facilities.
- **Workload Increase** – Provides \$1.6 million and 3.00 FTE for the Division of Real Estate Development and Management to address the increased workload from building projects: \$934,000 is for staff augmentation for the SLERS procurement; \$349K is for staff augmentation for the MyFloridaNet-2 migration.
- **MyFloridaMarketPlace** – Continues the reduction of the transaction fee from 1 percent to 0.7 percent for purchases made by agencies through the state’s on-line purchasing system. The reduction will save businesses that do business with the state millions in fees. The savings are

estimated to be \$4.9 million in the first year and over \$37 million the following five years through FY 2020-21.

- **Florida Interoperability Network and Mutual Aid Build-Out** – Provides \$2.5 million to ensure that law enforcement and emergency personnel throughout the state are able to communicate from multi-jurisdictional locations, especially during disasters.
- **Reductions** – Makes \$11.6 million in reductions throughout the department, including 13.00 FTE.

Department of Revenue

Total Budget of \$574.9 million, which is a 0.1 percent increase over the current year.

- **Fiscally Constrained Counties** – Provides \$25.2 million for counties to offset the reductions in ad valorem tax revenue as a result of State Constitutional Amendments approved by voters in 2008; based on January 2016 Revenue Estimating Conference.
- **Aerial Photographs for Small Counties** – Provides \$266,000 for aerial photographs used by property appraisers in counties with a population of 50,000 or less.
- **Managed Security Service** – Provides \$1.5 million for DOR to acquire a managed security service.
- **Reductions** – Makes \$392,000 in reductions throughout the department.

Agency for State Technology

Total Budget of \$71.5 million, which is a 0.4 percent increase over the current year.

- **Operations** – Provides \$2.9 million to meet the operational needs of the State Data Center.
- **Reductions** – Ten long-term vacant data center positions were reduced.

Department of Financial Services

Total Budget of \$343.9 million, which is a 5.2 percent increase over the current year.

- **Florida Accounting Information Resource System (FLAIR)** – Provides \$5.9 million for the continued development and eventual replacement of the state's accounting system. Funding is also included for DFS to conduct a business case for maintaining any agency business systems after the replacement of FLAIR.
- **Risk Management** – Provides \$4.0 million to the Division of Risk Management to cover additional legal costs and IT storage, and to provide medical case management in an effort to achieve greater cost savings.
- **Workload increase** – Provides \$2.4 million and 8.00 FTE for Workers' Compensation fraud investigations, Public Assistance Fraud investigations, Staff Augmentation for the existing FLAIR Subsystem and for the Division of Information Systems, and OPS staffing in the State Fire Marshal's Office.
- **State Fire Marshal/Firefighter Cancer Research** – Provides \$1.5 million in nonrecurring General Revenue for transfer to the University of Miami – Sylvester Comprehensive Cancer Center for firefighter cancer research.
- **Office of Insurance Regulation** – Provides \$1.0 million for enhancements to the Florida Public Hurricane Loss Model and the Wall of Wind located at Florida International University.
- **Office of Financial Regulation** – Provides \$8.9 million for updates and migration of the Division of Financial Institutions into the agency's licensing and enforcement system.
- **Reductions** – Makes \$647,000 in reductions due to elimination of excess budget authority, and

various operational reductions; includes reductions of 18 vacant positions.

Department of Business and Professional Regulation

Total Budget of \$154.1 million, which is a 2 percent increase over current year.

- **Electronic Data Tax System** – Provides \$1.2 million to construct a system to allow alcoholic beverage and tobacco taxes to be submitted and audited electronically.
- **Unlicensed Activity** – Provides \$600,000 for increased funding to combat unlicensed activity in real estate and certified public accounting.
- **Visit Florida** – Transfers \$2.5 million in General Revenue from the Division of Hotels & Restaurants to Visit Florida to promote tourism in the state.

Public Service Commission

Total Budget of \$25.0 million, which is a 0.5 percent decrease from the current year.

- **Reductions** – \$198,000 and 3.00 vacant FTE positions.

Department of Lottery

Total Budget of \$167.1 million, which is a 1.5 percent decrease from the current year.

- **Lottery IT Infrastructure** – Provides \$1.3 million for the purchase of IT infrastructure to replace aging IT equipment that has reached end-of-life. In addition, funds are provided for new draw machines.
- **Reductions** – \$1.5 million based on contract savings and estimates for the Terminal Games contract from the Lottery REC forecast.

Employee Salary and Benefit Issues

- **Provides a \$2,000 annual salary increase** to firefighters and direct support staff in the Department of Agriculture and Consumer Services – \$2.4 million GR.
- **Provides a \$10,000 annual salary increase** to crime laboratory analysts, and **an increase to \$72,000, or 10 percent**, for crime laboratory analyst supervisors in the Florida Department of Law Enforcement – \$4.0 million TF.
- **Provides funding for salary increases** for members of the Florida National Guard on full-time military duty in accordance with statute – \$114.5K GR.
- Does **not** increase **employee** state health insurance premiums.
- Increases the **employer** share of the state health insurance premiums – \$55.5 million GR and \$39.6 million TF.
- **Absorption of the health insurance premium 100 percent by the state on an annualized basis equates to an average recurring pay increase of \$945.**

Other Statewide Issues

- **Fully fund the Unfunded Actuarial Liability and Normal Costs** of the Florida Retirement System (FRS) Pension Plan (see chart below).

	UAL and Normal Costs		SBA Admin and Education Assess.		Total	
	GR	TF	GR	TF	GR	TF
Entities Funded by the State						
State	3.6	5.4	0.5	0.5	4.1	5.9
County School Boards	32.1		2.6		34.7	-
State Universities	4.6		0.2		4.8	
State Colleges	2.8		0.2		3.0	-
<i>Total</i>	<i>43.1</i>	<i>5.4</i>	<i>3.5</i>	<i>0.5</i>	<i>46.6</i>	<i>5.9</i>
Other Entities not Funded by the State						
Counties	9.2		1.5		10.7	
Municipalities/Special Districts/Other	3.1		0.3		3.4	
<i>Grand Total</i>	<i>55.4</i>	<i>5.4</i>	<i>5.3</i>	<i>0.5</i>	<i>60.7</i>	<i>5.9</i>

- Provided funds for state match for federally declared disasters – \$23.1 million in GR.

HEALTHCARE

The Health Care Appropriations budget totals \$34.3 billion (\$9.5 billion General Revenue and \$24.8 billion Trust Funds), including funding for 31,773 authorized positions. There is a 4.12 percent increase in total spending and an 8.44 percent increase in General Revenue funds from the FY 2015-16 Appropriation. The budget includes a 1.19 percent reduction in state FTE or a reduction of 384 FTE.

Highlights

- **Medicaid Price Level and Workload Adjustment \$1,075.4M, \$530.4M GR** – Funding for Medicaid caseloads and price level adjustments as agreed upon by the January 2016 Social Service Estimating Conference for an anticipated 4,267,256 Medicaid beneficiaries.
- **Florida Kid Care Enrollment \$8.1M total, \$1.8M GR** – Fully funds the Kid Care program for the 2016-17 fiscal year to serve approximately 193,773 children.
- **Florida Kid Care Coverage for Lawfully Residing Children \$28.8M TF** – Removes the five-year waiting period for lawfully residing children in Florida, which makes those children immediately eligible for health care coverage through Kid Care. Will serve an estimated 17,174 children.
- **Medicaid Physician Supplemental Payments \$204.0M TF** – Funding for a differential fee schedule for payments for services by doctors of medicine and osteopathy as well as other licensed health care practitioners under the supervision of the doctors employed by or under contract with a medical school in Florida. Replacement for funds formerly provided through the Low Income Pool.
- **Medicaid Rate Adjustors for Hospital Inpatient Diagnosis Related Group (DRG) Reimbursement \$173.5M total, \$67.7M GR** – Funding to increase reimbursements to specialty children’s hospitals for neonatal and pediatric services based on the severity level of diagnosis. Policy adjustors also applied for transplant, mental health, and rehabilitation services for Medicaid recipients under age 21.
- **Medicaid Children’s Specialty Hospital Reimbursement \$7.7M GR** – Funding for children’s specialty hospitals to mitigate the loss of Low Income Pool (LIP) funds.
- **Medicaid Charter/Private School Reimbursement \$10.3M total, \$4.0M GR** – Funding to reimburse charter and private schools for school-based services for children under age 21 with specified disabilities who are eligible for both Medicaid and Part B or Part H of the Individuals with Disabilities

Act, the exceptional student education program, or students who have an individualized educational plan.

- **Homeless Mental Health Transition Housing Medicaid Program \$10.3M total, \$4.0M GR** – Funding for services targeting individuals with chronic mental illness. Services provided include home and community-based services, day treatment, partial hospitalization services, psychosocial rehabilitation services, clinic services, as well as housing related services.
- **Critical Pediatric Neonatal Intensive Care Unit (NICU)/Pediatric Intensive Care Unit (PICU) Rate Increases \$7.8M total, \$3.0M GR** – Funding to increase Medicaid reimbursement for NICU and PICU services to medically fragile infants and children.
- **Rate Increase for Intermediate Care Facilities for Developmentally Disabled \$10.3M total, \$4M GR** – Funding to increase reimbursement rates to Intermediate Care Facilities for the Developmentally Disabled providers by 4.1 percent due to eliminating the statutory freeze provision.
- **Rate Increase for Medicaid Private Duty Nursing Services \$7.7M total, \$3.0M GR** – Funding to increase reimbursement rates for Private Duty Nursing Services provided by LPNs.
- **Medicaid Rural Inpatient Hospital Reimbursement Adjustment \$2.4M total, \$0.9M GR** – Nonrecurring funding for reimbursement increase to Lower Keys Medical Center, a sole community hospital in Monroe County.
- **University of Miami Hospital and Clinics \$1.5M GR** – Nonrecurring funding for University of Miami Hospital and Clinics to advance the precision medicine initiative at Sylvester Cancer Center.
- **Shands Teaching Hospital \$1.0M TF** – Restores nonrecurring funding for Shands Teaching Hospital.
- **Florida Medicaid Management and Information System \$8.7M TF** – Nonrecurring funding to continue planning and research activities related to enhancements/development of new Medicaid Management Information System (MMIS) and procurement of new fiscal agent by June 2018.
- **Development of a Medicaid Nursing Home Prospective Payment System \$500,000 TF** – Nonrecurring funding to contract with a consultant to develop a plan to convert the current nursing home cost-based reimbursement system to a prospective payment process.
- **Data Analytics and Detection Services \$4.4M TF** – \$2.9 million in nonrecurring funding for the Advanced Data Analytics and Detection Services, which will detect and deter fraud, waste, and abuse in Medicaid and other public benefit programs within the state. \$1.5 million to continue the analytics and predictive analysis initiative within the child welfare system.
- **Alzheimer’s Disease and Community Care for the Elderly Initiatives \$3.5M GR** – Funding to reduce the wait-list by 133 individuals for Alzheimer’s respite services and 324 individuals for the Community Care for the Elderly program.
- **Program of All-Inclusive Care for the Elderly (PACE) \$10.7M total, \$4.2M GR** – Funding to support the Program of All-Inclusive Care for the Elderly (PACE) by funding 200 additional slots in Palm Beach County, 134 slots in Miami-Dade County, and 60 slots in Pinellas County.
- **Area Agencies on Aging \$1.4M total, \$0.7M GR** – Provides funding for distribution to the 11 Area Agencies on Aging to assist seniors and individuals with disabilities in enrolling in the Statewide Medicaid Managed Care Long Term Care program.
- **Alzheimer’s Disease Community Projects \$701,850 GR** – Provides nonrecurring funding to Alzheimer’s Project, Inc. (\$150,000), Alzheimer’s Community Care, Inc. (\$400,000), Jewish Family and Community Services of Southwest Florida (\$50,000), and Easter Seals of South Florida (\$101,850) to provide services related to Alzheimer’s disease and other related disorders.
- **Local Community Initiatives \$3.5M GR** – Provides nonrecurring funding to City of Hialeah Hot Meals Program (\$1,150,000), Little Havana Meals Program (\$50,000), Ruth and Norman Rales Jewish Family Services (\$75,000), City of Hialeah Gardens Elderly Meals Program (\$215,000), AAA Meals Nassau and Duval County (\$400,000), Community Coalition Hot Meals Program (\$250,000), United

Home Care Assisted Living Facility (\$500,000), Villa Serena (\$50,000), Pasco Elderly Nutrition Kitchen (\$250,000), Easter Seals of South Florida (\$60,037), and Violeta Duenas Senior Center (\$500,000).

- **Public Guardianship \$0.8M GR** – Provides nonrecurring funding for currently unfunded public guardianship services.
- **Medicaid Long Term Care Wait-list Reductions \$8.1M total, \$3.2M GR** – Funding to reduce wait-list clients for the Elderly Long Term Care Waiver. Will serve approximately 502 additional individuals at an annual cost of approximately \$16,200 per slot.
- **Maintenance Adoption Subsidies (MAS) Growth \$6.7M total, \$0.3M GR** – Provides additional funding for an anticipated increase of 3,500 new adoptions.
- **Child Welfare and Family Safety Enhancements \$41.0M total, \$17.2M GR**
 - \$3.1 million for the continued expansion of training activities for the Office of Child Welfare and Office of Court Improvement.
 - \$22.9 million for additional Community Based Care (CBC) core service functions and implementation of the safety management methodology to prevent out-of-home placement.
 - \$5.0 million to fund the risk pool to provide operational security for CBCs.
 - \$3.0 million for the Adoption Incentive Award program.
 - \$2.0 million to expand the Healthy Families program.
 - \$3.3 million for community initiatives providing domestic violence treatment, adoption promotion, and services to sexually exploited youth.
 - \$1.2 million to three sheriffs to address the increased child protective investigation workload.
 - \$500,000 to continue the development of a results-oriented accountability system.
- **Mental Health and Substance Abuse Initiatives \$65.0M total, \$44.2M GR**
 - \$35.5 million for community-based services throughout the state.
 - \$3.8 million for an additional five children and adolescent Community Action Treatment (CAT) teams in Marion, Pasco, Palm Beach, and Okaloosa counties and the rural areas of Columbia, Suwannee, Hamilton, Lafayette, and Dixie counties.
 - \$6.1 million to expand the Criminal Justice, Mental Health and Substance Abuse Matching Grant program throughout the state for an estimated total of 18 grants.
 - \$3.3 million for the creation of five pilot programs creating community forensic multidisciplinary teams that divert individuals from involuntary hospitalization at secure facilities. Teams will serve the following counties: Broward, Duval, Hillsborough, Miami-Dade, and Orange.
 - \$2.8 million to expand Family Intensive Treatment (FIT) teams in six regions. The expansion will serve the following areas: Brevard, Duval, Hillsborough, Manatee, Pinellas, and Seminole counties.
 - \$3.5 million for transition vouchers for individuals to purchase services as they transition from acute, restrictive care to community-based care.
 - \$10.0 million for the Central Receiving Facilities matching grant program.
- **State Mental Health Treatment Facilities \$14.5M total, \$6.8M GR, 80.0 FTE**
 - \$1.1 million to address the increased costs associated with treating medically complex clients
 - \$1.6 million for personal body alarms and surveillance systems in the residential buildings.
 - \$1.5 million for an automated medication dispensing system.
 - \$3.8 million, 43.0 FTE to increase forensic bed capacity to meet the statutory requirement of placing clients within 15 days of commitment.

- \$2.0 million for fixed capital outlay needs.
- \$4.5 million, 37.0 FTE, and 79 OPS to increase safety for residents and staff by reducing the resident to staff ratio. Also, there is \$1.0 million nonrecurring current year back-of-the-bill appropriation to allow DCF to start hiring OPS once the GAA becomes law.
- **Technology Enhancements for Florida Safe Family Network \$6.7M total, \$2.1M GR** – Provides upgrades to align the child welfare information system with the newly-implemented Child Welfare Safety Methodology Practice Model.
- **Homelessness Services \$2.2M total, \$1M GR** – Increased budget authority of \$1.2 million for the Challenge Grant program and \$1.0 million to the homeless coalitions statewide.
- **Enhance Agency Operations to Better Serve Clients \$5.5M total, \$2.7M GR** – Funds critical agency technology needs, client assessment costs, OPS funding to perform site reviews to ensure federal Medicaid compliance, and 30.0 additional agency personnel to serve clients as they are removed from the waitlist and require agency resources to determine proper Waiver services.
- **APD Medicaid Waiver Waiting List \$38.9M total, \$15.2M GR** – Provides additional state funding and associated federal trust fund authority to serve all individuals in Categories 3 and 4, and select individuals in Category 6 on the waitlist for services. Funding is also provided to serve individuals diagnosed with Phelan McDermid Syndrome. Funding is expected to serve 1,350 clients.
- **U.S. Department of Labor Fair Labor Standards Act \$36.9M total, \$14.4M GR** – Provides nonrecurring funding to Medicaid Waiver service providers to implement revised 1:1 ratio service rates due to the expansion of minimum wage requirements.
- **APD Medicaid Provider Rate Increases \$24.8M total, \$9.7M GR** – Provides rate increases for adult day training, personal supports, and residential habilitation service providers.
- **Supported Employment and Internships** – \$0.5 million for supported employment and internship services for up to 175 developmentally disabled clients on the Medicaid waiver waitlist.
- **APD Community Initiatives \$11.6M GR** – Provides for employment assistance services, community based therapeutic services, maintenance and repair of community facilities serving the developmentally disabled, and \$1.3 million for facility enhancements at Rish Park.
- **DOH Cancer Registry Enhancements \$0.7M GR** – Enhances Florida’s Cancer Registry by incorporating laboratory reports into the registry, providing data input training, and providing automated web based data requests.
- **Biomedical Research Funding \$8.1M total, \$3.6M GR** – Provides additional biomedical research funding to the following:
 - \$4.5M TF & \$1.1M GR, \$3.4 Nonrecurring – Sanford-Burnham Medical Research Institute
 - \$0.5M GR Nonrecurring – Torrey Pines Institute for Molecular Studies
 - \$2M GR – Scripps Research Institute – Scripps Florida
- **Alzheimer’s Research \$2M GR** – Provides additional funding for Alzheimer's research grants allocated through the Ed and Ethel Moore Alzheimer's Research Program. Total program funding is \$5 million.
- **Florida Poison Information Centers \$3.7M GR** – Restores nonrecurring funds and provides additional funding to absorb increasing costs of operating and maintaining services, recruitment and support of qualified staff at the three Florida Poison Control Centers.
- **Brain and Spinal Cord Injury Program \$1M total, \$0.4M GR** – Provides funding to expand the Brain & Spinal Cord Injury Program Waiver slots.
- **Mary Brogan Breast and Cervical Cancer Early Detection Program \$1.8M GR** – Provides cancer screenings for medically underserved women between the ages of 50 and 64 with incomes below 200 percent of the federal poverty level. Total program funding is \$2.1 million.
- **Pregnancy Support Services Program \$2M GR** – Provides additional funds to support the Florida Pregnancy Support Services Program’s network of pregnancy centers providing services to women

and their families. Total program funding is \$4 million.

- **Free and Charitable Clinics \$10M GR, \$0.5M NR** – Funding is provided to free and charitable clinics and networks that are not-for-profit, community-based, and faith-based organizations that provide healthcare services at little or no charge to low-income, uninsured, and underserved individuals, while relying heavily on volunteer healthcare professionals and community partnerships. Florida has more than 100 free and charitable clinics and networks.
- **Federally Qualified Health Centers \$9M NR GR** – Nonrecurring funding is provided to community-based organizations that provide comprehensive primary care and preventive care, including health, oral, and mental health/substance abuse services to persons of all ages, regardless of their ability to pay or health insurance status.
- **DOH CMS Safety Net Program \$5M GR** – Provides additional funding through the Children’s Medical Services Program to serve children with special health care needs that do not qualify for Medicaid or Title XXI funding.
- **Statewide Health Community Initiatives \$20.9M GR total, \$18.9M NR** – Provides for community public health initiatives serving Floridians statewide. Includes funding for HIV/Aids research, rural health initiatives, research and primary care.
- **Veteran Workforce Training Grants and Veteran Support Programs \$1.7M GR NR** – Provides for the Workforce Training Grant to target industry businesses for grants of up to \$8,000 per veteran trainee and the Veterans' Entrepreneur Training Grant to create a network of Florida universities to offer entrepreneurial training opportunities to veterans. Additional funding for veteran programs include:
 - \$125K GR – Disabled Veterans Insurance Careers Training Program
 - \$75K GR – Veterans Adaptive Bowling Program
- **New State Veterans’ Nursing Home \$6.8M NR TF** – Provides funding for the next phase of construction of a seventh new skilled nursing home in St. Lucie County.
- **State Veterans’ Nursing Homes - Fixed Capital Outlay \$2M NR TF** – Provides funding for maintenance, repair, and replacement of fixed capital outlay at State Veterans' Homes:
 - \$250,000 – Lake City State Veterans' Home
 - \$200,000 – Daytona Beach State Veterans' Home
 - \$450,000 – Land O' Lakes State Veterans' Home
 - \$190,000 – Pembroke Pines State Veterans' Home
 - \$220,000 – Panama City State Veterans' Home
 - \$490,000 – Port Charlotte State Veterans' Home
 - \$200,000 – St. Augustine State Veterans' Home
- **Fixed Capital Outlay - \$11.5 M, \$0.1M GR** - Provides funding for maintenance and repair of state facilities and community initiatives.
- **Management and Efficiency Reductions \$36.3 M total, \$0.5 M GR** – Eliminates 720 positions. Positions were identified based on the Governor’s recommended workforce review that revealed opportunities to adopt streamlined processes and administrative efficiencies. Agency positions that were not established or utilized were also recommended for reduction.

JUSTICE

The Justice Appropriations budget totals \$4.97 billion (\$4.08 billion General Revenue and \$890 million Trust Funds), including funding for 45,609 positions. There is a \$208 million increase (5.6 percent) over the current year (3.6 percent increase in General Revenue and 14 percent increase in Trust Funds).

Agency Summaries

Department of Corrections

Total Budget of \$2.4 billion, which is a 2.4 percent increase over current year.

- **Additional Correctional Officers** – Provides \$12.2 million in General Revenue for 215 correctional officers statewide to maximize coverage of guard posts and thereby reduce the need for correctional officer overtime and increase officer safety.
- **Health Services** – Provides \$15 million in General Revenue to fund the department's health services gap while the permanent provision of those services is under bid.
- **Fixed Capital Outlay (FCO)** – Provides \$17 million in General Revenue for FCO projects. Last session, \$10 million was appropriated. However, in the previous six years, the department has had minimal funding for FCO and their infrastructure has significantly deteriorated. Funding will allow the department to complete the highest priority FCO projects in the Capital Improvement Plan.
- **Fleet Replacement** – Provides \$2 million in recurring General Revenue funding and \$500,000 in nonrecurring General Revenue for the acquisition of approximately 60 vehicles that exceed DMS disposal criteria including buses, vans and work squad trucks. The Legislature funded \$1.5 million (\$714,000 recurring) in FY 2015-16. Prior to FY 2014-15, the department had not received funding for vehicle replacement since FY 2007-08. The budget also provides \$775,000 in nonrecurring funds to purchase approximately 40 sedans for probation officers. The Legislature funded \$750,000 nonrecurring for sedans in FY 2015-16.

Department of Juvenile Justice

Total Budget of \$545.8 million, which is a 0.2 percent increase from current year.

- **Fixed Capital Outlay (FCO)** – Provides \$6.2 million in General Revenue to fund the department's request for planned infrastructure improvements.
- **Youth to Staff ratio** – Provides \$2 million in General Revenue to improve the youth to staff ratio in non-secure residential commitment programs.
- **Motor Vehicle replacement** – Provides \$500,000 in recurring General Revenue to replace aging vehicles.
- **IT Infrastructure** – Provides \$700,000 in General Revenue to replace outdated and obsolete IT systems.
- **Youth Prevention & Diversion** – Provides \$2.35 million in General Revenue for PACE Center for Girls; \$2.6 million in General Revenue for AMIKids; \$1.5 million to expand Children-In-Need of Services/Families-In-Need of Services (CINS/FINS).

Department of Legal Affairs/Attorney General

Total Budget of \$308.6 million, which is a 35 percent increase over the current year.

- **Criminal Appeals Workload** – Provides \$643,158 in General Revenue and six positions to address increased workload demands in the criminal appeals process. Increasing staff will allow for a timelier processing of appeals.
- **Federal Victims Assistance and Compensation Grants** – Provides 23 FTE and \$95.2 million in federal grant authority to expend the U.S. Department of Justice Victims of Crime Assistance Grants to address domestic abuse, child abuse, sexual assault, and victims of crime.

Florida Department of Law Enforcement

Total Budget of \$293.3 million, which is a 10.8 percent increase over the current year.

- **Use of Force/Use of Force Death Investigative Staff** – Provides \$1.7 million in General Revenue and 14 positions to adequately support the FDLE investigation of all use of force deaths.
- **Pensacola Regional Operations Center** – Provides \$3 million in nonrecurring General Revenue for architectural and engineering design planning for a new Pensacola Regional Operations Center.
- **Fleet Replacement** – Provides \$690,000 in trust funds for the acquisition of approximately 25 sedans and three crime scene vehicles.
- **Sexual Assault Kit Backlog Reduction** – Provides \$2.4 million in General Revenue for contractual services in the FDLE crime lab to expedite testing of untested sexual assault kits that are currently unsubmitted by local law enforcement.

Justice Administration Commission

Total Budget of \$889.7 million, which is a 3.6 percent increase over current year.

- **Guardian ad Litem Staffing** – Provides \$2.5 million in General Revenue and 44 positions to allow the Guardian ad Litem program to provide representation for all out-of-home children in the dependency system and in-home children under the age of 3.
- **Clerks of the Court** – Provides \$11.7 million in General Revenue to reimburse the clerks for jury costs (contingent upon passage of the implementing bill HB 5003).
- **Court Appointed Attorney Due Process Costs** – Provides \$2.9 million in recurring General Revenue to increase the compensation rates for court appointed attorneys.
- **JAC Due Process Costs** – Provides \$4.5 million in current year funding to address current year shortfall. Provides \$1.4 million to increase due process funding in JAC in FY 2016-17.
- **State Attorney Staffing** – Provides \$2.3 million in General Revenue, \$634,480 in trust fund authority, and 42 positions to reduce individual workload in certain State Attorney circuits.
- **Public Defender Staffing** – Provides \$2.2 million in General Revenue, \$1.9 million in trust fund authority, and 56.5 positions to reduce individual workload in certain State Attorney circuits.
- **Capital Collateral Regional Counsels Staffing** – Provides \$352,326 in General Revenue and 4 positions for CCRCs additional caseload.
- **Regional Conflict Counsels Staffing** – Provides \$480,804 in General Revenue and 6 positions for the Regional Conflict Counsels increased workload.

State Court System

Total Budget of \$524 million, which is a 1.3 percent increase from current year.

- **State Court Revenue Trust Fund Shortfall** – Provides \$8.5 million in recurring General Revenue to shift funding from the State Court Revenue (SCR) Trust Fund. The SCR Trust Fund's revenue stream is inadequate to fully fund the appropriated amount. The fund shift will fully fund the department where the SCR trust funds are appropriated. Also provides \$6 million in nonrecurring General Revenue to address current year trust fund shortfall.
- **2nd DCA Lakeland Lease** – Provides \$518,000 in General Revenue to lease office space for employees of the 2nd DCA who currently work in the main courthouse in Lakeland.

- **DMS Study** – Provides \$200,000 in General Revenue for the 2nd DCA managed program analysis by DMS to identify the court’s current and future space needs, and accurately plan and budget for a consolidated courthouse facility in the district.
- **4th DCA Courthouse Completion** – Provides \$7.5 million in General Revenue to complete construction of the 4th DCA Courthouse.
- **3rd DCA Courthouse Remodeling** – Provides \$6.5 million in General Revenue to complete remodeling and to address the facility security issues of the 3rd DCA Courthouse.

Florida Commission on Offender Review

Total Budget of \$9.9 million.

- **IT Support** – Provides a realignment of funds for licensing costs to migrate from Microsoft Exchange to Microsoft Office 365.
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TRANSPORTATION & ECONOMIC DEVELOPMENT

The Transportation & Economic Development Appropriations budget totals \$12.5 billion (\$176.4 million General Revenue and \$12.4 billion Trust Funds), including funding for 13,195 positions.

Highlights

- Safety and citizen protections were prioritized:
 - The budget has largely funded the key aspects of the Dept. of Military Affairs' budget request. This includes \$3 million for Armory renovations and an additional \$3.7 million for various training and support facility needs.
 - It provides \$6.4 million for Highway Patrol pursuit vehicles and \$2.8 million for constructing a new driving range for the FHP Academy.
 - To strengthen the Department of Highway Safety’s measures against cyber threats and other fraudulent activity, \$2.5 million is provided.
 - The budget includes \$2.8 million for fraud detection and prevention activities so the Department of Economic Opportunity may continue their efforts to increase security and prevent fraud in the unemployment system.
- Economic development activities are funded at \$190.9 million.
 - Visit Florida’s budget is increased to \$76 million.
 - Space Florida’s budget is maintained at \$19.5 million.
 - Current year level funding for Enterprise Florida’s export program and the Hispanic Business Initiative program has also been maintained.
- Affordable Housing programs are funded at \$200.1 million. This includes \$64.6 million for the State Apartment Incentive Loan program (SAIL) and \$135.5 million for the State Housing Initiatives Partnership (SHIP). This will also include a \$4 million set-aside for homelessness issues.
- The budget provides full funding for State Aid to Libraries at \$22.3 million and \$3 million for public library construction grants.
- Cumulatively, the budget provides \$66 million for museums, culture and arts activities and historic preservation grants. The following Department of State approved grant lists were funded in their entirety: Cultural General Program Support, Culture Builds Florida, Cultural Endowment Grants, Cultural Facilities, and Historic Preservation Small Matching Grants. This funding represents a 34.6 percent increase over FY 2015-16.
- This budget fully funds the Transportation Work Program at \$9.8 billion.

Agency Summaries

Department of Economic Opportunity

\$1.1 Billion Total Budget

• Community Development Block Grant Program	\$36.5M
• Weatherization Grant Program	\$2M
• Low Income Energy Assistance Grant Program	\$16M
• Community Services and Energy Assistance	\$100M
• Skills Assessment and Training/Ready to Work	\$4.5M
• Quick Response Training	\$12M
• Fully fund Regional Workforce Boards	\$283.4M
• Incumbent Worker Training	\$3M
• Black Business Loan Program	\$2.2M
• Hispanic Business Initiative	\$1.5M
• Space Florida	\$19.5M
• Enterprise Florida	\$23.5M
• Visit Florida	\$76M
• Supplemental Nutrition & Assistance Program	\$12.6M
• FL Housing Finance Corporation	\$200.1M
• SAIL	\$64.6M
• SHIP	\$135.5M

Highway Safety & Motor Vehicles

\$467.3 Million Total Budget

• Provide funding for replacement of FHP pursuit vehicles	\$6.4M
• Motorist Modernization (IT systems modernization)	\$8.7M
• Enterprise Data Infrastructure	\$6.6M
• Advanced Data Analytics and Detection Services	\$1.8M
• Cybersecurity and Threat Monitoring	\$0.7M
• Fixed Capital Outlay major repairs of state owned property	\$5.1M
• Provide funding for additional license plates	\$3.2M
• FHP Academy Driving Range	\$2.8M
• FHP Uniform allowance	\$1.6M

Department of Military Affairs

\$71.9 Million Total Budget

• National Guard Tuition Assistance	\$3.5M
• About Face Program	\$1.25M
• Forward March Program	\$0.75M
• Armory Renovations	\$3M
• Security Enhancements	\$2M

Department of State

\$137 Million Total Budget

• Cultural and Museum funding	\$14.3M
• Cultural Facilities Program	\$19.5M
• Historic Preservation Grants	\$1.8M
• Restoration of Historic Properties	\$17.3M
• Special Elections	\$0.5M
• Advertising Proposed Constitutional Amendments	\$0.5M
• Support for Federal Elections Activities	\$1.0M

- State Aid to Libraries \$22.3M
- Library Construction Grants \$3.0M
- Library Cooperatives \$2.0M

Department of Transportation

\$10.7 Billion Total Budget

Fund 5-Year Work Program

\$9.8B

The bill was approved with specific line item(s) vetoes by the Governor on March 17, 2016, chapter 2016-66, Laws of Florida, and becomes effective July 1, 2016, except as otherwise provided.

HB 5003 (ch. 2016-62, L.O.F.) – Implementing the 2016-2017 General Appropriations Act

By: Appropriations Committee; Corcoran

Tied Bills: None

Companion Bills: SB 2502

Committee(s) of Reference: None

Category: Agriculture, Budget, Corrections, Courts, Environmental Protection, Government Operations, Health, Higher Education and Workforce, Juvenile Justice, Law Enforcement, Natural Resources, Pre-K through 12 Education, Public Employees, Transportation

This bill is commonly referred to as the budget “implementing bill.” The bill provides the statutory authority necessary to implement and execute the General Appropriations Act (GAA) for Fiscal Year 2016-17. The statutory changes are effective for only one year and either expire on July 1, 2017 or revert to the language as it existed before the changes made by the bill.

The bill became law on March 17, 2016, chapter 2016-62, Laws of Florida, and becomes effective July 1, 2016, except as otherwise provided.

HB 5005 (ch. 2016-63, L.O.F.) – State-administered Retirement Systems

By: Appropriations Committee; Corcoran

Tied Bills: None

Companion Bills: SB 7042

Committee(s) of Reference: None

Category: Public Employees, Retirement

HB 5005 adjusts the employer-paid contribution rates for normal costs and unfunded actuarial liability for the Florida Retirement System, based on the July 1, 2015, Actuarial Valuation. The bill also increases the employer contribution for FRS administrative and educational expenses. The bill conforms the law to the 2016-17 General Appropriations Act (GAA) as retirement and administrative and educational contributions are included in the GAA.

The bill became law on March 17, 2016, chapter 2016-63, Laws of Florida, and becomes effective July 1, 2016.

HB 5007 (ch. 2016-64, L.O.F.) – Collective Bargaining

By: Appropriations Committee; Corcoran

Tied Bills: None

Companion Bills: SB 2504

Committee(s) of Reference: None

Category: Public Employees

HB 5007 relating to collective bargaining for state employees, resolves the collective bargaining issues remaining at impasse between the State of Florida and the bargaining representatives for state employees for the 2016-17 fiscal year that were not resolved in the General Appropriations Act or other legislation.

The bill became law on March 17, 2016, chapter 2016-64, Laws of Florida, and becomes effective May 10, 2016.

Agriculture & Natural Resources Appropriations Subcommittee

HB 989 – Implementation of the Water and Land Conservation Constitutional Amendment

By: Harrell; Caldwell and others

Tied Bills: None

Companion Bills: CS/CS/SB 1168

Committee(s) of Reference: Agriculture & Natural Resources Appropriations Subcommittee; Appropriations Committee

Category: Environmental Protection, Natural Resources

The bill amends s. 375.041, F.S., to provide for the distribution of funds deposited into the Land Acquisition Trust Fund. Of the funds remaining after the payment of certain debt service obligations, the Legislature will be required to annually appropriate through the 2025-26 fiscal year: a minimum of the lesser of 25 percent or \$200 million for Everglades projects that implement the Comprehensive Everglades Restoration Plan, including the Central Everglades Planning Project subject to congressional authorization, the Long-Term Plan, and the Northern Everglades and Estuaries Protection Program; a minimum of the lesser of 7.6 percent or \$50 million for springs restoration, protection, and management projects; and \$5 million to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka.

The bill also provides an adjustment to the calculation of each distribution for Everglades restoration, springs restoration, protection and management projects, and Lake Apopka restoration projects if debt service is paid on bonds issued after July 1, 2016.

Finally, the bill repeals the provision, which expires July 1, 2016, paying for the South Florida Water Management District's and the St. Johns River Water Management District's debt service on bonds issued before February 1, 2009.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

Education Appropriations Subcommittee

SB 576 (ch. 2016-32, L.O.F.) – Public Educational Facilities

By: Flores

Tied Bills: None

Companion Bills: CS/HB 341

Committee(s) of Reference: Higher Education; Appropriations Subcommittee on Education; Fiscal Policy

Category: Higher Education and Workforce

The bill expands authority for a Florida College System (FCS) institution to construct dormitories of up to 300 beds (an increase of 200 beds) when the campus is located within a municipality designated as an area of critical state concern and having a comprehensive plan and land development regulations containing a building permit allocation system that limits annual growth. The bill clarifies that state funds and revenues from tuition and fees may not be used for construction, debt service payments, maintenance, or operation of dormitories. Dormitory beds constructed after July 1, 2016, may not be financed through the issuance of bonds. Currently, the only FCS institution located within a municipality designated as an area of critical state concern is Florida Community College in Monroe County.

The bill became law on March 9, 2016, chapter 2016-32, Laws of Florida, and becomes effective July 1, 2016.

HB 585 – Instruction for Homebound and Hospitalized Students

By: Burgess, Jr.

Tied Bills: None

Companion Bills: SB 806

Committee(s) of Reference: Education Appropriations Subcommittee; Education Committee

Category: Pre-K through 12 Education

Current law does not provide minimum requirements for initiating instructional services for homebound or hospitalized students who are determined to be eligible under State Board of Education (board) rule.

Accordingly, the bill provides the board express rulemaking authority regarding instruction for homebound and hospitalized students and clarifies that districts must provide instruction to eligible students in accordance with board rule. The rules must establish, at minimum:

- criteria for eligibility of K-12 homebound or hospitalized students for specially designed instruction;
- procedures for determining student eligibility;
- a list of appropriate methods for providing instruction to homebound or hospitalized students; and
- requirements for initiating instructional services for a homebound or hospitalized student once the student is determined to be eligible.

The bill requires the school district in which a children’s specialty hospital is located to provide educational instruction to an eligible student until it enters into an agreement with the student’s school district of residence.

The bill requires the Department of Education to develop a standard agreement for use by school districts to provide seamless educational instruction to students who transition between school districts while receiving treatment in the children’s specialty hospital.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

SB 672 (ch. 2016-2, L.O.F.) – Educational Options

By: Gaetz

Tied Bills: None

Companion Bills: HB 7011

Committee(s) of Reference: Education Pre-K - 12; Appropriations

Category: Higher Education and Workforce, Pre-K through 12 Education

SB 672 creates the “Florida Postsecondary Comprehensive Transition Program Act” to increase independent living, inclusive and experiential postsecondary education, and employment opportunities for students with intellectual disabilities.

The bill creates the “Students Attired for Education (SAFE) Act” and enumerates the benefits of a standard student attire policy and consequently removes the requirement that school boards individually make such findings.

The 2014 Legislature established the Florida Personal Learning Scholarship Account (PLSA) program to enable parents of students with disabilities to customize their child’s education. Parents can request and receive a scholarship that can be used to purchase a wide range of services. Scholarship accounts are established by eligible nonprofit scholarship funding organizations, and parents are reimbursed for instructional materials, curriculum, and approved services. The bill includes a number of provisions that increase access, strengthen accountability; and streamline administration; including increasing the pool of eligible applicants by expanding the definition of autism to include all students on the autism spectrum disorder, and including students who have muscular dystrophy and 3- and 4-year-olds who are high risk. The bill renames the Florida Personal Learning Scholarship Account Program as the Gardiner Scholarship Program.

The bill appropriates a total of \$95.3 million from General Revenue for the 2016-17 fiscal year. The bill provides \$73.3 million (\$71.2 million for scholarships and \$2.1 million for program administration) for the Personal Learning Scholarship Accounts Program, \$14 million for the Standard Student Attire Incentive Program and \$8 million for the Florida Postsecondary Comprehensive Transition Program (\$1.5 million for the Florida Center for Students with Unique Abilities, \$3 million for start-up grants, and \$3.5 million for scholarships).

The bill became law on January 21, 2016, chapter 2016-2, Laws of Florida, and becomes effective July 1, 2016.

SB 7016 (ch. 2016-34, L.O.F.) – Interstate Compact on Educational Opportunity for Military Children

By: Military and Veterans Affairs, Space, and Domestic Security

Tied Bills: None

Companion Bills: HB 1171

Committee(s) of Reference: Education Pre-K - 12; Fiscal Policy

Category: Military, Pre-K through 12 Education

SB 7016 reenacts the Interstate Compact on Educational Opportunity for Military Children (compact). The purpose of the compact is to enable member states to uniformly address educational transition issues faced by military families. The compact governs member states in several areas, including school placement, enrollment, records transfer, and graduation for children of active duty military families. All 50 states and the District of Columbia are compact members.

The compact establishes an Interstate Commission on Educational Opportunity for Military Children (commission) to provide national level oversight of the compact. The commission is comprised of one voting representative, or Compact Commissioner, from each member state. Among other things, the commission may adopt and enforce compact rules that govern member states in the areas addressed by the compact. Compact rules supersede conflicting member state laws to the extent necessary to accomplish the purposes of the compact.

Since enactment in 2008, Florida’s compact legislation has included a repeal provision that requires automatic repeal of the compact after a period of time, unless reauthorized by the Legislature. Because compact membership entails an agreement to be bound by rules promulgated by a non-legislative entity, i.e., the commission, the repeal provision allows the Legislature to periodically review compact rules and determine whether it agrees with any new rules or rule amendments adopted during the period. The Legislature last reauthorized the compact in 2013 and provided for repeal of the compact on April 11, 2016.

The bill reauthorizes Florida’s compact legislation and adds a new automatic repeal provision, effective three years after the bill becomes law. The bill also specifies that compact dues are to be paid from existing resources within the Department of Education.

The bill became law on March 9, 2016, chapter 2016-34, Laws of Florida, and becomes effective April 9, 2016.

Government Operations Appropriations Subcommittee

SB 7076 – Legislature

By: Ethics and Elections

Tied Bills: None

Companion Bills: HB 7103

Committee(s) of Reference: Rules

Category: Government Operations

The bill requires the 2018 Regular Session of the Legislature to convene on January 9, 2018.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

Health Care Appropriations Subcommittee

HB 5101 (ch. 2016-65, L.O.F) – Health Care Services

By: Health Care Appropriations Subcommittee; Hudson

Tied Bills: None

Companion Bills: SB 2508

Committee(s) of Reference: Appropriations Committee

Category: Budget, Health, Health Care Facilities, Mental Health, Social Services

HB 5101 conforms to the 2016-17 General Appropriations Act. The bill amends:

- s. 322.142, F.S., to authorize, effective upon the bill becoming law, the Department of Highway Safety and Motor Vehicles to allow the Agency for Health Care Administration (AHCA), via interagency agreement, to access photographic images of driver licenses for the purpose of preventing health care fraud;
- s. 409.9128, F.S., to provide that reimbursement for emergency services provided to an enrollee of a Medicaid managed care plan by a provider that is not under contract with the managed care plan must be the lesser of specified amounts, including the Medicaid rate as provided in s. 409.967(2)(b), F.S.;
- s. 395.602, F.S., to provide that a hospital classified as a sole community hospital that has up to 175 licensed beds is included in the definition of “rural hospital”;
- s. 409.285, F.S., to transfer from the Department of Children and Families to AHCA responsibility for conducting Medicaid fair hearings related to Medicaid programs administered by AHCA, by March 1, 2017;
- definitions under s. 409.811, F.S., to permit certain non-citizen children to receive federal financial premium assistance under Medicaid or the Children’s Health Insurance Program (CHIP);
- s. 409.814, F.S., to replace a reference to “qualified alien” with a reference to “lawfully residing child” when referring to children who are not eligible for Title XXI funded premium assistance;
- s. 409.904, F.S., to provide that a child younger than 19 years of age who is a lawfully residing child, as defined in s. 409.811, F.S., is eligible for Medicaid under s. 409.903, F.S.;
- s. 409.905(5), F.S., to delete the requirement for AHCA to limit payment for hospital emergency department visits for non-pregnant Medicaid recipients 21 years of age or older to six visits per fiscal year;
- s. 409.905(6), F.S., effective July 1, 2017, to require AHCA to implement a prospective payment methodology for hospital outpatient reimbursement;
- s. 409.906, F.S., to require AHCA to seek federal approval to pay for flexible services for persons with severe mental illness or substance abuse disorders, including, but not limited to, temporary housing assistance;
- s. 393.063, F.S., to add Down syndrome and Phelan-McDermid syndrome to the list of disorders that define “developmental disability;”
- s. 393.065, F.S., to revise the parameters used by the Agency for Persons with Disabilities (APD) to assign priority to clients waiting for services from the developmental disability waiver;

- s. 393.0662, F.S., which adds a significant need for transportation services relating to adult day training or employment services to the list of needs in current law for which APD may authorize an increase in iBudget funding if the need cannot be accommodated within previously approved funding, under specified parameters;
- s. 409.907, F.S., to authorize AHCA to certify that a Medicaid provider is out of business and that any overpayments made to the provider cannot be collected under state law;
- s. 409.908, F.S., to add Class III psychiatric hospitals to the current list of facilities for which AHCA is authorized to establish an alternative reimbursement methodology to the DRG-based prospective payment system otherwise required under state law, and also provides that, effective July 1, 2017, AHCA is required to reimburse ambulatory surgical centers with a prospective payment system, thereby replacing the current cost-based reimbursement methodology on that date;
- s. 409.909, F.S., relating to the Statewide Medicaid Residency Program (SMRP), to add psychiatry to the current list of primary care specialties, to provide that federally-qualified health centers are qualifying institutions for the purpose of receiving funds for residency slots through the SMRP, to require hospitals applying for the start-up bonus to submit to AHCA certain validations of new resident positions by certain time frames, and to revise the definition of “Medicaid payments,” effective July 1, 2017, to conform to the transition to a prospective payment system for hospital outpatient reimbursement on that date;
- s. 409.967(2), F.S., to clarify payments required of a managed care plan within the Statewide Medicaid Managed Care program to a non-contracted provider that has rendered emergency services to a member of the managed care plan;
- s. 409.968, F.S., to require AHCA to establish a payment methodology to fund managed care plans within Statewide Medicaid Managed Care for flexible services for persons with severe mental illness and substance abuse disorders, including, but not limited to, temporary housing assistance;
- s. 409.975, F.S., to clarify the term “essential provider” and deletes the provision in s. 409.975(6), F.S., which requires that for rates, methods, and terms of payment negotiated after a Statewide Medicaid Managed Care contract between AHCA and a managed care plan has been executed, the managed care plan must pay hospitals within its provider networks, at a minimum, the rate that AHCA would have paid on the first day of the contract between the provider and the plan;
- s. 641.513, F.S., to provide that, as part of the Florida Insurance Code, the amount of reimbursement paid by a health maintenance organization (HMO) to a non-contracted provider for emergency services provided to a member of the HMO who is a Medicaid recipient, will be determined under ch. 409, F.S. and also provides that the amount of reimbursement for emergency services provided to subscribers, who are enrolled in an HMO pursuant to the Florida Healthy Kids program by a provider for whom no contract exists between the provider and the HMO, will be the lesser of specified amounts, including the Medicaid rate.
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The bill creates s. 409.9072, F.S., to authorize AHCA to reimburse private schools and charter schools for providing Medicaid school-based services identical to those offered under the Medicaid certified school match program and under the same eligibility criteria as children eligible for services under that program.

The bill requires AHCA to contract with a current Program of All-inclusive Care for the Elderly (PACE) organization in Southeast Florida to serve frail elders who reside in Broward County or Miami-Dade

County, and authorizes new PACE sites to serve frail elders residing in Escambia, Clay, Duval, St. Johns, Baker, Nassau, Lake, and Hillsborough counties.

The bill became law on March 17, 2016, chapter 2016-65, Laws of Florida, and becomes effective July 1, 2016.

HB 5103 (ch. 2016-25, L.O.F.) – Alzheimer's Disease Research

By: Health Care Appropriations Subcommittee; Hudson

Tied Bills: None

Companion Bills: SB 2510

Committee(s) of Reference: Appropriations Committee

Category: Budget, Health

The bill amends s. 381.82, F.S., allowing the Ed & Ethel Moore Alzheimer's Disease Research Program to carry forward general revenue appropriations up to five years after an appropriation's effective date, if the funds are obligated by June 30 of the year the funds were appropriated.

The bill became law on March 8, 2016, chapter 2016-25, Laws of Florida, and becomes effective July 1, 2016.

HB 7091 (ch. 2016-29, L.O.F.) – Trust Funds/Termination & Administration/Working Capital Trust Fund/DCF & Operations and Maintenance Trust Fund/DOH

By: Health Care Appropriations Subcommittee; Hudson

Tied Bills: None

Companion Bills: SB 7060

Committee(s) of Reference: None

Category: Budget, Health, Social Services

HB 7091 terminates the Operations and Maintenance Trust Fund within the Department of Health (DOH) and the Working Capital Trust Fund within the Department of Children and Families. The bill also eliminates statutory references to the Nursing Student Loan Forgiveness Trust Fund as it existed under DOH, as the fund is now housed within the Department of Education, pursuant to ch. 2012-184, L.O.F.

The bill became law on March 8, 2016, chapter 2016-29, L.O.F., and becomes effective July 1, 2016.

Justice Appropriations Subcommittee

CS/SB 1322 (ch. 2016-152, L.O.F.) – Juvenile Detention Costs

By: Appropriations; Latvala

Tied Bills: None

Companion Bills: HB 1279

Committee(s) of Reference: Appropriations Subcommittee on Criminal and Civil Justice;

Appropriations; Rules

Category: Juvenile Justice

CS/SB 1322 creates s. 985.6865 F.S., which requires all non-fiscally constrained counties that have filed a notice of voluntary dismissal of all actions against the state or any state agency and/or executed a release and waiver of any existing future claims and actions related to juvenile detention costs to pay its annual percentage share of \$42.5 million in 12 equal payments on the first day of each month in FY 2016-17, and 50 percent of shared detention costs in FY 2017-18 and thereafter. The bill requires the Department of Juvenile Justice (DJJ) to calculate the annual percentage share of each county. The bill appropriates \$7.3 million in recurring general revenue and \$3.5 million in nonrecurring general revenue funds to the DJJ for the purpose of implementing the provisions in the bill.

The bill became law on March 29, 2016, chapter 2016-152, Laws of Florida, and became effective upon that date.

Transportation & Economic Development Appropriations Subcommittee

The Transportation & Economic Development Appropriations Subcommittee was not first reference on any bill that passed both houses of the Legislature.

HOUSE OF REPRESENTATIVES
Economic Affairs Committee
Representative Jose R. Oliva, Chair
Representative MaryLynn “ML” Magar, Vice Chair

2016 SUMMARY OF PASSED LEGISLATION



Economic Development & Tourism Subcommittee

Representative Frank Artiles, Chair
Representative Mike La Rosa, Vice Chair

Highway & Waterway Safety Subcommittee

Representative W. Gregory “Greg” Steube, Chair
Representative Holly Raschein, Vice Chair

Transportation & Ports Subcommittee

Representative Patrick Joseph Rooney, Jr., Chair
Representative David Santiago, Vice Chair

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The Economic Affairs Committee was not first reference on any bill that passed both houses of the Legislature.

Economic Development & Tourism Subcommittee

CS/SB 310 (ch. 2016-41, L.O.F.) – National Statuary Hall

By: Fiscal Policy; Legg

Tied Bills: None

Companion Bills: CS/CS/CS/HB 141

Committee(s) of Reference: Governmental Oversight and Accountability; Fiscal Policy; Rules

Category: Economic Development, Government Operations

Federal law permits each state to provide and furnish the United States Capitol with two statues, in marble or bronze, of deceased persons who were prominent citizens of the state for placement in the National Statuary Hall. Florida provided the statue of Dr. John Gorrie in 1914. Dr. Gorrie, a physician, scientist, inventor, and humanitarian is credited with the invention of refrigeration and air-conditioning. Florida provided the statue of General Edmund Kirby Smith in 1922. General Smith was a soldier and educator, originally from St. Augustine, Florida.

The bill directs the Great Floridians Program (GFP) within the Department of State (DOS) to select three prominent Florida citizens for consideration to be commemorated in the National Statuary Hall Collection. The GFP must submit its three recommendations to the Legislature by January 1, 2017. From the GFP recommendations, the Legislature must select a Florida citizen to replace General Edmund Kirby Smith's statue in the National Statuary Hall.

The Florida Council on Arts and Culture is required to select a sculptor to design the replacement statue. The Council and DOS must estimate the costs to:

- design, construct, transport, and place the new statue;
- remove and transport the current statue; and
- conduct an unveiling ceremony for the new statue.

The Florida Council on Arts and Culture has the authority to raise funds from private sources to fund the costs associated replacing the statue. The funds raised must be placed in the Grants and Donations Trust Fund of DOS and may be used only for the limited purposes associated with replacing the statue.

Based upon these recommendations and findings, DOS must submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives by January 1, 2017.

After the selection is made, the Legislature must request, by memorial, that the United States Joint Committee on the Library of Congress (Library of Congress) replace the statue of General Edmund Kirby Smith. Upon the adoption of the memorial and the approval of the Governor in writing, the memorial must be submitted to the Library of Congress for consideration.

The bill became law on March 10, 2016, chapter 2016-41, Laws of Florida, and became effective upon that date.

CS/HB 627 (ch. 2016-131, L.O.F.) – Community Contribution Tax Credits

By: Economic Development & Tourism Subcommittee; Moraitis, Jr.

Tied Bills: None

Companion Bills: CS/CS/SB 868

Committee(s) of Reference: Economic Development & Tourism Subcommittee; Finance & Tax Committee; Economic Affairs Committee

Category: Economic Development, Local Government, Taxes

The Florida Legislature created the Community Contribution Tax Credit Program (CCTCP) to encourage private sector participation in community revitalization and housing projects. The CCTCP offers a corporate income tax credit, an insurance premium tax credit, or a refund against sales tax to businesses or persons (donor) that contribute to eligible projects undertaken by approved CCTCP sponsors. The credit or refund is calculated as 50 percent of the donor's annual contribution, but a donor may not receive more than \$200,000 in credits or refunds in any one year.

Eligible CCTCP sponsors under the program include a wide variety of community development organizations, housing organizations, and units of state and local government. Eligible projects are certain undertakings by eligible sponsors designed to construct or improve affordable housing, provide housing opportunities for persons with special needs, provide commercial, industrial, or public resources and facilities, or improve job-development opportunities for low-income persons. Contributions to eligible sponsor projects may only be in cash or other liquid assets, real property, goods or inventory, or other physical resources as identified by the Department of Economic Opportunity.

The bill provides that the donation of "real property" in the CCTCP includes the transfer of "100 percent ownership of a real property holding company." The bill defines "real property holding company" to mean a Florida entity, such as a Florida limited liability company, that must meet four requirements:

- It is wholly owned by the donor
- It is the sole owner of the real property
- It is a disregarded entity for federal income tax purposes
- At the time of contribution to an eligible sponsor, it has no material assets other than the real property and any other property that qualifies as a community contribution

The bill became law on March 25, 2016, chapter 2016-131, Laws of Florida, and becomes effective on July 1, 2016.

CS/CS/CS/HB 1133 (ch. 2016-99, L.O.F.) – Applicability of Revenue Laws to Out-of-state Businesses During Disaster-Response Periods

By: Economic Affairs Committee; Finance & Tax Committee; Economic Development & Tourism Subcommittee; Young

Tied Bills: None

Companion Bills: CS/CS/CS/SB 1262

Committee(s) of Reference: Economic Development & Tourism Subcommittee; Finance & Tax Committee; Economic Affairs Committee

Category: Business and Professional Regulation, Emergency Management, Taxes, Utilities and Communications

The bill provides that out-of-state businesses are not considered to have established a level of presence that would require a business to register, file, and remit state or local taxes or fees, or be subject to any registration, licensing, or filing requirements, when the out-of-state businesses are:

- conducting operations within the state solely to perform disaster-related work or emergency-related work during a disaster-response period; or
- in the state pursuant to a mutual aid agreement.

The bill defines terms, and lists the following taxes for which out-of-state businesses are not subject to registration, filing or remittance requirements:

- Reemployment assistance taxes
- State or local professional or occupational licensing requirements or related fees
- Local business taxes
- Taxes on the operation of commercial motor vehicles
- Corporate income tax
- Tangible personal property tax and use tax on equipment that an out-of-state business brings into the state, uses for emergency-related work during the disaster-response period, and then removes

The bill provides that an out-of-state business or out-of-state employee remaining in the state after the disaster-response period is not entitled to the privileges provided in this act and is subject to the state's normal standards for establishing presence or residency or doing business in the state.

The bill became law on March 24, 2016, chapter 2016-99, Laws of Florida, and became effective upon that date.

CS/SB 1288 – Emergency Management

By: Military and Veterans Affairs, Space, and Domestic Security; Richter

Tied Bills: None

Companion Bills: HB 1169

Committee(s) of Reference: Military and Veterans Affairs, Space, and Domestic Security; Community Affairs; Rules

Category: Emergency Management, Local Government

The bill provides clarification to the process utilized by The Division of Emergency Management (DEM), to effectively mobilize resources and conduct activities to guide and support emergency management efforts.

The bill also:

- clarifies the definition of the term “activate” as “the execution and implementation of the necessary plans and activities required to mitigate, respond to, or recover from a potential or actual state of emergency or disaster declared pursuant to this chapter and the state comprehensive emergency management plan which specifies levels of activation;”
- directs DEM to establish a statewide system to facilitate the transportation and distribution of essentials throughout the state during times of emergency. The term “essentials” means any goods that are consumed or used as a direct result of an emergency or that are consumed or used to preserve, protect, or sustain life, health, safety, or economic well-being;
- requires DEM to develop a system to certify persons, both before and after a declaration of emergency, who transport or distribute essentials in commerce, and DEM may certify only a person who routinely transports or distributes essentials;
- directs DEM to create an easily recognizable indicium of certification to assist local officials’ efforts in determining who has access to an area. Each certification may last no longer than one year, but may be renewed so long as criteria for certification continue to be met;
- permits that persons certified by DEM are not required to obtain any additional certifications or meet any other requirements to transport essentials; and
- states that law enforcement officers are not prohibited from specifying the permissible route of ingress or egress of certified individuals.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

CS/CS/HB 1361 (ch. 2016-148, L.O.F.) – Growth Management

By: Economic Affairs Committee; Local Government Affairs Subcommittee; La Rosa

Tied Bills: None

Companion Bills: CS/CS/SB 1190

Committee(s) of Reference: Economic Development & Tourism Subcommittee; Local Government Affairs Subcommittee; Economic Affairs Committee

Category: Government in the Sunshine, Government Operations, Local Government, Military

The bill alters various provisions of state law related to growth management as follows:

- Provides that recommended orders submitted to the Department of Economic Opportunity (DEO) by an administrative law judge regarding a challenged comprehensive plan amendment become final within certain time periods without agency action or an agreement to extend the time
 - Authorizes developments of regional impact (DRI) to reduce height, density, or intensity without losing vested rights
 - Specifies that a proposed development that would otherwise require DRI review must follow the state coordinated review process if the development necessitates an amendment to the comprehensive plan
 - Allows a developer, DEO, and local government to amend their agreement that a development is “essentially built-out” without a notification of proposed change necessary for a substantial deviation
 - Provides that a development may be determined to be “essentially built-out” irrespective of whether required annual or biennial reports have been submitted
 - Provides that certain unbuilt land uses specified in an agreement establishing that a development is “essentially built-out,” may be substituted for another land use
 - Provides that phase date extensions are not substantial deviations under certain circumstances
 - Provides that previously developed lands acquired for development as part of an existing DRI are not subject to aggregation under certain circumstances
 - Authorizes DRIs to rescind their DRI development order
- Decreases the minimum required acreage of sector plans from 15,000 acres to 5,000 acres
- Authorizes enclaves up to 110 acres in size to be annexed on an expedited basis
- Provides that comprehensive plan amendments and modifications to land development regulations within the Apalachicola Bay Area of Critical State Concern do not require approval from the Administration Commission
- Authorizes the governing body of a county to hold joint meetings with the governing body or bodies of one or more adjacent counties or municipalities to discuss matters of mutual interest
- Provides that a representative of a military installation is not required to file a statement of financial interest solely due to his or her service on a local land planning or zoning board

The bill became law on March 25, 2016, chapter 2016-148, Laws of Florida, and becomes effective July 1, 2016.

CS/SB 1534 – Housing Assistance

By: Appropriations; Simmons

Tied Bills: None

Companion Bills: CS/CS/HB 1235

Committee(s) of Reference: Community Affairs; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

Category: Local Government, Social Services

The bill makes numerous changes to the operations of the Florida Housing Finance Corporation (FHFC), and laws related to housing assistance, including housing for individuals and families who are homeless. The bill:

- amends the State Apartment Incentive Loan (SAIL) Program to better align funding with projected demand for affordable housing, and requires rent controls on rental units financed through the SAIL program based on applicable income;
- amends provisions relating to the State Office on Homelessness and the Challenge Grant Program that provides grants to lead agencies of homeless assistance continuums of care;
- expresses legislative intent to encourage homeless continuums of care to adopt the Rapid ReHousing approach to preventing homelessness and requires Rapid ReHousing to be added to the components of a continuum of care plan;
 - amends several aspects of the State Housing Initiatives Partnership (SHIP) Programs related to distributions for ongoing rent subsidies, monitoring requirements when SHIP funds are used for rental housing developments, the composition of local Affordable Housing Advisory Committees, the review of local housing assistance plans, requirements for local governments to use program distributions to serve persons with special needs, and regional partnerships between local governments to pool appropriated funds to address homeless housing needs;
 - authorizes the FHFC to forgive indebtedness for SAIL loans for small properties serving homeless persons in certain underserved counties or rural areas, make loans exceeding 25 percent of the cost for those projects, and implement bans on developers for any length of time for misrepresentations or fraud related to a program application;
- requires the FHFC to reserve a minimum of five percent of the annual appropriation from the State Housing Trust Fund for housing projects that serve persons with a disabling condition, with first priority given to projects serving persons with a developmental disability;
- expresses legislative intent to encourage the state entity that administers funds from the National Housing Trust Fund to propose an allocation plan that includes strategies to reduce homelessness and the risk of homelessness in Florida; and
- makes several changes to laws that place requirements, exemptions, and prohibitions on housing authorities.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/SB 7040 – Workforce Development

By: Fiscal Policy; Commerce and Tourism

Tied Bills: None

Companion Bills: CS/HB 7065

Committee(s) of Reference: Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Fiscal Policy

Category: Federal Government, Higher Education and Workforce

The bill modifies Florida's workforce development system to begin the process of the state's implementation of the federal Workforce Innovation and Opportunity Act (WIOA). Specifically, the bill:

- replaces the name of the previous federal law, the Workforce Investment Act of 1998 (WIA), with that of the current law, WIOA, and amends other references and nomenclature throughout the Florida Statutes to reflect the terminology and workforce assistance structure contemplated by WIOA;
- specifies that the Incumbent Worker Training Program administration should comply with WIOA;
- changes the state five-year plan requirement under WIA to a new four-year state plan (to implement WIOA) and amends the process for creating and amending the plan;
- requires a memorandum of understanding (MOU) between CareerSource Florida, Inc. (CareerSource), and the Department of Education (DOE) to ensure requirements of WIOA are met in compliance with the state plan;
- requires local workforce development boards to enter into an MOU with each mandatory or optional partner that participates in the one-stop delivery system, which details the partner's required contribution to infrastructure costs as required in WIOA;
- requires the Department of Economic Opportunity to consult with DOE on the preparation of the "economic security report of employment and earning outcomes" for degrees or certificates earned at public postsecondary educational institutions;
- expands the CareerSource Board to include representation from Enterprise Florida, Inc., the Division of Career and Adult Education of DOE, and other entities as determined necessary;
- uses "performance accountability measures" established by contract between CareerSource and core program partners to assess performance of the state's workforce system strategy;
- aligns the requirements of local workforce development board membership and structure to the requirements of WIOA and provides that CareerSource may waive certain local workforce board membership requirements under certain circumstances; and
- provides that certain employment protections currently available to members of the Florida National Guard are to also apply to members of the National Guard of any state.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

Highway & Waterway Safety Subcommittee

SB 88 – Gold Star License Plates

By: Simpson and others

Tied Bills: None

Companion Bills: HB 435

Committee(s) of Reference: Transportation; Military and Veterans Affairs, Space, and Domestic Security; Fiscal Policy

Category: Military, Motorists

The bill expands the list of individuals who qualify for issuance of a Gold Star license plate to include the following family members of a fallen service member upon payment of the appropriate license tax and fees:

Parent through adoption	Child	Brother/Sister
Foster parent	Stepchild	Half-brother
Grandparent	Adopted child	Half-sister

Additionally, the bill removes the requirement that the stepparent must be currently married to the mother or father of the fallen service member.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

CS/SB 158 (ch. 2016-4, L.O.F.) – Identification Cards and Driver Licenses

By: Transportation; Hutson and others

Tied Bills: None

Companion Bills: CS/HB 83

Committee(s) of Reference: Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

Category: Motorists

The bill provides for the Department of Highway Safety and Motor Vehicles (DHSMV) to include a symbol or symbols on the identification card or driver license of an applicant who presents proof of holding one or more of the below lifetime licenses or cards issued by the Florida Fish and Wildlife Conservation Commission:

- Lifetime freshwater fishing license
- Lifetime saltwater fishing license
- Lifetime hunting license
- Lifetime sportsman license
- Lifetime boater safety education card

The DHSMV is authorized to collect an additional \$1 fee to add the lifetime licensee or cardholder status when issuing an original identification card or driver license. The replacement fee of \$25 will be waived with payment of a \$2 fee for individuals who surrender and replace his or her identification card or driver license before its expiration date for the sole purpose of including the status as a lifetime licensee or card holder. These changes will apply upon implementation of new designs for the identification card and driver license by DHSMV.

The bill became law on February 24, 2016, chapter 2016-4, Laws of Florida, and becomes effective July 1, 2016.

SB 222 (ch. 2016-39, L.O.F.) – Parking for Disabled Veterans

By: Detert

Tied Bills: None

Companion Bills: HB 235

Committee(s) of Reference: Transportation; Community Affairs; Fiscal Policy

Category: Military, Motorists

The bill clarifies that the exemption for a state, county, municipality, or any agency thereof to not charge a parking fee only applies when the vehicle is transporting the person who has a disability and to whom the disabled parking permit or disabled license plate was issued.

The bill provides that the governing body of each publicly owned or publicly operated airport must grant free parking to a vehicle displaying a:

- disabled Veteran license plate;
- disabled Veteran license plate stamped with the international wheelchair symbol; or
- Paralyzed Veterans of America license plate.

The bill also adds vehicles displaying the Disabled Veteran license plate stamped with the international wheelchair symbol or the Paralyzed Veterans of America license plate to the list of vehicles that may not be charged for parking by a county, municipality, or any agency thereof, in a facility or lot that provides timed parking spaces outside certain conditions.

The bill became law on March 10, 2016, chapter 2016-39, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/HB 427 (ch. 2016-126, L.O.F.) – Recreational Vessel Registration

By: Transportation & Economic Development Appropriations Subcommittee; Highway & Waterway Safety Subcommittee; Magar and others

Tied Bills: None

Companion Bills: CS/SB 746

Committee(s) of Reference: Highway & Waterway Safety Subcommittee; Transportation & Economic Development Appropriations Subcommittee

Category: Safety

The bill reduces state vessel registration fees for recreational vessels equipped with an emergency position indicating radio beacon, or for recreational vessels where the owner owns a Personal Locator Beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration for the owner to qualify for the reduced registration fee. A person who owns a personal locator beacon and more than one recreational vessel qualifies to pay the reduced fee for only one of their vessels. The reduced registration certificate fees provided in the bill apply to applicable vessels registered in Fiscal Year 2016-17, between July 1, 2016, and June 30, 2017, only.

The bill became law on March 25, 2016, chapter 2016-126, Laws of Florida, and becomes effective on July 1, 2016.

CS/HB 703 (ch. 2016-134, L.O.F.) – Vessels

By: Highway & Waterway Safety Subcommittee; Workman and others

Tied Bills: None

Companion Bills: CS/CS/SB 1454

Committee(s) of Reference: Highway & Waterway Safety Subcommittee; Economic Affairs Committee

Category: Law Enforcement, Safety

The bill revises the offense of careless operation of a vessel to pertain to operating a vessel so as not to endanger the life, limb, or property of another person outside the vessel or endanger the life, limb, or property of another person due to vessel overloading or excessive speed. A person in violation commits a noncriminal violation.

The bill also provides that the operator of a vessel, upon demonstrated compliance with safety equipment carriage and use requirements during a safety inspection initiated by a law enforcement officer, shall be issued a safety inspection decal signifying such compliance. The safety inspection decal, if displayed, must be located within six inches of the inspected vessel's properly displayed vessel registration decal and shall signify that the vessel has met the safety equipment carriage and use requirements at the time and location of the inspection. For non-motorized vessels that are not required to be registered, the safety inspection decal, if displayed, must be located on the forward half of the port side of the vessel above the waterline.

The bill further provides that law enforcement officers may not stop a vessel solely to inspect safety equipment carriage requirements when the vessel properly displays a valid safety inspection decal, created or approved by the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, except when there is reasonable suspicion that a violation of a safety equipment carriage or use requirements has occurred or is occurring. Nothing in this bill is intended to restrict vessel stops for any other lawful purpose.

The bill became law on March 25, 2016, chapter 2016-134, Laws of Florida, and becomes effective July 1, 2016.

CS/SB 846 – Divers-down Warning Devices

By: Environmental Preservation and Conservation; Abruzzo

Tied Bills: None

Companion Bills: CS/HB 681

Committee(s) of Reference: Environmental Preservation and Conservation; Commerce and Tourism; Rules

Category: Safety

The bill revises definitions and requirements for the use and display of “divers-down buoy”, “divers-down flag”, and “divers-down symbol” and creates a new term of “divers-down warning device”.

The term “divers-down warning device,” is defined as a divers-down flag, buoy, or other similar warning device that:

- contains a divers-down symbol that is at least 12 inches by 12 inches in dimension when displayed from the water or at least 20 inches by 24 inches in dimension when displayed from a vessel;
- is designed for, and used by, divers and dive vessels as a means to notify nearby boaters of the presence of a diver in the waters of the immediate area; and
- is prominently visible when in use.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

CS/SB 1046 (ch. 2016-115, L.O.F.) – Farm Vehicles

By: Transportation; Hutson

Tied Bills: None

Companion Bills: CS/HB 411

Committee(s) of Reference: Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Fiscal Policy

Category: Agriculture, Motorists, Transportation

Current state and federal law contain requirements relating to interstate and intrastate operation of commercial motor vehicles (CMVs). Both federal and state law also contain a number of exemptions specifically applied to agricultural-related CMV operation. The federal Moving Ahead for Progress in the 21st Century Act (MAP-21) exempts “covered farm vehicles” and their drivers from specified federal regulations. These exemptions are not currently authorized in state law.

The bill exempts “covered farm vehicles,” under specified conditions, from federal regulations relating to controlled substances and alcohol use and testing; commercial driver licenses; physical qualifications and examinations; hours of service of drivers; and vehicle inspection, repair, and maintenance. These exemptions were authorized in MAP-21 in June 2012, but are not included in state law.

The bill became law on March 25, 2016, chapter 2016-115, Laws of Florida, and becomes effective July 1, 2016.

HB 7025 (ch. 2016-108, L.O.F.) – At-risk Vessels

By: Highway & Waterway Safety Subcommittee; Raschein

Tied Bills: None

Companion Bills: SB 1300

Committee(s) of Reference: Agriculture & Natural Resources Appropriations Subcommittee; Economic Affairs Committee

Category: Natural Resources

The bill provides the following regulations for vessels that are at risk of becoming derelict on the waters of this state:

- Prohibits a vessel that is at risk of becoming derelict to anchor on, moor on, or occupy the waters of this state
- Authorizes an officer of the Fish and Wildlife Conservation Commission (FWCC) or other law enforcement agency to determine that a vessel is at risk of becoming a derelict vessel if any of the following conditions exist:
 - The vessel is taking on or has taken on water without an effective means to dewater
 - Spaces on the vessel designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time

- The vessel has broken loose or is in danger of breaking loose from its anchor
- The vessel is left or stored aground unattended in such a state that would prevent the vessel from getting underway, is listing due to water intrusion, or is sunk or partially sunk
- Provides that a person who anchors or moors a vessel at risk of becoming derelict on the waters of this state or allows such a vessel to occupy the waters of this state commits a noncriminal infraction for which civil penalties may be assessed
- Provides that a civil penalty for a violation of a vessel at risk of becoming derelict is in addition to other penalties provided by law
- Provides that the bill would not apply to a vessel moored to a private dock or wet slip with the consent of the owner for the purpose of receiving repairs
- Provides that a uniform boating citation may be mailed to the registered owner of an unattended vessel that is at risk of becoming derelict that is anchored, aground, or moored on the waters of this state
- Provides the following civil penalties for a violation of vessel laws relating to a vessel that is at risk of becoming derelict on waters of this state:
 - For a first offense, \$50
 - For a second offense occurring 30 days or more after a first offense, \$100
 - For a third or subsequent offense occurring 30 days or more after a previous offense, \$250

The bill became law on March 24, 2016, chapter 2016-108, Laws of Florida, and becomes effective July 1, 2016.

Transportation & Ports Subcommittee

CS/CS/SB 196 (ch. 2016-38, L.O.F.) – Public Records/State-funded Infrastructure Bank

By: Governmental Oversight and Accountability; Transportation; Hutson

Tied Bills: None

Companion Bills: CS/HB 267

Committee(s) of Reference: Transportation; Governmental Oversight and Accountability; Rules

Category: Government in the Sunshine, Transportation

The state-funded infrastructure bank (SIB), which is created within the Department of Transportation (DOT), is a revolving loan and credit enhancement program to help fund transportation projects that otherwise might be delayed or not built. Public and private entities that are carrying out, or propose to carry out, eligible projects can apply to the SIB for a loan or other assistance.

The bill creates a public record exemption for financial information of a private entity applicant that DOT requires as part of an application process for loans or credit enhancements from the SIB. It defines the term “financial information.” The public record exemption does not apply to records of an applicant who is in default of an SIB loan.

The public record exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill may have a minimal fiscal impact on DOT; however, these costs would be absorbed as they are part of the department's day-to-day responsibilities.

The bill became law on March 10, 2016, ch. 2016-38, Laws of Florida, and becomes effective July 1, 2016.

CS/HB 299 (ch. 2016-122, L.O.F.) – Expressway Authorities

By: Economic Affairs Committee; Nuñez

Tied Bills: None

Companion Bills: CS/CS/SB 574

Committee(s) of Reference: Transportation & Ports Subcommittee; Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee

Category: Local Government, Transportation

The Miami-Dade County Expressway Authority (MDX) is an agency of the state created pursuant to the Florida Expressway Authority Act. Its board currently consists of 13 members, seven of whom are appointed by the Miami-Dade County Commission, five of whom are appointed by the Governor, and a Department of Transportation (DOT) district secretary, who is an *ex officio* voting member. Current law prohibits lobbyists from being appointed to and serving on MDX's board.

The bill changes the makeup of MDX's board to the following nine members: five Miami-Dade County Commission appointees, three gubernatorial appointees, and the DOT district secretary. To reduce the number of board members, no appointments will be made to replace a voting member vacancy until the governing body reaches the composition required by the bill.

The bill prohibits a person from serving on MDX's board if that person has, in the previous four years, represented a client for compensation before the authority. The bill prohibits a person from serving on MDX's board if that person has, in the previous four years, done business with or represented another person or entity doing business with the authority. The bill provides for termination of board members upon a finding of violation of ethical or financial disclosure requirements.

The bill does not have a fiscal impact on state or local governments.

The bill became law on March 25, 2016, chapter 2016-122, Laws of Florida, and becomes effective on July 1, 2016.

SB 1110 – Central Florida Expressway Authority

By: Simmons

Tied Bills: None

Companion Bills: CS/HB 825

Committee(s) of Reference: Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Rules

Category: Local Government, Transportation

The bill relates to the Central Florida Expressway Authority (CFX). In summary, the bill:

- clarifies that the member appointed to the CFX governing body by the respective chairs of boards of the county commissions for Seminole, Lake, and Osceola Counties must be the county mayor or a member of the county commission;
- provides that the terms of the authority members appointed by the Governor must end on December 31 of the last year of service;
- subjects gubernatorial appointees to confirmation by the Senate, and provides that a refusal or failure to confirm by the Senate creates a vacancy;
- removes an obsolete provision regarding the term-ending dates of board members of the former Orlando-Orange County Expressway Authority (OOCEA);
- removes a requirement that one of the authority members serve as the authority's secretary;
- clarifies that CFX is a party to a 1985 lease-purchase agreement between the former OOCEA and the Florida Department of Transportation; and
- removes a provision that requires title to the former OOCEA system be transferred to the state upon the performance and termination of a lease-purchase agreement.

The bill does not have a fiscal impact on state or local government.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/SB 1508 – Airport Zoning Law of 1945

By: Community Affairs; Simpson

Tied Bills: None

Companion Bills: HB 1379, includes parts of CS/CS/HB 7061, CS/CS/SB 756

Committee(s) of Reference: Transportation; Community Affairs; Appropriations

Category: Transportation

The bill substantially revises ch. 333, F.S., governing the management of airspace and land use at or near airports. Generally, the bill:

- updates statutory definitions and terms in accordance with federal regulations;
- streamlines the current local airport protection zoning process to a simpler permitting model;

- provides local governments the flexibility to structure and incorporate the airport protection zoning review process into existing local zoning review processes and repeals duplicative requirements for obtaining a variance; and
- makes other grammatical, editorial, and conforming changes.

The bill does not appear to have a fiscal impact on the state, and may have an indeterminate but likely insignificant impact on local governments related to structural permitting and enforcement.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

HB 7027 – Department of Transportation

By: Transportation & Ports Subcommittee; Rooney, Jr. and others

Tied Bills: None

Companion Bills: CS/CS/SB 756, CS/CS/HB 7061, CS/CS/SB 1392

Committee(s) of Reference: Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee

Category: Economic Development, Environmental Protection, Federal Government, Motorists, Transportation

This is a comprehensive bill relating to the Department of Transportation (DOT). In summary the bill:

- increases minimum annual funding for the Florida Seaport Transportation and Economic Development Program from \$15 million to \$25 million;
- defines driver-assistive truck platooning technology (DATPT) and requires DOT to study and authorizes a pilot program to test the operation and use of DATPT, with certain requirements;
- authorizes DOT to designate certain locations and routes as ports of entry, and limits the penalty that may be assessed for operators under certain circumstances;
- revises the description of prohibited TV-like equipment and exempts electronic displays used in conjunction with a vehicle operating in autonomous mode or with DATPT;
- makes several changes to the operation and regulation of autonomous vehicles, including
 - providing that an individual with a valid driver license may operate an autonomous vehicle on the public roads of this state,
 - requiring certain safety features for autonomous vehicles registered in the state,
 - requiring metropolitan planning organizations to accommodate advances in vehicle technology when developing long-range transportation plans, and
 - requiring DOT to accommodate advances in vehicle technology when updating the Strategic Intermodal System Plan;
- authorizes DOT to assume specified environmental review responsibilities under the National Environmental Policy Act (NEPA) with respect to highway projects;
- modifies the process for the development and review of public-private partnership project proposals;
- authorizes DOT to establish a Business Development Program that would assist small businesses and increase competition in the procurement of highway project contractors;

- removes the Beeline-East Expressway, the Navarre Bridge, and the Pinellas Bayway from the list of facilities whose toll revenues may be used to secure bonds;
- authorizes the transfer of the Pinellas Bayway from DOT to the Florida Turnpike Enterprise;
- authorizes the creation of the DOT Financing Corporation to serve as a conduit issuer of debt to finance transportation projects; and
- revises requirements for when a DOT Work Program amendment must be approved by the Legislative Budget Commission.
-

The overall fiscal impact of this bill is indeterminate, but the assumption of NEPA review responsibilities by DOT will likely result in a significant project cost savings. The creation of ports of entry and the option to purchase temporary credentials will likely have a negative impact on state revenues and cause an insignificant increase of state expenditures. The business development program will likely have a positive impact on small businesses by reducing barriers to entry for smaller firms competing for DOT contracts. DOT may benefit from reduced financing costs through the creation of the DOT Financing Corporation.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/CS/HB 7061 – Transportation

By: Economic Affairs Committee; Transportation & Economic Development Appropriations Subcommittee; Transportation & Ports Subcommittee; Santiago; Cortes B. and others

Tied Bills: None

Companion Bills: CS/CS/SB 1392, includes parts of HB 1379, CS/SB 1508, HB 7027, CS/CS/SB 756, CS/CS/SB 1394

Committee(s) of Reference: Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee

Category: Local Government, Motorists, Safety, Transportation

This is a comprehensive bill related to transportation. In summary, the bill:

- authorizes certain organizations with a state agency roadside cleaning service contract to participate in a self-insurance fund authorized under s. 624.4625, F.S.;
- increases minimum annual funding for the Florida Seaport Transportation and Economic Development Program from \$15 million to \$25 million;
- creates the Florida Seaport Security Advisory Committee to advise, report and make recommendations on matters related to maritime security in Florida;
- establishes the Seaport Security Grant Program, subject to legislative appropriation, to assist in the implementation of security plans and measures at Florida's deepwater ports;
- defines commercial megacycle, and provides additional specifications and requirements related to the operation of commercial megacycles;
- defines driver-assistive truck platooning technology (DATPT) and requires the Department of Transportation (DOT) to study and authorizes a pilot program to test the operation and use of DATPT, with certain requirements;

- exempts vehicles operating in autonomous mode or with DATPT from a prohibition against television-type receiving equipment being visible from the driver’s seat;
- makes several changes to the operation and regulation of autonomous vehicles, including
 - providing that an individual with a valid driver license may operate an autonomous vehicle on the public roads of this state,
 - requiring certain safety features for autonomous vehicles registered in the state,
 - requiring metropolitan planning organizations to accommodate advances in vehicle technology when developing long-range transportation plans, and
 - requiring DOT to accommodate advances in vehicle technology when updating the Strategic Intermodal System Plan;
- increases maximum lawful length for semitrailers on public roads, from 53 feet to 57 feet;
- expands the authority of a chartered municipal parking enforcement specialist to enforce state, county, and municipal parking laws and ordinances under specified circumstances;
- authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a salvage certificate of title or certificate of destruction to insurance companies under certain circumstances, beginning July 1, 2023;
- provides that motor vehicles being relocated within a port facility via designated port district roads are exempt from certain motor vehicle registration requirements;
- authorizes the international symbol for the deaf and hard of hearing to be exhibited on an identification card or driver license under certain circumstances;
- provides certain specifications for deceleration lighting systems equipped on buses;
- revises ch. 333, F.S., governing land use and airspace management at or around airports;
- requires DOT to install roadside barriers to shield water bodies contiguous with state roads under certain circumstances;
- revises surety bond requirements imposed on certain non-profit entities for specified contracts with DOT;
- requires local governments to consider certain information when making decisions that may affect the cost of construction aggregate materials in the local area, region, and state;
- transfers ownership of the Pinellas Bayway System from DOT to the Florida Turnpike Enterprise;
- revises the membership and structure of the Tampa Bay Area Regional Transportation Authority;
- increases the maximum population for counties eligible for the Small County Outreach Program from 150,000 to 170,000;
- repeals an obsolete provision relating to statewide transportation corridors;
- reorganizes and restructures the West Central Florida Metropolitan Planning Organization Chair’s Coordinating Committee and lengthens the period of time between master plan updates;
- provides the Tampa Hillsborough Expressway Authority with additional authority to undertake capital projects that do not pledge the full faith and credit of the state;
- provides an exemption from permitting for certain outdoor advertising signs in place since 1995;
- authorizes breweries to have directional signs installed under certain conditions;
- provides that natural gas fueling facilities are eligible for State Infrastructure Bank loans;
- requires the Office of Economic and Demographic Research to evaluate and determine the economic benefits of DOT’s Work Program;
- prohibits counties from requiring vehicles that are larger than needed, or inconsistent with a patient’s medical condition, for use in non-emergency medical transit under certain circumstances;

- standardizes the timeframe within which a driver license or vehicle registration must be updated following a change in address or name; and
- requires DHSMV to maintain an integrated link on its website directing visitors to the state's organ donation program.
-

The fiscal impact of the bill is indeterminate but likely insignificant.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

HOUSE OF REPRESENTATIVES

Education Committee

Representative H. Marlene O'Toole, Chair

Representative W. Keith Perry, Vice Chair

2016 SUMMARY OF PASSED LEGISLATION



Choice & Innovation Subcommittee

Representative Manny Diaz, Jr., Chair

Representative Charlie Stone, Vice Chair

Higher Education & Workforce Subcommittee

Representative Elizabeth W. Porter, Chair

Representative Jake Raburn, Vice Chair

K-12 Subcommittee

Representative Janet H. Adkins, Chair

Representative Ross Spano, Vice Chair

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CS/HB 7053 – Early Childhood Development

By: Appropriations Committee; Education Committee; O’Toole and others

Tied Bills: None

Companion Bills: CS/SB 7058

Committee(s) of Reference: Appropriations Committee

Category: Pre-K through 12 Education, Health

The bill implements the requirements of the Child Care and Development Block Grant (CCDBG) Act by:

- increasing public information on, and background screening of, child care providers;
- aligning eligibility requirements with the grant;
- requiring inspection of, and standards for emergency preparedness plans for, school readiness program providers; and
- requiring pre-service and in-service training for personnel of School Readiness program providers.

The bill also renames the Infants and Toddlers Early Intervention Program the Early Steps Program, provides procedures for the successful transition of children from the Early Steps Program to the local school districts, repeals outdated sections of statute related to the program, and includes other revisions and updates to conform to the U.S. Department of Education’s implementing regulations of Part C of the Individuals with Disabilities Education Act.

The bill revises provisions related to the Early Steps Program by:

- providing program goals, defining terms, and assigning duties to the Department of Health (DOH) as well as the local Early Steps Program offices;
- establishing eligibility requirements for the program;
- requiring DOH to develop a statewide plan, create and enforce performance standards, and submit an annual accountability report to the Governor, Legislature, and the Florida Interagency Coordinating Council for Infants and Toddlers (council); and
- designating the council as the state interagency coordination council required under federal law.

The bill requires DOH to expand the capabilities of its clearinghouse, which provides information on early intervention services that mitigate the effects of impaired development of children.

There is an indeterminate, negative fiscal impact on state and local government.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

Choice & Innovation Subcommittee

HB 241 (ch. 2016-19, L.O.F.) – Children and Youth Cabinet

By: Harrell

Tied Bills: None

Companion Bills: SB 500

Committee(s) of Reference: Choice & Innovation Subcommittee; Health & Human Services Committee; Education Committee

Category: Pre-K through 12 Education

The bill revises the membership of the Florida Children and Youth Cabinet (cabinet). The cabinet consists of the Governor and 14 other members. These other members include the Secretary of the Department of Children and Families, the Secretary of Juvenile Justice, the director of the Agency for Persons with Disabilities, the director of the Office of Early Learning, the State Surgeon General, the Secretary of Health Care Administration, the Commissioner of Education, the director of the Statewide Guardian Ad Litem Office, the director of the Office of Child Abuse Prevention, and five members appointed by the Governor who represent children and youth advocacy organizations.

The bill expands the total membership of the cabinet to 16 by adding a superintendent of schools appointed by the Governor. The bill changes the title of the ninth member of the cabinet from “the director of the Office of Child Abuse Prevention” to “the director of the Office of Adoption and Child Protection.”

The bill became law on March 8, 2016, chapter 2016-19, Laws of Florida, and becomes effective July 1, 2016.

CS/HB 837 (ch. 2016-137, L.O.F.) – Education Programs for Individuals with Disabilities

By: Education Committee; Bileca and Cortes, B. and others

Tied Bills: None

Companion Bills: CS/SB 1088

Committee(s) of Reference: Choice & Innovation Subcommittee; Education Appropriations Subcommittee; Education Committee

Category: Pre-K through 12 Education

The bill revises the John M. McKay Scholarship for Students with Disabilities Program (McKay Scholarship Program) by:

- authorizing a private school to establish a transition-to-work program for students participating in the McKay Scholarship Program that will allow students to earn credits while working off-site;
- exempting foster children from the prior school year attendance requirement for determining eligibility; and
- clarifying that McKay Scholarship Program payments are not subject to the 1.0 FTE cap so that scholarship payments are not reduced when McKay recipients take virtual courses.

The bill revises provisions related to the dual enrollment program by:

- establishing parameters for dual enrollment agreements between postsecondary institutions and private schools;
- requiring articulation agreements for private school students and home education students be submitted to the Department of Education by August 1 of each year; and
- requiring postsecondary institutions to include specific information regarding students with disabilities in the articulation agreement and provide the information to the Florida Center for Students with Unique Abilities.

The bill allows districts to provide exceptional student education-related services to eligible home education students with disabilities.

The bill also removes the expiration date and, thus, makes permanent the Adults with Disabilities Workforce Education Program previously created in ch. 2012-134, L.O.F., for students in Hardee, DeSoto, Manatee, and Sarasota Counties.

The fiscal impact of the bill is \$226,511 to remove the proration to each student's McKay scholarship. This impact will result in a redistribution of the Florida Education Finance Program funds when the students receiving McKay scholarships are reported for funding.

The bill became law on March 25, 2016, chapter 2016-137, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/HB 1365 (ch. 2016-149, L.O.F.) – Competency-Based Education Pilot Program

By: Education Appropriations Subcommittee; Choice & Innovation Subcommittee; Rodrigues and Sprowls and others

Tied Bills: None

Companion Bills: CS/CS/SB 1714

Committee(s) of Reference: Choice & Innovation Subcommittee; Education Appropriations Subcommittee; Education Committee

Category: Pre-K through 12 Education

The bill creates the Competency-Based Education Pilot Program within the Department of Education (DOE) to provide an educational environment that allows students to progress based upon the mastery of concepts and skills. The program will be administered for five years beginning with the 2016-17 school year. The bill authorizes the Commissioner of Education to waive State Board of Education rules relating to pupil progression and the awarding of credit. Applications to participate are limited to the P.K. Yonge Developmental Research School and the Lake, Palm Beach, Pinellas, and Seminole County school districts.

The bill requires DOE to:

- develop an application;

- compile specific information related to student and staff schedules;
- provide participating schools with access to statewide standardized assessments; and
- provide an annual report to the Legislature.

The bill also:

- specifies reporting requirements for purposes of the Florida Education Finance Program; and
- outlines minimum provisions that must be included in the application.

Because this program is voluntary, it is unknown if any of the four districts will participate. Therefore, the fiscal impact of this bill is indeterminate. DOE will establish the application and meet the reporting requirements within existing resources.

The bill became law on March 25, 2016, chapter 2016-149, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/HB 7029 – Education

By: Education Committee; Education Appropriations Subcommittee; Choice & Innovation Subcommittee; Cortes, B and Diaz, M. and others

Tied Bills: None

Companion Bills: CS/SB 830, CS/SB 1166

Committee(s) of Reference: Education Appropriations Subcommittee; Education Committee

Category: Higher Education and Workforce, Pre-K through 12 Education

The bill expands educational choice provisions by:

- revising controlled open enrollment to allow students to apply and transfer to public schools on a statewide basis beginning in 2017-18;
- providing enrollment preferences for specified students;
- allowing parents to request a teacher transfer under certain circumstances; and
- allowing a five-year old to participate in Voluntary Prekindergarten if he or she did not participate as a four-year old.

The bill strengthens charter school accountability by:

- increasing application requirements;
- clarifying funding processes;
- defining “financial stability” for purposes of charter school capital outlay;
- requiring additional charter school financial information; and
- implementing automatic termination of low performing charter schools.

The bill revises other provisions related to charter schools by:

- allowing charter schools to defer opening for up to two years to provide time for adequate facility planning; and

- authorizing charter schools to develop a professional development system to meet the requirements for professional preparation and education competence.

The bill revises provisions related to Pre-K through 12 education by:

- revising provisions of the Credit Acceleration Program to include passage of an Advanced Placement Exam or the College Level Examination Program to earn high school credit;
- revising the matrix calculation for students who are deaf and enrolled in an auditory/oral educational program;
- providing alternative options for students to satisfy the online course requirement;
- clarifying requirements for notifying students of their right not to recite the pledge of allegiance and providing that excused students are not required to stand while the pledge is recited;
- clarifying that retired instructional personnel hired by a school may be employed only on a probationary or annual contract basis;
- authorizing schools to offer suicide prevention training to staff, providing parameters for implementing the training, and providing that a school that incorporates at least two hours of the training for all of its instructional personnel must be considered a “Suicide Prevention Certified School;”
- revising the cap on bonuses for teachers who provide instruction to students in courses that lead to industry certifications;
- revising requirements for low-performing virtual instruction program providers;
- revising funding provisions for schools that operate for less than the minimum term;
- allowing school board members to use dues to join any “membership association;”
- requiring district school boards to visit schools in their district for the purpose of observing management and instruction and giving suggestions for improvement;
- renaming the Preliminary ACT (PLAN) as the “ACT Aspire;” and
- freezing current VPK readiness rates through the 2015-16 school year.

The bill establishes the Florida Seal of Biliteracy Program, which:

- awards a Silver or a Gold Seal of Biliteracy to a student who earns a standard high school diploma and achieves specified performance requirements in English language arts and a foreign language;
- establishes baseline requirements for a student to demonstrate competency in a foreign language either at the “Silver” level or the more rigorous “Gold” level; and
- establishes implementation requirements for the State Board of Education, the Commissioner of Education, and school districts.

The bill codifies the Federally Connected Student Supplement by:

- providing school districts supplemental funding to support the education of students connected with federally-owned military installations, NASA real property, and Indian lands;
- establishing eligibility requirements and a formula for calculating the supplement amount; and
- requiring that the supplement be allocated annually to eligible school districts as provided in the General Appropriations Act.

The bill revises provisions relating to high school athletics by:

- allowing a student to immediately join an existing team if the team has capacity;
- establishing parameters for student participation in the same sport at a different school during the same school year;

- allowing private schools to join an athletic association by sport and allowing public schools to apply to join by sport;
- establishing penalties for recruiting violations and authorizing the Education Practices Commission and the Commissioner of Education to enforce recruiting penalties; and
- requiring school districts to establish student eligibility criteria in their codes of student conduct.

The bill revises provisions relating to public school construction by:

- revising requirements for the special facility construction committee;
- revising preapplication requirements for capital outlay legislative budget requests;
- providing school districts flexibility from certain state requirements for education facilities under certain circumstances;
- revising millage requirements for construction projects using funds from the Special Facilities Construction Account; and
- establishing accountability provisions relating to funds used for the construction of new educational plant space.

The bill revises provisions related to the State University System by:

- codifying the performance-based funding program previously created in the 2015-16 General Appropriations Act;
- revising academic and research excellence standards for preeminent state research universities;
- providing parameters for designating universities as emerging preeminent state research universities; and
- revising university boards of trustees leadership and meeting provisions.

The bill revises provisions related to the Florida College System by:

- codifying the performance-based funding program previously created in the 2015-16 General Appropriations Act; and
- establishing the Distinguished Florida College System Program, which allows colleges that meet five of the seven specified excellence standards to be designated as a “Distinguished College.”

The bill codifies quarterly reporting requirements on specific performance indicators related to the Division of Vocational Rehabilitation previously required in the 2015-16 General Appropriations Act. The bill also requires the division to develop and implement a performance improvement plan.

The bill removes the expiration date and, thus, makes permanent the Adults with Disabilities Workforce Education Program previously created in ch. 2012-134, L.O.F., for students in Hardee, DeSoto, Manatee, and Sarasota counties.

The bill renames the National Merit Scholar Incentive Program as the “Benacquisto Scholarship Program.”

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

Higher Education & Workforce Subcommittee

CS/CS/SB 202 (ch. 2016-30, L.O.F.) – Florida Association of Centers for Independent Living

By: Fiscal Policy; Children, Families, and Elder Affairs; Bean

Tied Bills: None

Companion Bills: CS/HB 495

Committee(s) of Reference: Children, Families, and Elder Affairs; Appropriations Subcommittee on Education; Fiscal Policy

Category: Higher Education and Workforce

The bill renames the James Patrick Memorial Work Incentive Personal Attendant Services Program as the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program. In addition to the provision of personal care attendants currently being offered to eligible participants, the bill requires other support and services necessary to maintain competitive employment or self-employment to be made available to eligible persons in the program.

The bill also expands the responsibilities of the Florida Association of Centers for Independent Living, which is tasked with administering the program. In addition, the existing oversight group is reestablished as an oversight council with revised membership and responsibilities.

The bill does not appear to have a fiscal impact on the state or local governments.

The bill became law on March 9, 2016, chapter 2016-30, Laws of Florida, and becomes effective on July 1, 2016.

CS/HB 793 (ch. 2016-91, L.O.F.) – Florida Bright Futures Scholarship Program

By: Education Appropriations Subcommittee; O'Toole and others

Tied Bills: None

Companion Bills: CS/SB 520

Committee(s) of Reference: Higher Education & Workforce Subcommittee; Education Appropriations Subcommittee

Category: Higher Education and Workforce

The bill creates the Florida Gold Seal CAPE Scholars award as an alternative to the current Florida Gold Seal Vocational Scholars award. A student may qualify for the Florida Gold Seal CAPE Scholars award if he or she meets the general eligibility requirements for the Florida Bright Futures Scholarship program and earns a minimum of five postsecondary credits through CAPE industry certifications, which qualify for college credit. The new scholarship allows students to take additional credit hours upon completion of a technical degree in certain instances.

The bill modifies the initial eligibility period for the Florida Bright Futures Scholarship Program for students who are unable to accept an award due to full-time religious or service obligations lasting at least 18 months. Eligible students can defer the two-year initial award period and the five-year renewal period until the student completes the religious or service obligation. The organization sponsoring the full-time religious or service obligation must be a federal government service organization or satisfy the Internal Revenue Code's requirements for nonprofit status.

The bill modifies student community service work requirements for the Florida Bright Futures Scholarship Program awards, including Florida Academic Scholars (FAS), Florida Medallion Scholars (FMS), Florida Gold Seal Vocational Scholars (FGSVS) awards, and adds the requirement for the newly created Florida Gold Seal CAPE Scholars award.

The bill modifies the requirements by:

- clarifying that community service work must be volunteer work and prohibiting any student from receiving remuneration or academic credit for such work;
- expanding volunteer service work areas to include a civic issue or a professional area of interest;
- providing that volunteer work may include, but not be limited to, a business or government internship, employment with a nonprofit community service organization, or activity on behalf of a candidate for public office; and
- establishing accountability requirements for student volunteer work that include documentation in writing by the student, the student's parent, and a representative of the organization for which the student worked.

The number of community service hours required for each Bright Futures award remains unchanged.

The bill eliminates references to outdated eligibility requirements for the FAS and FMS awards, and removes the higher test score requirement for home education students whose parents cannot document a college-preparatory curriculum. Specifically, the bill provides that test score requirements are the same for students enrolled in home education programs as they are for all other high school students qualifying for the FMS award.

The bill provides an appropriation of \$66,468 in recurring funds from the Educational Enhancement Trust Fund for Fiscal Year 2016-17 to pay for Bright Futures scholarships for eligible students in home education programs.

The bill became law on March 24, 2016, chapter 2016-91, Laws of Florida, and became effective upon that date.

HB 799 (ch. 2016-136, L.O.F.) – Out-of-State Fee Waivers for Active Duty Servicemembers

By: Avila; Sprowls and others

Tied Bills: None

Companion Bills: SB 944

Committee(s) of Reference: Higher Education & Workforce Subcommittee; Education Appropriations Subcommittee; Education Committee

Category: Higher Education and Workforce, Military

The bill creates an out-of-state fee waiver for active duty members of the United States Armed Forces residing or stationed outside the state at the time of enrollment at a state university, Florida College, career center, or charter technical career center. The bill also requires the Board of Governors (BOG) or State Board of Education (SBE) to report the number and value of all fee waivers granted and authorizes the BOG and SBE to adopt regulations and rules to administer this fee waiver.

The bill became law on March 25, 2016, chapter 2016-136, Laws of Florida, and becomes effective July 1, 2016.

CS/HB 1157 (ch. 2016-142, L.O.F.) – Postsecondary Education for Veterans

By: Higher Education & Workforce Subcommittee; Raburn and others

Tied Bills: None

Companion Bills: CS/SB 1638

Committee(s) of Reference: Higher Education & Workforce Subcommittee; Education Appropriations Subcommittee; Education Committee

Category: Higher Education and Workforce, Military

The bill allows honorably discharged veterans of the United State Armed Forces to earn college credit at public postsecondary institutions for college-level training and education acquired in the military.

The bill requires the Department of Education (DOE) to include the Excelsior College subject examination, Defense Activity for Non-Traditional Education Support (DANTES) subject standardized test, and Defense Language Proficiency Test (DLPT) on the list of acceleration mechanisms for which credit may be awarded.

The bill modifies an existing tuition waiver qualification requirement for eligible recipients of a Purple Heart, or superior combat decoration to include those enrolled in an eligible postsecondary institution who are currently Florida residents, or were Florida residents at the time of the military action that resulted in the awarding of the Purple Heart or other superior combat decoration.

The bill also requires the DOE to include successful completion of a United States Defense Language Institute Foreign Language Center program or passing score on the DLPT in the documentation an individual may provide to demonstrate mastery of subject area knowledge for purposes of meeting teacher certification requirements.

The bill became law on March 25, 2016, chapter 2016-142, Laws of Florida, and becomes effective July 1, 2016.

CS/HB 7019 – Education Access and Affordability

By: Education Committee; Higher Education & Workforce Subcommittee; Porter and others

Tied Bills: None

Companion Bills: CS/SB 984

Committee(s) of Reference: Education Appropriations Subcommittee; Education Committee

Category: Higher Education and Workforce

The bill promotes college affordability by:

- requiring public postsecondary institutions to publicly notice any proposal to increase tuition or fees at least 28 days prior to consideration by the board of trustees;
- removing the authority for the Board of Governors (BOG) to delegate the establishment of tuition for graduate and professional programs and out-of-state fees to the university boards of trustees;
- requiring the State Board of Education (SBE) and the BOG to annually identify strategies and initiatives to promote college affordability (including the impact of tuition and fees, financial aid policies, and textbook costs) and submit an annual report to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31 of each year; and
- enhancing the current textbook affordability law to provide students with sufficient time and information to seek out the lowest available prices by;
 - authorizing state university and Florida College System institution boards of trustees to adopt policies that allow innovative pricing techniques and payment options for textbooks and instructional materials, requiring an opt-in provision for students, and stipulating that policies be approved only if there is documented evidence of cost savings;
 - requiring public postsecondary institutions to conduct cost benefit analyses and report annually to chancellors on implementation of textbook affordability policies;
 - requiring chancellors to summarize institutional reports and submit a summary to the SBE and BOG respectively; and
 - requiring public postsecondary institution boards of trustees to report, by semester, the cost variance among sections and length of time textbooks and other materials are in use for all general education courses (this provision expires July 1, 2018).

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

K-12 Subcommittee

CS/HB 189 (ch. 2016-117, L.O.F.) – Teacher Certification

By: K-12 Subcommittee; Diaz, Jr. and others

Tied Bills: None

Companion Bills: CS/SB 432

Committee(s) of Reference: K-12 Subcommittee; Education Committee

Category: Pre-K through 12 Education

The bill allows an individual to earn a professional educator certificate for grades 6 through 12 in a STEM subject without having to complete additional coursework if the individual:

- meets the general certification requirements;
- holds a master's or higher degree in the area of science, technology, engineering, or mathematics;
- passes the subject area examination for the correlating certificate;
- passes the professional education competency examination required by state board rule;
- teaches a high school course in the subject of the advanced degree; and
- is rated highly effective under the school district's performance evaluation system, based in part on student performance as measured by a statewide standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.

The bill became law on March 25, 2016, chapter 2016-117, Laws of Florida, and becomes effective on July 1, 2016.

CS/HB 229 (ch. 2016-119, L.O.F.) – Bullying and Harassment Policies in Schools

By: K-12 Subcommittee; Geller and others

Tied Bills: None

Companion Bills: CS/SB 268

Committee(s) of Reference: K-12 Subcommittee; Education Appropriations Subcommittee; Education Committee

Category: Pre-K through 12 Education

The bill revises current law by requiring each district school board to review its anti-bullying and harassment policy every three years. The policy review must involve students, parents, teachers, administrators, and other community stakeholders. Each district school board must also authorize a list of prevention programs that provide instruction to community stakeholders on how to identify and

respond to bullying or harassment. The bill also clarifies that there must be a procedure for receiving reports of alleged acts of bullying and harassment.

The bill makes each school principal responsible for implementing the district school board's bullying and harassment policy, prevention programs, and reporting procedures.

The bill also specifies that ch. 2010-217, L.O.F., may be cited as "Tayler's Law for Teen Dating Violence Awareness and Prevention," after Tayler Mack, who survived horrific injuries stemming from an attack by her boyfriend in 2009.

The bill does not appear to have a fiscal impact on the state or local governments.

The bill became law on March 25, 2016, chapter 2016-119, Laws of Florida, and becomes effective on July 1, 2016.

CS/CS/CS/HB 287 – Principal Autonomy Pilot Program Initiative

By: Education Committee; Education Appropriations Subcommittee; K-12 Subcommittee; Diaz, Jr.; Sprowls

Tied Bills: None

Companion Bills: CS/CS/SB 434

Committee(s) of Reference: K-12 Subcommittee; Education Appropriations Subcommittee; Education Committee

Category: Pre-K through 12 Education

The bill establishes the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education to provide the principals of participating schools in participating school districts with increased autonomy and authority regarding allocation of resources and staffing. Participation is voluntary, but limited to the school districts of Broward, Duval, Jefferson, Madison, Palm Beach, Pinellas and Seminole counties. School boards selected for participation in PAPPI are exempt from the K-20 Education Code and State Board of Education rules, with exceptions. Among other exemptions, the class size compliance calculation for participating schools is the school-level average, rather than the individual classroom level.

School districts seeking to participate in PAPPI must submit a principal autonomy proposal to the State Board of Education for approval. Among other things, the proposal must identify three schools that received at least two school grades of "D" or "F" during the previous three school years, describe the areas in which increased autonomy will be granted, and state measurable goals regarding student achievement and operational efficiency.

The bill grants the principals of participating schools greater authority regarding staffing decisions, allocation of financial resources, and budgeting. Among other things, the principal of a participating school is granted greater authority to hire qualified instructional personnel or refuse placement or transfer of such personnel. Before participation in the program may begin, such principals must complete professional development designed to enable them to implement increased autonomy.

Participating school districts must guarantee participating schools at least 90 percent of the funds generated in the Florida Education Finance Program (FEFP) by that school. The current minimum guarantee is 80 percent of such funds.

Participating school districts must annually report measures taken to implement the program and results achieved to the state board. The state board may revoke a district school board's authorization to participate if the school board fails to meet program requirements. The Commissioner of Education must submit a full evaluation of the program's effectiveness to the President of the Senate and the Speaker of the House of Representatives upon expiration of the initial three year term.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/HB 701 (ch. 2016-87, L.O.F.) – Art in the Capitol Competition

By: K-12 Subcommittee; Lee, Jr. and others

Tied Bills: None

Companion Bills: CS/SB 1160

Committee(s) of Reference: K-12 Subcommittee; Appropriations Committee; Education Committee

Category: Pre-K through 12 Education

The bill creates the Art in the Capitol Competition for public, private and home education students in grades 6 through 8. Student submissions will be selected by a committee of art teachers whose students have not submitted artwork for consideration.

Each winning submission must be provided to the legislator of the legislative district in which the student resides no later than 60 days before the start of each regular session. The legislator will then provide the winning submission to the Department of Management Services which will arrange to have it displayed in the Capitol Building during the regular legislative session. Upon adjournment of the legislative session, the legislator shall return the winning submission to the student.

The bill became law on March 24, 2016, chapter 2016-87, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/HB 719 (ch. 2016-58, L.O.F.) – Education Personnel

By: Education Appropriations Subcommittee; K-12 Subcommittee; Spano and others

Tied Bills: None

Companion Bills: CS/CS/SB 894

Committee(s) of Reference: K-12 Subcommittee; Education Appropriations Subcommittee; Education Committee

Category: Financial Services, Pre-K through 12 Education, Public Employees

The bill revises several provisions related to education personnel. With respect to educator discipline, the bill:

- revises the membership of the Education Practices Commission and requires all members to be Florida residents;
- authorizes the Commissioner of Education to issue a letter of guidance to a certified educator upon finding that probable cause to prosecute a complaint does not exist; and
- authorizes the Department of Children and Families to disclose child abandonment, abuse, or neglect records to Department of Education (DOE) employees who investigate or prosecute misconduct by certified educators.

The bill eliminates the July 1, 2016, expiration date for the educator liability insurance program.

The bill authorizes, rather than requires, DOE to sponsor a centrally located job fair to help match educators with teaching opportunities in the state. The bill also requires DOE to coordinate a best practice community on teacher recruitment and human resources.

The bill deletes obsolete State Board of Education rulemaking authority regarding certain teacher assignment requirements.

The bill became law on March 10, 2016, chapter 2016-58, Laws of Florida and becomes effective July 1, 2016.

CS/HB 1147 (ch. 2016-141, L.O.F.) – Character-development Instruction

By: K-12 Subcommittee; Latvala; Fitzenhagen and others

Tied Bills: None

Companion Bills: CS/CS/SB 1462

Committee(s) of Reference: K-12 Subcommittee; Education Appropriations Subcommittee; Education Committee

Category: Pre-K through 12 Education

The bill requires character-development programs in high schools to include instruction on:

- developing leadership skills, interpersonal skills, organization skills, and research skills;

- creating a résumé;
- developing and practicing the skills necessary for employment interviews;
- managing stress and expectations; and
- developing skills that enable students to become more resilient and self-motivated.

The bill became law on March 25, 2016, chapter 2016-141, Laws of Florida, and becomes effective July 1, 2016.

CS/HB 1305 – Emergency Allergy Treatment in Schools

By: Education Committee; Eagle and others

Tied Bills: None

Companion Bills: CS/SB 1196

Committee(s) of Reference: K-12 Subcommittee; Education Appropriations Subcommittee; Education Committee

Category: Pre-K through 12 Education

The bill includes private schools in the definition of authorized entities for the purpose of acquiring a supply of and administering epinephrine auto-injectors (EAs). The law also applies the civil liability immunity protections in the Good Samaritan Act to private schools.

The bill authorizes public and private schools to enter into arrangements with wholesale distributors or manufacturers to acquire EAs at fair-market, free, or reduced prices for use when a student has an anaphylactic reaction.

The bill removes the requirement that schools maintain EAs in a locked location. However, the bill requires that EAs must be maintained in a secure location.

The bill does not appear to have a fiscal impact.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

HOUSE OF REPRESENTATIVES

Finance & Tax Committee

Representative Matt Gaetz, Chair

Representative Ray Wesley Rodrigues, Vice Chair

2016 SUMMARY OF PASSED LEGISLATION



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CS/HJR 275 – Homestead Tax Exemption/Senior, Low-Income, Long-Term Residents

By: Finance & Tax Committee; Avila and others

Tied Bills: CS/HB 277

Companion Bills: CS/SJR 492

Committee(s) of Reference: Finance & Tax Committee; Local Government Affairs Subcommittee; Local & Federal Affairs Committee

Category: Constitutional Amendments, Taxes

Currently, the Florida Constitution provides that counties and municipalities, if authorized by general law, may grant an additional homestead exemption equal to the assessed value of property to any person who:

- has the legal or equitable title to real estate with a just value less than \$250,000;
- has maintained thereon the permanent residence of the owner for not less than 25 years;
- has attained age 65; and
- whose household income does not exceed \$20,000, which is indexed to changes in the Consumer Price Index.

If the property's just value rises above \$250,000, the person no longer qualifies for the additional exemption. Rises in the just value of homesteaded property usually occur because of changes in market conditions or because of additions or improvements made to the property.

CS/HJR 275 proposes an amendment to the Florida Constitution to limit the just value determination, for purposes of the exemption, to the value as determined in the first tax year that the owner applies for and is eligible for the exemption.

If approved by the electorate, the joint resolution will have an indeterminate revenue impact on counties and municipalities, reflecting the need for approval by the voters and the ability of local governments to choose whether or not to allow the exemption in their jurisdiction.

If approved by 60 percent of the voters in the 2016 general election, the resolution provides the proposed amendments will take effect on January 1, 2017, and operates retroactively to January 1, 2013, for any person who received the exemption prior to January 1, 2017.

CS/HB 277 (ch. 2016-121, L.O.F.) – County and Municipality Homestead Tax Exemption

By: Finance & Tax Committee; Avila and others

Tied Bills: CS/HJR 275

Companion Bills: CS/CS/SB 488

Committee(s) of Reference: Finance & Tax Committee; Local Government Affairs Subcommittee; Local & Federal Affairs Committee

Category: Taxes

Florida law authorizes county and municipal governments the option to create an additional homestead exemption on the assessed value of property with a just value under \$250,000 owned by certain low-income, long-time residents. Prior to the effective date of this bill, if the property's just value rose above \$250,000, the person no longer qualifies for the additional exemption.

The bill amends s. 196.075(2), F.S., to limit the just value determination, for purposes of the exemption, to the value as determined in the first tax year the owner applies for and is eligible for the exemption. The bill implements CS/HJR 275, which proposes to amend the section of the Florida Constitution providing the legislative authority for the relevant ad valorem exemption.

Individuals who were granted the exemption in prior years, but became ineligible for the exemption because the just value of the individual's homestead rose above \$250,000, may regain the exemption if they are otherwise still qualified (the legislation operates retroactively). In addition, individuals who received the exemption prior to the effective date of the bill may apply to the tax collector for a refund for any prior year in which the exemption was denied solely because the just value of the homestead property was greater than \$250,000.

The bill is estimated to have an indeterminate revenue impact on counties and municipalities, reflecting the need for approval of CS/HJR 275 by the voters and the ability of local governments to choose whether or not to allow the exemption in their jurisdiction.

The bill became law on March 25, 2016, chapter 2016-121, Laws of Florida, and the effective date is on the same date that CS/HJR 275 takes effect, and operates retroactively to January 1, 2013, for any person who received the exemption prior to January 1, 2017.

CS/CS/HB 499 (ch. 2016-128, L.O.F.) – Ad Valorem Taxation

By: Appropriations Committee; Local & Federal Affairs Committee; Avila and others

Tied Bills: None

Companion Bills: CS/CS/SB 766

Committee(s) of Reference: Finance & Tax Committee; Local & Federal Affairs Committee; Appropriations Committee

Category: Local Government, Taxes

Florida law provides for administrative review of ad valorem tax assessments through local value adjustment boards (VAB). These VAB hearings are intended to provide taxpayers with a venue in which they can present their case to a neutral party without the need to hire an attorney or go through the formal process of a circuit court case.

The bill amends various provisions of the VAB process, including revisions to the requirements for who may represent a petitioner before a VAB, the exchange of evidence prior to a hearing, and the rescheduling of hearings. The bill also includes among the matters that a taxpayer may appeal changes in ownership or improvements to a property that could trigger a valuation change. Additionally, the bill provides various opportunities for taxpayers to avoid penalties and make corrections to their assessments upon discovery of improper past grants of certain property assessment limitations.

In addition, the bill requires VABs to complete all hearings and submit the certified assessment roll to the property appraiser by June 1 following the year in which the assessments were made, or by December 1 under certain circumstances. In the event the VAB process is delayed, the bill provides school districts with a funding solution that allows for the collection of unrealized school funds from the prior year.

The bill is expected to impact local government revenues by +\$42.8 million, +\$3.2 million, +\$3.5 million, and +\$15.6 million in Fiscal Years 2016-17 through 2019-20, respectively. Thereafter the recurring annual local government revenue impact is expected to be +\$3.5 million.

The bill became law on March 25, 2016, chapter 2016-128, Laws of Florida, and becomes effective on July 1, 2016.

CS/HJR 1009 – Tax Exemption for Totally and Permanently Disabled First Responders

By: Local & Federal Affairs Committee; Metz and others

Tied Bills: None

Companion Bills: CS/SJR 1194

Committee(s) of Reference: Finance & Tax Committee; Local & Federal Affairs Committee

Category: Constitutional Amendments, Taxes

The joint resolution proposes an amendment to the Florida Constitution to allow the Legislature, as provided by general law, to grant a full or partial property tax exemption on homestead property to certain first responders. To qualify, the first responder must be totally and permanently disabled as a result of an injury or injuries sustained in the line of duty. The disability and its connection to service in the line of duty must be determined as provided by general law. The term “disability” does not include a chronic condition or chronic disease, unless the injury sustained in the line of duty was the sole cause of the chronic condition or chronic disease.

If approved by the electorate, the joint resolution will have a zero impact on local government revenue due to the need for further implementation at the option of the Legislature.

If approved by 60 percent of the voters in the 2016 general election, the resolution provides the proposed amendments will take effect on January 1, 2017.

CS/HB 1297 (ch. 2016-146, L.O.F.) – Discretionary Sales Surtaxes

By: State Affairs Committee; Cummings; Ray

Tied Bills: None

Companion Bills: CS/CS/SB 1652

Committee(s) of Reference: Finance & Tax Committee; State Affairs Committee

Category: Retirement, Taxes

The bill provides that a county, upon approval by a majority vote of the electors of the county, may levy a pension liability discretionary sales surtax, at a rate not to exceed 0.5 percent, to fund underfunded defined benefit retirement plans or systems. A county may not impose a pension liability surtax unless the underfunded defined benefit retirement plan or system is below 80 percent of actuarial funding at the time the ordinance or referendum is passed. The surtax may be imposed only if:

- An employee who enters employment on or after a specified date is prohibited from enrolling in a defined benefit retirement plan or system that will receive surtax proceeds
- The local government and the collective bargaining representative for the members of the underfunded defined benefit retirement plan or system or, if there is no representative, a majority of the members of the plan or system, mutually consent to requiring each member to make an employee retirement contribution of at least ten percent of each member’s salary for each pay period beginning with the first pay period after the plan or system is closed

- The pension board of trustees for the underfunded defined benefit retirement plan or system, if such board exists, is prohibited from participating in the collective bargaining process and engaging in the determination of pension benefits
- The county currently levies a local government infrastructure surtax, which is scheduled to terminate and is not subject to renewal
- The Pension Liability Surtax does not take effect until the local government infrastructure surtax is terminated

The bill prohibits a county from levying a combined rate in excess of one percent for the Pension Liability Surtax, the Local Government Infrastructure Surtax, the Small County Surtax, the Indigent Care and Trauma Center Surtax, and the County Public Hospital Surtax.

Based on Revenue Estimating Conference analysis of similar legislation, there will be no impact in fiscal year 2016-17. Thereafter, the impact of the bill on recurring local government revenue will be zero if no county levies the new tax and positive indeterminate otherwise.

The bill became law on March 25, 2016, chapter 2016-146, Laws of Florida, and becomes effective July 1, 2016.

HB 7023 (ch. 2016-26, L.O.F.) – Ad Valorem Tax Exemption for Deployed Servicemembers

By: Finance & Tax Committee; Trumbull

Tied Bills: None

Companion Bills: CS/CS/SB 160

Committee(s) of Reference: Local & Federal Affairs Committee

Category: Taxes; Military

Florida law provides an additional ad valorem homestead tax exemption to certain military servicemembers deployed in the previous year in support of military operations designated by the Legislature in a statutory list. Each year, the Department of Military Affairs (DMA) submits to the Legislature a report of the military operations eligible for the exemption.

Based on the 2015 DMA report, the bill updates the statutory list by adding 13 operations. The bill also clarifies that the exemption is available to servicemembers who were deployed in support of a subordinate operation to a main operation designated in the statutory list. The bill provides an extended application deadline and refund procedure specific to qualifying deployments during the 2014 and 2015 calendar years.

The bill is expected to have a local government property tax revenue impact of -\$1.8 million in Fiscal Year 2016-17, with a recurring impact of -\$1 million thereafter.

The bill became law on March 8, 2016, chapter 2016-26, Laws of Florida, and became effective upon that date. The law first applies to tax rolls for 2016.

HB 7099 – Taxation

By: Finance & Tax Committee; Gaetz

Tied Bills: None

Companion Bills: HB 115, HB 551, CS/HB 1079, CS/CS/HB 1203, CS/SB 98, CS/CS/SB 698, CS/SB 802, CS/SB 844, CS/SB 1520, SB 7064

Committee(s) of Reference: Finance & Tax Committee

Category: Economic Development, Taxes

The bill provides for a wide range of tax reductions and modifications designed to directly impact both households and businesses, and to improve tax administration.

Sales Tax

The bill includes a permanent extension of the sales tax exemption for certain manufacturing machinery and equipment and expands the exemption to include machinery and equipment used for certain agricultural postharvest activities and metals recycling. The bill creates an exemption for sales of food and drink by military veterans service organizations to their members. The bill clarifies requirements for the current exemption on sales of aircraft that will be registered in a foreign jurisdiction. The bill phases out over three years the current per-ton tax on asphalt used for government public works projects. The bill includes a three-day “back-to-school” holiday for clothing and footwear priced at \$60 or less, and school supplies priced at \$15 or less.

Property Tax

The bill clarifies that for a limited period, current local option economic development property tax exemptions can be granted in areas that were designated enterprise zones as of December 30, 2015. The bill also specifies that replacement equipment for a data center qualifies for the exemption and provides that the exemption shall remain in effect for 20 years for a data center (as opposed to 10 years for other facilities under current law).

Corporate Income Tax

To maintain the linkage between Florida’s corporate income tax code and that of the federal government, the bill updates references to the Internal Revenue Code as in effect on January 1, 2016, with some exceptions. Also, some filing dates are changed to conform with federal filing date changes.

Further changes in the bill include: equalization of the tax rates on apple and pear cider; changes to allowable uses of tourist development taxes under specified circumstances; elimination of a current exemption from and a reduction of the aviation fuel tax rate; clarification of administration of the tax on other tobacco products; and replacement of the current tax calculation on liquor and tobacco sold on cruise ships with a simpler, revenue neutral calculation.

The total of -\$129.0 million in tax reductions in the bill is the sum of the recurring impacts (-\$78.9 million), reflecting the annual value of permanent tax cuts when fully implemented, and the pure nonrecurring impacts (-\$47.3 million in FY 2016-17 and -\$2.8 million thereafter), reflecting temporary tax reductions. The bill also includes nonrecurring General Revenue appropriations of \$330,356.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016, except as otherwise provided.

The Finance & Tax Committee has no subcommittees under it.

HOUSE OF REPRESENTATIVES
Health & Human Services Committee
Representative Jason T. Brodeur, Chair
Representative MaryLynn “ML” Magar, Vice Chair

2016 SUMMARY OF PASSED LEGISLATION



Children, Families & Seniors Subcommittee

Representative Gayle B. Harrell, Chair
Representative Kathleen M. Peters, Vice Chair

Health Innovation Subcommittee

Representative Kenneth L. “Ken” Roberson, Chair
Representative Manny Diaz, Jr., Vice Chair

Health Quality Subcommittee

Representative Cary Pigman, Chair
Representative W. Gregory “Greg” Steube, Vice Chair

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CS for CS/CS/HB 307 & HB 1313 (ch. 2016-123, L.O.F.) – Medical Use of Cannabis

By: Health & Human Services Committee; Health Care Appropriations Subcommittee; Criminal Justice Subcommittee; Gaetz; Brodeur; Edwards and others

Tied Bills: None

Companion Bills: CS/SB 460

Committee(s) of Reference: Criminal Justice Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee

Category: Agriculture, Controlled Substances, Health, Health Care Facilities

In 2014, the Legislature adopted the Compassionate Medical Cannabis Act (CMCA), which authorizes dispensing organizations (DO) approved by the Department of Health (DOH) to manufacture, possess, sell, and dispense low-THC cannabis for medical use by patients suffering from cancer or a condition that chronically produces symptoms of seizures or severe and persistent muscle spasms. In 2015, the Legislature adopted the Right to Try Act (RTTA), which authorizes an eligible patient with a terminal condition to receive an investigational drug, biological product, or device, but which did not address cannabis.

The bill allows a patient with a terminal condition to use “medical cannabis” under the RTTA. The bill defines medical cannabis as the whole cannabis plant without THC limits or cannabinoid composition requirements. The bill allows physicians to order and Dos approved under the CMCA to cultivate, process, transport, and dispense medical cannabis for RTTA patients. The bill adds medical cannabis to the regulatory structure of the CMCA.

The bill amends the CMCA to increase regulatory oversight by DOH. The bill creates stricter criteria ordering physicians must meet before ordering low-THC or medical cannabis (cannabis), including establishing a patient relationship for a certain length of time, new education requirements, informed consent, a prohibition on being a medical director employed by a DO, and an order limit of a 45-day supply at a time. The bill also includes penalties for receiving compensation from a DO related to the ordering of cannabis. The bill creates new standards for Dos, including standards for growing, processing, testing, packaging, labeling, dispensing, distributing, and transporting of cannabis. The bill also authorizes independent testing laboratories to possess, test, transport, and lawfully dispose of cannabis.

The bill prohibits the use and administration of cannabis under certain circumstances and creates criminal penalties for violations.

The bill allows DOH to approve three additional Dos, to include an applicant that is a member of a specified class, when a certain number of active registrations in the compassionate use registry has been reached.

The bill requires DOH to grant authorization to cultivate and operate to Dos that meet certain criteria for the full term of their original approval and all subsequent renewals. The bill also provides that the additional approval of other Dos does not affect the approval and authorization of these Dos. Finally, the bill authorizes DOH to enforce the inspection requirements on these additional Dos.

The bill became law on March 25, 2016, chapter 2016-123, Laws of Florida, and became effective upon that date.

Children, Families & Seniors Subcommittee

CS/SB 12 – Mental Health and Substance Abuse

By: Appropriations; Garcia and others

Tied Bills: None

Companion Bills: CS/CS/HB 7097; includes parts of CS/HB 373, CS/CS/CS/HB 439 and CS/HB 615

Committee(s) of Reference: Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; Appropriations

Category: Mental Health, Social Services

CS/HB 12 enhances the statewide system of safety-net prevention, treatment, and recovery services for substance abuse and mental health administered by the Department of Children and Families (DCF) by amending statutes related to behavioral health managing entities (ME), the Criminal Justice, Mental Health, and Substance Abuse Grant Program, and the Baker and Marchman Acts.

The bill enhances DCF oversight of Mes, ME performance and ME accountability. The bill:

- allows managed behavioral health organizations to bid for ME contracts when fewer than two bids from non-profit organizations are received;
- specifies members for Mes' governing boards, and requires managed behavioral health organizations serving as Mes to have advisory boards with that membership;
- allows Mes flexibility in shaping their provider networks while requiring processes for publicizing opportunities to join and evaluating providers for participation;
- requires Mes to accredit their networks by 2019 and annually submit strategies for enhancing services and addressing priority needs, including specific recommendations for additional funding;
- requires DCF to develop performance standards that measure improvement in a community's behavioral health and in specified individuals' functioning or progress toward recovery; and
- authorizes DCF to award system improvement grants to Mes if funded by the Legislature.
-

The bill requires counties and Mes to collaborate to create and implement designated receiving systems and transportation plans by July 1, 2017, to enhance the provision of acute behavioral health services to meet the needs of individuals with mental illness, substance abuse disorders, and co-occurring conditions. The bill encourages Mes to create "no-wrong-door" access models for the new designated receiving systems and requires DCF to designate the receiving systems.

The bill revises the Baker and Marchman Acts, which provide for voluntary and involuntary treatment for mental illness and substance abuse impairment respectively, to align some provisions, make the procedures more accessible, and enhance reporting on admissions pursuant to these acts. The bill:

- expands the types of professionals who can admit clients involuntarily under the Marchman Act and make recommendations for involuntary outpatient services under the Baker Act;
- allows county court judges to issue ex parte orders for Baker Act involuntary examinations;
- requires DCF to publish standard forms for Marchman Act pleadings and reporting;
- requires DCF to create a statewide database of utilization data for all publicly funded detoxification and addictions receiving facility services; and
- allows the respondent to privately pay for involuntary treatment under the Marchman Act.

The bill revises the Criminal Justice, Mental Health, and Substance Abuse Grant Program to expand the membership of the Statewide Grant Review Committee to include more non-state representatives and renames it the Policy Committee. The bill also creates a grant review and selection committee and streamlines the local process for applying for grants.

The bill requires DCF and Agency for Healthcare Administration (AHCA) to develop a plan to obtain federal approval for increasing federal Medicaid funding for behavioral health care.

The bill limits the time a person may practice as a clinical social worker intern, marriage and family therapist intern, or mental health counselor intern to five years.

The bill authorizes courts in the child welfare system to order a child, parent, or legal custodian to participate in a mental health court program and to undergo a mental health assessment or treatment.

The bill also requires that if a court orders shared parental responsibility for healthcare decisions, the parenting plan must provide that either parent may consent to mental health treatment for the child.

The bill reenacts s. 409.975(6), F.S., notwithstanding changes made to that subsection by HB 5101, to preserve the minimum and maximum Medicaid managed care hospital rates in current law.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

CS/HB 103 (ch. 2016-51, L.O.F.) – Transactions in Fresh Produce Markets

By: Health & Human Services Committee; Fullwood; Campbell and others

Tied Bills: None

Companion Bills: SB 284

Committee(s) of Reference: Children, Families & Seniors Subcommittee; Health & Human Services Committee

Category: Agriculture, Social Services

The Supplemental Nutrition Assistance Program (SNAP) is a federal program that offers nutrition assistance to low-income individuals and families. Eligible individuals and families receive an Electronic Benefits Transfer (EBT) card for purchasing certain types of food each month.

CS/HB 103 allows the owner or operator of a market selling fresh produce, such as a farmer's market, to permit certain groups to implement and operate an EBT system in the market on behalf of the sellers. The bill requires use of SNAP benefits on a dollar-for-dollar basis for produce and other fresh food and prohibits trading benefits for non-produce items.

The bill became law on March 10, 2016, chapter 2016-51, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/CS/SB 232 (ch. 2016-40, L.O.F.) – Guardianship

By: Fiscal Policy; Judiciary; Children, Families, and Elder Affairs; Detert and others

Tied Bills: None

Companion Bills: CS/CS/CS/HB 403

Committee(s) of Reference: Children, Families, and Elder Affairs; Judiciary; Fiscal Policy

Category: Courts, Social Services

Currently, the Statewide Public Guardianship Office (SPGO) within the Department of Elder Affairs (DOEA) regulates public guardians through registration, case monitoring, and complaint investigation. While the SPGO oversees registration of professional guardians, it lacks authority for disciplinary action other than suspending or revoking the professional guardian's registration.

The bill reorganizes ch. 744, F.S., and expands the SPGO's duties regarding the oversight of professional guardians. The bill renames the SPGO as the Office of Public and Professional Guardians (OPPG). The new OPPG retains its current duties and becomes responsible for monitoring and disciplining professional guardians.

The bill delineates the new duties and responsibilities of the executive director of the OPPG regarding professional guardian oversight. The bill directs OPPG to adopt rules to establish standard of practice for public and professional guardians, receive and investigate complaints, establish procedures for disciplinary oversight, conduct hearings, take administrative action pursuant to ch. 120, F.S., and specify penalties for violations.

For the Fiscal Year 2016-17, the bill provides for six full-time positions with an appropriation of \$698,153 in recurring funds and \$123,517 in nonrecurring funds from the General Revenue Fund to the DOEA to implement the bill.

The bill became law on March 10, 2016, chapter 2016-40, Laws of Florida, and became effective upon that date.

CS/CS/CS/SB 590 (ch. 2016-71, L.O.F.) – Adoption

By: Fiscal Policy; Judiciary; Children, Families, and Elder Affairs; Detert; Gaetz

Tied Bills: None

Companion Bills: CS/CS/HB 673

Committee(s) of Reference: Children, Families, and Elder Affairs; Judiciary; Fiscal Policy

Category: Courts, Social Services

Section 63.082, F.S., allows a private adoption entity to intervene in a ch. 39, F.S., child welfare case to place a dependent child with prospective adoptive parents chosen by the child’s parent or the private adoption entity. Section 63.082(6)(e) lists 4 specific factors the court must consider to determine whether it is in the best interest of the child to transfer custody to the prospective adoptive parents.

CS/CS/SB 590 changes the standard in s. 63.082(6)(e), F.S., for determining whether the transfer of a child’s placement is in the child’s best interest. The bill requires the court to consider and weigh all relevant factors, including new factors regarding whether a petition for termination of parental rights has been filed pursuant to s. 39.806(1)(f), (g), or (h), F.S., the stability of the current placement, the child’s wishes, and what is best for the child.

The bill permits the court to establish requirements for the transfer of custody during intervention cases rather than ordering an immediate transfer.

The bill creates timelines for intervention and placement hearings under s. 63.082(6), F.S., as well as increased requirements for notice to a parent of the right to private adoption from the child welfare system.

The bill also amends s. 39.01, F.S., providing additional specificity to the definitions of “abandoned” or “abandonment” and “parent” to permit the Department of Children and Families to provide evidence during dependency proceedings of certain behaviors and actions of a prospective father prior to his acknowledgement of paternity.

The bill became law on March 23, 2016, chapter 2016-71, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/HB 769 (ch. 2016-135, L.O.F.) – Mental Health Treatment

By: Judiciary Committee; Children, Families & Seniors Subcommittee; Peters and others

Tied Bills: None

Companion Bills: CS/CS/SB 862

Committee(s) of Reference: Children, Families & Seniors Subcommittee; Appropriations Committee; Judiciary Committee

Category: Controlled Substances, Corrections, Mental Health

Chapter 916, F.S., governs the state forensic system, which is a network of facilities and community services for persons who have mental health issues, intellectual disabilities, or autism and who are

involved with the criminal justice system. The state forensic system seeks to restore their competency so they may stand trial or return to the community.

If a client transferred from a jail to a treatment facility refuses to consent to treatment, the facility may seek a court order to continue treatment, but the individual will not receive treatment while the court order is sought. The bill requires an admitting physician in a state forensic or civil facility to continue the administration of psychotropic medication previously prescribed in jail, while a court order is sought, when a forensic client lacks the capacity to make an informed decision and, in the physician's opinion, the abrupt cessation of medication could risk the health and safety of the client.

The bill also requires a competency hearing to be held within 30 days after the court has been notified that a defendant is competent to proceed or no longer meets the criteria for continued commitment. The bill also requires that the defendant be transported to the committing court's jurisdiction for these hearings.

Section 916.145, F.S., requires all charges against any defendant adjudicated incompetent to proceed due to mental illness to be dropped if the defendant remains incompetent to proceed five years after the initial determination. The bill amends this section to require that all charges be dismissed if the defendant remains incompetent to proceed for five continuous, uninterrupted years after the initial determination of incompetency. The bill also permits a court to dismiss charges for an individual whom the court has determined to be incompetent to proceed and who remains incompetent for three years after the original determination, unless the charge is for specified offenses.

The bill became law on March 25, 2016, chapter 2016-135, Laws of Florida, and becomes effective July 1, 2016.

CS/SB 860 (ch. 2016-73, L.O.F.) – Foster Families

By: Children, Families, and Elder Affairs; Detert

Tied Bills: None

Companion Bills: HB 657

Committee(s) of Reference: Children, Families, and Elder Affairs; Rules

Category: Social Services

Foster families provide care for children in the child welfare system who have suffered abuse, abandonment, or neglect.

CS/SB 860 creates s. 683.333, F.S., designating the second week of February of each year as "Foster Family Appreciation Week." During this week, the Department of Children and Families, local governments, and other agencies are encouraged to sponsor events to promote awareness of the contributions made by foster families to the state.

The bill became law on March 23, 2016, chapter 2016-73, Laws of Florida, and became effective upon that date.

CS/CS/HB 1083 (ch. 2016-140, L.O.F.) – Agency for Persons with Disabilities

By: Appropriations Committee; Health & Human Services Committee; Renner and others

Tied Bills: None

Companion Bills: CS/SB 7054; includes parts of CS/CS/CS/HB 919, HB 4037

Committee(s) of Reference: Children, Families & Seniors Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee; Appropriations Committee

Category: Health Care Facilities, Social Services

Individuals with specified developmental disabilities meeting Medicaid eligibility requirements may receive services in the community through the state’s Medicaid Home and Community-Based Services (HCBS) waiver (known as iBudget Florida). They may also live and receive services in an institutional setting known as an Intermediate Care Facility for the Developmentally Disabled (ICF/DD).

The bill adds Down syndrome to the definition of “developmental disability” in ch. 393, F.S.; individuals with this diagnosis are already eligible for the waiver and may also qualify due to intellectual disability.

CS/CS/HB 1083 amends s. 393.065(5), F.S., to make permanent the Fiscal Year (FY) 2015-16 implementing bill’s temporary changes to waiver waiting list prioritization and enrollment provisions. The bill places individuals needing both waiver and extended foster care child welfare services in the second of seven prioritized categories, and allows enrollment without waiting for individuals previously on another state’s HCBS waiver whose parent or guardian is an active-duty military servicemember transferred into the state. The bill revises other waiver prioritization and enrollment provisions.

The bill allows funding increases for waiver enrollees with significant needs for transportation to waiver-funded adult day training or employment services who lack other reasonable transportation options.

The bill requires contracted waiver services providers to use any Agency for Persons with Disabilities (APD) data management systems to document service provision to APD clients and to have required hardware and software for doing so; they must also comply with APD requirements for provider staff training and professional development. ICF/DD’s must also cooperate with agency staff conducting utilization reviews.

The bill makes permanent the FY 2015-16 implementing bill’s temporary provisions removing the requirement for APD to license and contract with existing comprehensive transitional education programs (CTEPs). CS/CS/HB 1083 also increases APD oversight of CTEPs and their compliance with federal regulations.

CS/CS/HB 1083 addresses a 2015 federal court ruling finding that s. 393.11, F.S., governing the involuntary admission of persons with intellectual disabilities or autism to residential services, is constitutionally infirm in not requiring a periodic review of continued involuntary admission by a decision-maker with the duty to consider and authority to order release. The bill requires such a review and provides a \$623,200 nonrecurring General Revenue Fund appropriation for implementation.

The bill became law on March 25, 2016, chapter 2016-140, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/CS/HB 1125 (ch. 2016-98, L.O.F.) – Eligibility for Employment as Child Care Personnel

By: Health & Human Services Committee; Criminal Justice Subcommittee; Children, Families & Seniors Subcommittee; McBurney and others

Tied Bills: None

Companion Bills: CS/SB 1420

Committee(s) of Reference: Children, Families & Seniors Subcommittee; Criminal Justice Subcommittee; Health & Human Services Committee

Category: Business and Professional Regulation, Safety, Social Services

The federal government works with states to support low-income working families by providing access to childcare through the federal Child Care and Development Block Grant (CCDBG). Congress reauthorized the CCDBG program in 2014 and required personnel of providers receiving CCDBG funding to meet more stringent background screening standards.

CS/CS/CS/HB 1125 amends s. 435.07, F.S, to make the new CCDBG background screening requirements apply to all child care personnel regardless of whether their employer child care provider receives federal CCDBG funding. The bill prohibits the Department of Children and Families (DCF) from granting exemptions for employment as child care personnel to persons who:

- are registered as sex offenders as described in 42 U.S.C. s. 9858f(1)I and are subject to the registration requirements under the Adam Walsh Child Protection and Safety Act; or
- have been arrested for and are awaiting final disposition of, or been found guilty of, regardless of adjudication, or have entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged, for certain state felonies and misdemeanors enumerated in the bill.

Child care personnel who currently have exemptions allowing employment are now prohibited from such employment, and DCF must rescreen them by August 1, 2016.

The bill became law on March 24, 2016, chapter 2016-98, Laws of Florida, and becomes effective July 1, 2016.

Health Innovation Subcommittee

CS/HB 127 (ch. 2016-17, L.O.F.) – Continuing Care Facilities

By: Health Innovation Subcommittee; Cummings

Tied Bills: None

Companion Bills: CS/SB 542

Committee(s) of Reference: Health Innovation Subcommittee; Health & Human Services Committee

Category: Health Care Facilities

The Gold Seal Program (program) is a recognition process and award program for nursing homes that demonstrate excellence in long-term care over a sustained period of time. Recipients of the Gold Seal Award (Award) may use the designation in their advertising and marketing. Of the 684 currently licensed nursing homes in Florida, 32 nursing homes hold the Award.

A nursing home that wishes to be considered for the Award must submit an application to the Agency for Health Care Administration (AHCA). The Governor's Panel on Excellence in Long-Term Care reviews the applications and makes recommendations to the Governor for final approval of the Award.

CS/HB 127 provides two additional options for a nursing home to satisfy the financial soundness and stability requirement of the program. First, the bill permits a nursing home that is part of an unaccredited continuing care facility to demonstrate that the facility, in its entirety, meets AHCA financial standards as proof of financial soundness and stability for purposes of qualifying for the program. Second, the bill allows a nursing home that is part of a corporate entity that operates nursing homes, assisted living facilities, or independent living facilities to satisfy the financial soundness and stability requirement by submitting a consolidated corporate financial statement to AHCA and demonstrating that the corporate entity, in its entirety, meets the financial standards established by AHCA.

The bill became law on March 8, 2016, chapter 2016-17, Laws of Florida, and became effective upon that date.

SB 340 (ch. 2016-69, L.O.F.) – Vision Care Plans

By: Latvala and others

Tied Bills: None

Companion Bills: HB 337

Committee(s) of Reference: Banking and Insurance; Health Policy; Rules

Category: Health, Health Care Practitioners, Insurance

Ophthalmologists, optometrists, and opticians are healthcare practitioners, as defined in s. 456.001(4), F.S., who routinely contract with health insurers, prepaid limited health services organizations (PLHSOs), and health maintenance organizations (HMOs) to provide vision care services. Such third-party payers may use a credentialing process to determine whether they enter into such contacts. Credentialing may include, but is not limited to, collecting and verifying professional qualifications, including academic background, relevant training and experience, licensure, and certification or registration to practice in a particular healthcare field.

SB 340 prohibits health insurers, PLHSOs, and HMOs from requiring an ophthalmologist or optometrist to join a network solely for the purpose of credentialing the licensee for another insurer's, PLHSO's, or HMO's vision network. The bill also prohibits health insurers, PLHSOs, and HMOs from restricting an ophthalmologist, optometrist, or optician to specific suppliers of materials or use of specific laboratories. The bill makes a violation of these prohibitions an unfair insurance trade practice, subject to civil and administrative penalties.

Additionally, the bill requires health insurers, PLHSOs, and HMOs to update their online vision care network provider directories on a monthly basis to reflect current participating providers.

The bill became law on March 23, 2016, chapter 2016-69, Laws of Florida, and becomes effective July 1, 2016.

SB 422 (ch. 2016-112, L.O.F.) – Health Insurance Coverage For Opioids

By: Benacquisto

Tied Bills: None

Companion Bills: CS/HB 363

Committee(s) of Reference: Health Innovation Subcommittee; Insurance & Banking Subcommittee; Health & Human Services Committee

Category: Controlled Substances, Health, Insurance

Opioids are psychoactive substances derived from the opium poppy or their synthetic analogues. They are commonly used as pain relievers to treat acute and chronic pain but can be abused in numerous ways, such as by swallowing, snorting, smoking, or injecting. These delivery methods create a more rapid onset of the effects of the opioid than intended by the manufacturer and a greater euphoria.

Abuse-deterrent opioids are formulated to deter abuse by making product alteration more difficult or by making the altered product less attractive or rewarding.

SB 422 allows a health insurance policy that provides coverage for abuse-deterrent opioids to impose a prior authorization requirement for an abuse-deterrent opioid only if the policy requires prior authorization for opioids without an abuse-deterrence labeling claim. The bill also prohibits a health insurance policy from requiring the use of an opioid without an abuse-deterrence labeling claim before authorizing the use of an abuse-deterrent opioid.

The bill became law on March 25, 2016, chapter 2016-112, Laws of Florida, and becomes effective January 1, 2017.

CS/SB 580 – Reimbursement to Health Access Settings for Dental Hygiene Services for Children

By: Health Policy; Grimsley

Tied Bills: None

Companion Bills: CS/HB 595

Committee(s) of Reference: Health Innovation Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee

Category: Health, Health Care Practitioners, Social Services

Section 466.024(2), F.S., authorizes licensed dental hygienists to perform a limited number of unsupervised remediable tasks in health access settings, such as county health departments, Head Start programs, and other facilities. Section 409.906(6), F.S., authorizes the Agency for Health Care Administration (AHCA) to pay for dental services provided to a recipient under age 21, by or under the supervision of a licensed dentist. AHCA interprets s. 409.906(6), F.S., as barring reimbursement for unsupervised tasks performed by licensed dental hygienists pursuant to s. 466.024(2), F.S. This interpretation functions to limit the scope of practice for dental hygienists in the Medicaid program.

CS/HB 580 amends s. 409.906(6), F.S., to expressly authorize reimbursement to the health access setting by Medicaid for the remediable tasks that a licensed dental hygienist is authorized to perform under s. 466.024(2), F.S., without supervision by a licensed dentist, when the services are provided to children under the age of 21 in the Medicaid program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

SB 586 (ch. 2016-113, L.O.F.) – Responsibilities of Health Care Providers

By: Stargel

Tied Bills: None

Companion Bills: HB 471

Committee(s) of Reference: Health Policy; Appropriations Subcommittee on Health and Human Services; Fiscal Policy

Category: Health, Health Care Facilities, Health Care Practitioners, Repeals of Existing Laws

SB 586 requires a hospital to notify each obstetrical physician with privileges at the hospital at least 120 days before closing the obstetrical department or ceasing to provide obstetrical services.

The bill also repeals s. 383.336, F.S., which requires the state Surgeon General to establish practice parameters for a physician performing cesarean section procedures at a provider hospital, defined as a hospital where at least 30 cesarean section procedures are performed and paid for, at least in part, by state funds or federal funds distributed by the state. The statute also requires each provider hospital to establish a peer review board to examine cesarean section procedures. These provisions are no longer implemented by the Department of Health.

The bill became law on March 25, 2016, chapter 2016-113, Laws of Florida, and becomes effective July 1, 2016.

HB 819 (ch. 2016-109, L.O.F.) – Sunset Review of Medicaid Dental Services

By: Diaz, J. and others

Tied Bills: None

Companion Bills: SB 994

Committee(s) of Reference: Health Innovation Subcommittee; Health & Human Services Committee

Category: Health, Social Services

Medicaid enrollees in the Managed Medical Assistance (MMA) program receive all Medicaid benefits for primary and acute care, including dental services, through a Medicaid managed care plan. Prior to implementing the MMA program, Florida used prepaid dental health plans (PDHPs) to deliver dental services to Medicaid enrollees.

HB 819 removes dental services from the list of minimum benefits that MMA plans must provide, effective March 1, 2019. Effective July 1, 2017, the Agency for Health Care Administration must implement a statewide PDHP program for children and adults and begin enrollment by March 1, 2019.

The bill also requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to prepare a report on Medicaid dental services. The report must examine the effectiveness of MMA plans in increasing access to dental care, improving dental health, achieving satisfactory outcomes for recipients and providers, providing outreach to recipients, and delivering value and transparency regarding funds intended for, and spent on, actual dental services. The report must also examine, by MMA plan and in total, historical trends of rates paid to providers and dental plan subcontractors, provider participation in plan networks, and provider willingness to treat recipients. It must also

compare Florida's experience in providing dental care to Medicaid recipients with other states in delivering dental services, increasing access to dental care, and improving dental health. OPPAGA must submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2016.

The bill authorizes the Legislature to use the findings of the report to establish the scope of minimum benefits under the MMA program for future procurements of eligible plans; specifically, the Legislature may use the findings of the report to determine whether dental benefits should be benefits under the MMA program or be provided separately.

The bill became law on March 24, 2016, chapter 2016-109, Laws of Florida, and becomes effective July 1, 2016.

HB 1241 (ch. 2016-145, L.O.F.) – Ordering of Medication

By: Plasencia; Campbell and others

Tied Bills: None

Companion Bills: CS/SB 152

Committee(s) of Reference: Health Innovation Subcommittee; Health & Human Services Committee

Category: Controlled Substances, Health, Health Care Practitioners

HB 1241 authorizes an advanced registered nurse practitioner (ARNP) to order medication for administration in a hospital, ambulatory surgical center, mobile surgical center, or nursing home, within the framework of an established protocol. The bill permits a physician to delegate authority to a physician assistant (PA) to order medicinal drugs for a patient in a nursing home.

The bill amends the Florida Comprehensive Drug Abuse Prevention and Control Act to allow a licensed practitioner to authorize a licensed PA or ARNP, whom he or she supervises, to order controlled substances for administration to a patient in a hospital, ambulatory surgical center, mobile surgical facility, or nursing home.

The bill authorizes a pharmacist to dispense an emergency opioid antagonist pursuant to a non-patient-specific standing order for an autoinjection delivery system or intranasal application system, which must be labeled with instructions for use. Opioid antagonists have proven successful in reversing some opioid-related drug overdoses when administered timely.

The bill became law on March 25, 2016, chapter 2016-145, Laws of Florida, and becomes effective July 1, 2016.

CS/HB 1245 (ch. 2016-103, L.O.F.) – Medicaid Provider Overpayments

By: Health & Human Services Committee; Peters

Tied Bills: None

Companion Bills: CS/SB 1370

Committee(s) of Reference: Health Innovation Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee

Category: Health, Health Care Facilities, Social Services

Federal law requires each state to detect and investigate Medicaid fraud and abuse. This includes overpayments to Medicaid providers and fraudulent billing practices by home health agencies.

Florida has one year from the date that the Agency for Health Care Administration (AHCA) or the federal Centers for Medicare & Medicaid Services (CMS) discover a Medicaid provider overpayment to recover or seek to recover the overpayment. After the one-year period, Florida must refund the federal share of the overpayment, regardless of whether AHCA has actually recovered payment from the Medicaid provider. Federal law provides an exemption from repayment if the state certifies that the Medicaid provider has gone out of business. AHCA does not currently have statutory authority to make this certification and, as a result, Florida must refund the federal share of overpayments in such cases.

CS/HB 1245 authorizes AHCA to certify that a Medicaid provider is out of business and that any overpayments made to the provider cannot be collected. Such certification exempts Florida from mandatory repayment of the federal share of any Medicaid overpayments to the provider.

Section 409.9137, F.S., requires AHCA to telephonically verify home health visits to reduce Medicaid fraud using voice biometrics. The bill deletes the telephonic voice biometric requirement and authorizes AHCA to verify use and delivery of home health services using any technology that is effective for identifying delivery of services and deterring fraudulent or abusive billing.

The bill became law on March 24, 2016, chapter 2016-103, Laws of Florida, and becomes effective July 1, 2016.

CS/HB 1335 (ch. 2016-147, L.O.F.) – Long-term Care Managed Care Prioritization

By: Health & Human Services Committee; Magar

Tied Bills: None

Companion Bills: CS/SB 7056

Committee(s) of Reference: Health Innovation Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee

Category: Health, Health Care Facilities, Social Services

CS/HB 1335 establishes in statute the process used by the Department of Elder Affairs (DOEA) to prioritize individuals for enrollment in the Long-Term Care Managed Care Program (LTC Program). The bill authorizes DOEA and the Agency for Health Care Administration to adopt rules to implement the process. The process involves frailty-based screening, which results in a priority score that is used to place individuals on a waitlist for enrollment for services. The bill requires DOEA to adopt, by rule, a screening tool used to generate the priority score, and make the methodology used to calculate an individual's priority score publicly available on its website. The bill requires DOEA to rescreen individuals on the waitlist annually or upon notification of a significant change in an individual's condition or circumstances. The bill establishes specific criteria for DOEA to terminate an individual from the waitlist. The bill exempts the following persons from the screening and waitlist process:

- Individuals age 18, 19, or 20, who have a chronic debilitating disease or conditions of one or more physiological or organ systems that make them dependent on 24-hour medical supervision
- Individuals referred by Adult Protective Services, within the Department of Children and Families (DCF), as high risk and placed in an assisted living facility, which is temporarily funded by DCF
- Nursing facility residents requesting transition into the community who have resided in a skilled nursing facility licensed in Florida for at least 60 consecutive days

The bill became law on March 25, 2016, chapter 2016-147, Laws of Florida, and becomes effective July 1, 2016.

Health Quality Subcommittee

CS/CS/HB 139 – Dental Care

By: Appropriations Committee; Health Quality Subcommittee; Cummings and others

Tied Bills: None

Companion Bills: CS/SB 234

Committee(s) of Reference: Health Quality Subcommittee; Appropriations Committee; Health & Human Services Committee

Category: Health, Health Care Practitioners

CS/CS/HB 139 requires the Department of Health (DOH) to develop and implement a dental care access account initiative (initiative) to benefit dentists employed by a public health program or committed to opening a private practice capable of serving at least 1,200 patients in a dental health professional shortage area or medically underserved area.

The bill requires DOH to establish application procedures and selection criteria for the initiative. The bill limits the number of new dental care access accounts that may be established by DOH to no more than ten per fiscal year. The bill authorizes DOH to further limit the number of applicants selected and give priority to dentists in areas with a higher need, as ranked by the Department of Economic Opportunity.

The bill states the funds needed to implement the initiative are subject to a legislative appropriation. Each award may not be less than \$10,000 or exceed \$100,000, and may not exceed three times any amount contributed to an account from local sources. The bill requires DOH to implement an electronic benefits transfer system enabling selected dentists to spend awarded funds on:

- repayment of dental school student loans;
- investment in property, facilities, or equipment required to establish and operate a dental office; and
- transitional expenses associated with relocation or opening a dental practice.

The bill directs DOH to close an account no later than five years after the first deposit, or immediately if the dentist does not follow the requirements of, or no longer participates in, the initiative and includes provisions for the return or reallocation of unspent funds. The bill requires DOH to create a process to verify whether funds withdrawn from an account have been used for authorized purposes.

The bill appropriates \$1 million in recurring funds for the dental care access accounts. The bill appropriates funds and authorizes one full-time equivalent position to implement the initiative. The bill requires DOH to submit an annual report on the initiative to the Governor and the Legislature.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/HB 173 (ch. 2016-54, L.O.F.) – Medical Faculty Certification

By: Health Quality Subcommittee; Magar and others

Tied Bills: None

Companion Bills: SB 878

Committee(s) of Reference: Health Quality Subcommittee; Health & Human Services Committee

Category: Health, Health Care Practitioners, Health Care Facilities, Higher Education and Workforce

A medical faculty certificate allows a medical school faculty physician to practice medicine in Florida without sitting for and successfully passing a licensure examination.

The bill expands the current medical faculty certificate eligibility to allow a medical faculty certificate to be issued to a physician who has accepted a full-time faculty appointment to teach in a program of medicine at the Florida Atlantic University. The bill also limits the number of medical faculty certificates the Board of Medicine may issue to eligible faculty at the Florida Atlantic University to 30 persons, which is consistent with the limitations for all but one of the other institutions eligible for such certificates.

The bill also changes the name of Mayo Medical School at the Mayo Clinic in Jacksonville, Florida, to the Mayo Clinic College of Medicine in Jacksonville, Florida, to expand the eligibility of physicians who teach at the college to receive medical faculty certificates.

The bill became law on March 10, 2016, chapter 2016-54, Laws of Florida, and becomes effective July 1, 2016.

SB 238 (ch. 2016-67, L.O.F.) – Medical Assistant Certification

By: Grimsley

Tied Bills: None

Companion Bills: HB 4007

Committee(s) of Reference: Health Policy; Appropriations Subcommittee on Health and Human Services; Fiscal Policy

Category: Health; Health Care Practitioners, Repeals of Existing Laws

Section 458.3485(3), F.S., currently states that medical assistants may be certified by the American Association of Medical Assistants or as a Registered Medical Assistant by the American Medical Technologists. Other organizations that certify medical assistants are not specified in statute. There is no statutory requirement that such practitioners be licensed, registered, certified, or otherwise regulated by a state agency.

The bill repeals s. 458.3485(3), F.S., pertaining to the permissive certification of medical assistants. Because certification is not required under current law, this bill has no effect on the regulation of medical assistants.

The bill became law on March 23, 2016, chapter 2016-67, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/SB 242 (ch. 2016-68, L.O.F.) – Infectious Disease Elimination Pilot Program

By: Fiscal Policy; Health Policy; Braynon II and others

Tied Bills: None

Companion Bills: CS/CS/HB 81

Committee(s) of Reference: Health Policy; Appropriations Subcommittee on Health and Human Services; Fiscal Policy

Category: Controlled Substances, Health, Social Services

CS/CS/SB 242 creates the Miami-Dade Infectious Disease Elimination Act, which authorizes the University of Miami and its affiliates, through a fixed location or a mobile unit, to operate a sterile needle and syringe exchange pilot program in Miami-Dade County as a means to prevent the transmission of blood-borne diseases, such as HIV, AIDS, and viral hepatitis. The bill provides duties and requirements for operation of the program, requiring quarterly, annual, and final reports. The duties of the program include providing a one-sterile-needle to one-used-needle exchange, educational materials, testing for certain blood-borne diseases, and referrals for drug abuse prevention and treatment.

The bill provides that certain acts performed as part of the pilot program are not violations of criminal law.

The bill prohibits state, county, or municipal funds from being used to operate the pilot program. The bill requires the pilot program to be funded through grants and donations from private resources.

The pilot program expires on July 1, 2021.

The bill became law on March 23, 2016, chapter 2016-68, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/HB 249 (ch. 2016-120, L.O.F.) – Culinary Education Programs

By: Health & Human Services Committee; Health Quality Subcommittee; Moskowitz and others

Tied Bills: None

Companion Bills: CS/SB 706

Committee(s) of Reference: Health Quality Subcommittee; Appropriations Committee; Health & Human Services Committee

Category: Business and Professional Regulation, Health, Higher Education and Workforce

CS/CS/HB 249 permits a culinary education program with a public food service establishment license to obtain a special license to sell and serve alcoholic beverages under certain conditions. The special license allows the sale and service of alcoholic beverages on the licensed premises of the culinary education program in designated areas only. If the culinary education program is licensed as a caterer, the special license permits the sale and service of alcoholic beverages on the premises of a catered event at which the licensed caterer is also providing prepared food.

The bill exempts culinary education programs from the requirement that a caterer derive at least 51 percent of its gross receipts from the sale of food and nonalcoholic beverages to be eligible for a special alcoholic beverage license.

The bill defines “culinary education program” as a program that educates students in the culinary arts and is offered at a postsecondary educational institution or career center. The bill revises the definition of “public food service establishment” to add a culinary education program that provides food for consumption by the general public, making it subject to regulation by the Division of Hotels and Restaurants within the Department of Business and Professional Regulations (DBPR). Currently, a culinary education program is subject to the food safety and sanitation regulations of the Department of Health and will remain subject to its regulation.

The bill prohibits a culinary education program with a special alcoholic beverage license from selling alcoholic beverages by the package for off-premises consumption, and expressly provides that the special license does not authorize the culinary education program to conduct any activity that would violate Florida’s Beverage Law or a local law.

The bill authorizes the DBPR to adopt rules.

The bill became law on March 25, 2016, chapter 2016-120, Laws of Florida, and becomes effective on July 1, 2016.

CS/HB 373 (ch. 2016-80, L.O.F.) – Mental Health Counseling Interns

By: Health Quality Subcommittee; Burgess, Jr. and others

Tied Bills: None

Companion Bills: SB 858

Committee(s) of Reference: Health Quality Subcommittee; Health & Human Services Committee

Category: Health, Health Care Practitioners, Mental Health, Social Services

CS/HB 373 requires interns in the fields of clinical social work, marriage and family therapy, or mental health counseling to only practice under the supervision of a licensed clinical social worker, marriage and family therapist, or mental health counselor, as applicable. The bill requires a licensed professional to be on site if the intern is providing services in a private practice setting.

The bill limits the duration of an intern registration to five years, and provides that an intern registration issued on or before April 1, 2017, will expire on March 31, 2022, and may not be renewed or reissued. A registration issued after April 1, 2017, expires 60 months after the date of issuance, and may only be renewed if the candidate has passed the theory and practice examination required for full licensure. The bill prohibits a person who has held a provisional license from applying for an intern registration in the same profession.

The bill became law on March 24, 2016, chapter 2016-80, Laws of Florida, and becomes effective on July 1, 2016.

CS/HB 375 (ch. 2016-125, L.O.F.) – Physician Assistants

By: Health Care Appropriations Subcommittee; Steube and others

Tied Bills: None

Companion Bills: CS/CS/SB 748

Committee(s) of Reference: Health Quality Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee

Category: Health, Health Care Practitioners

CS/HB 375 authorizes a physician assistant (PA) to perform services delegated by a supervising physician related to the PA's practice and in accordance with his or her education and training, unless such services are expressly prohibited by a statute or rule.

The bill streamlines the PA licensure process. It eliminates the requirement for PA license applicants to submit letters of recommendation, and authorizes applicants to submit acknowledgements rather than sworn statements regarding prior felony convictions and disciplinary action taken against a license in another state.

The bill also streamlines the PA licensure renewal process. It permits the PA to submit an acknowledgement of no felony convictions in the previous two years rather than a sworn statement. For Pas with prescribing authority, it allows Pas to submit an acknowledgement of compliance with certain continuing education requirements rather than a signed affidavit.

The bill repeals obsolete provisions relating to PA licensure examinations and temporary PA licenses for certain foreign-trained physicians. The bill allows a PA's prescriptions to be in paper or electronic form instead of just written form.

The bill became law on March 25, 2016, chapter 2016-125, Laws of Florida, and becomes effective on July 1, 2016.

HB 423 – Access to Health Care Services

By: Pigman; Campbell and others

Tied Bills: None

Companion Bills: CS/CS/CS/SB 676, includes parts of CS/HB 1431 and CS/SB 1034

Committee(s) of Reference: Health Quality Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee

Category: Controlled Substances, Health, Health Care Practitioners, Insurance

HB 423 authorizes advanced registered nurse practitioners (ARNPs) and physician assistants (Pas) to prescribe controlled substances. Specifically, the bill:

- authorizes certain qualified ARNPs to prescribe and dispense controlled substances, but only to the extent authorized under a supervising physician's protocol, beginning January 1, 2017;

- requires the Board of Nursing (BON) to establish a committee to develop a formulary of controlled substances that an ARNP may not prescribe, or may only prescribe for specific purposes or in limited quantities, and requires the BON to adopt the formulary in rule, as revised under certain circumstances;
- designates s. 464.012, F.S., as the “Barbara Lumpkin Prescribing Act;”
- authorizes Pas to prescribe controlled substances under current supervisory standards;
- limits ARNP and PA Schedule II controlled substances prescribing to a 7-day supply, and restricts psychotropic prescribing for children under age 18, with certain exceptions;
- subjects ARNPs and Pas to certain administrative disciplinary actions for violating current standards of practice for prescribing and dispensing controlled substances, and adds specific prohibited acts related to the prescribing of controlled substances;
- requires an ARNP and a prescribing PA to complete three continuing education hours on safe and effective controlled substances prescribing, to be offered by certain professional associations;
- requires ARNPs and Pas who prescribe controlled substances for the treatment of chronic nonmalignant pain to meet certain registration and prescribing requirements; and
- requires ARNPs and Pas to comply with the Florida Comprehensive Drug Abuse Prevention and Control Act.

The bill also expands the health care practitioners who are exempt from the registration requirements for prescribing controlled substances to treat nonmalignant chronic pain to certain board-eligible or board-certified physicians. Additionally, the bill provides that only a physician may dispense medication or prescribe controlled substances on the premises of a registered pain management clinic.

The bill requires, on or after January 1, 2017, health insurers or pharmacy benefits managers to use a standardized prior authorization form adopted in rule by the Financial Services Commission, if an electronic prior authorization form is not used.

The bill permits a free clinic to receive an appropriation or grant from a governmental entity or nonprofit corporation to support the delivery of contracted services by uncompensated, volunteer health care providers without jeopardizing its sovereign immunity under the Access to Health Care Act.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law, except as otherwise expressly provided.

SB 450 (ch. 2016-70, L.O.F.) – Physical Therapy

By: Grimsley and others

Tied Bills: None

Companion Bills: HB 107

Committee(s) of Reference: Health Policy; Appropriations Subcommittee on Health and Human Services; Fiscal Policy

Category: Health, Health Care Practitioners

The bill extends the amount of time, from 21 days to 30 days, by which a physical therapist treating a patient must have the patient's treatment care needs reviewed and signed by a healthcare practitioner of record for a condition not previously assessed by the practitioner of record. A healthcare practitioner is defined in current law as an allopathic or osteopathic physician, chiropractor, podiatrist, or dentist. The bill authorizes a physical therapist to implement a plan of treatment provided for a patient by a physician licensed in another state.

The bill authorizes a licensed physical therapist who holds a doctoral degree in physical therapy to use the letters "D.P.T.," in conjunction with his or her name or place of business. However, the title "doctor" may only be used by a physical therapist who holds a doctoral degree and informs the public that his or her profession is physical therapy. The bill prohibits a person who does not have a physical therapist license and who does not hold a doctoral degree in physical therapy from using the letters "D.P.T." The bill makes that unlawful act and any representation of licensure as a physical therapist or a physical therapist assistant without such licensure a first degree misdemeanor.

The bill became law on March 23, 2016, chapter 2016-70, Laws of Florida, and became effective upon that date.

CS/CS/HB 941 – Department of Health

By: Health & Human Services Committee; Health Quality Subcommittee; Gonzalez and others

Tied Bills: None

Companion Bills: CS/CS/SB 918, includes parts of HB 469, HB 5103, and HB 7105

Committee(s) of Reference: Health Quality Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee

Category: Health, Health Care Practitioners, Military, Social Services

CC/CS/HB 941 amends laws relating to programs administered by the Department of Health (DOH).

The bill allows temporary licensure of military health care practitioners, enabling them to practice in health care settings in this state. The bill authorizes DOH to waive fees and issue a health care practitioner (HCP) license to an honorably discharged military member in a field for which licensure is not required in the military, or to the spouse of an active duty military member, if the applicant meets certain experience, education, and examination requirements.

The bill renames the Office of Minority Health as the Office of Minority Health and Health Equity, to be headed by the Senior Health Equity Officer (officer). The bill requires the officer to administer the Closing the Gap Grant Program and changes program eligibility criteria.

The bill revises reporting requirements for certain biomedical research programs and authorizes appropriated funds that have been committed but not yet disbursed by the Ed and Ethel Moore Alzheimer's Disease Research Program to be carried forward for up to five years.

The bill extends the amount of time an emergency medical technician (EMT) or a paramedic has to renew a lapsed certification and to pass a certification exam for such renewal, and exempts an EMT or a paramedic not trained in this state, who passes a nationally recognized certification examination, from the state certification examination. The bill exempts chiropractors licensed in another state who participate in an approved continuing education (CE) program from licensure, and exempts manufacturers of home renal dialysis kits from pharmacy permit requirements, and allows DOH to issue a one-year temporary license to a medical physicist.

The bill deletes a pre-licensure course requirement on HIV/AIDS and medical errors for certain HCPs. The bill requires DOH to implement an electronic CE tracking system.

The bill authorizes a one-time emergency refill of one vial of insulin to treat diabetes mellitus.

The bill also authorizes DOH to contract with a third party to serve as the custodian of medical records under certain circumstances and eliminates the requirement for annual DOH inspections of dispensing practitioners' facilities. The bill also eliminates a licensure renewal loophole in law, repeals two HCP councils, and deletes a specified regional accreditation organization for a licensure program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/CS/SB 964 – Prescription Drug Monitoring Program

By: Fiscal Policy; Health Policy; Grimsley

Tied Bills: None

Companion Bills: CS/HB 313

Committee(s) of Reference: Health Policy; Criminal Justice; Fiscal Policy

Category: Controlled Substances, Health

The Prescription Drug Monitoring Program (PDMP) within the Department of Health (DOH) uses a database to monitor the prescribing and dispensing of certain controlled substances.

Dispensers of controlled substances listed in Schedule II, III, or IV must report specified information to the PDMP database, including the name of the prescriber, the date the prescription was filled and dispensed, and the name, address, and date of birth of the person to whom the controlled substance is dispensed. Dispensers must report dispensing to the PDMP database within seven days of dispensing the controlled substance. However, reporting is not required when a healthcare practitioner administers controlled substances to a patient or resident in a hospital, nursing home, ambulatory surgical center, hospice, or intermediate care facility for the developmentally disabled, among other exceptions.

The bill adds a PDMP reporting exemption for a rehabilitative hospital, an assisted living facility, or a nursing home when they dispense a controlled substance to a patient as ordered by the patient's treating physician.

Currently, a pharmacy, prescriber, or dispenser has direct access to information in the PDMP database that relates to a patient of that pharmacy, prescriber, or dispenser, as needed, for reviewing the patient's controlled substance prescription history. The bill expands access to the PDMP to allow the designee of a pharmacy, pharmacist, healthcare practitioner, prescriber, or dispenser to access information.

DOH designates impaired practitioner programs to assist in the treatment of healthcare practitioners impaired by substance abuse. These programs are operated by consultants who receive allegations of licensee impairment, personally intervene or arrange intervention with licensees, refer licensees to approved treatment programs or treatment providers, evaluate treatment progress, and monitor continued care provided by approved programs and providers. The bill permits an impaired practitioner consultant retained by DOH to access the PDMP to review information of a program participant or referral who has consented to the consultant's access to and review of such information.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/HB 977 – Behavioral Health Workforce

By: Health Quality Subcommittee; Peters; Pigman and others

Tied Bills: None

Companion Bills: CS/CS/SB 1250

Committee(s) of Reference: Health Quality Subcommittee; Health & Human Services Committee

Category: Controlled Substances, Health, Health Care Practitioners, Mental Health

Current law requires a recommendation for an involuntary inpatient placement in a treatment facility to be supported by the opinion of a psychiatrist and the second opinion of a clinical psychologist or another psychiatrist, both of whom have examined the patient within the preceding 72 hours. However, in counties with a population of less than 50,000, a physician with certain training and experience or a psychiatric nurse may provide the second opinion if no psychiatrist or clinical psychologist is available. CS/HB 977 removes the population criterion to allow a qualified physician or psychiatric nurse located in any county to provide the second opinion. The bill also allows any opinion regarding the recommendation for an involuntary inpatient placement to be based on an electronic examination of the patient. Currently, only the person providing the second opinion may perform an examination electronically.

The bill exempts persons employed with the Department of Corrections in an inmate substance abuse program from fingerprinting and background check requirements, unless they have direct contact with unmarried inmates under the age of 18 or with inmates who are developmentally disabled. Current law erroneously states the inverse.

The bill allows persons with a disqualifying offense that occurred five or more years ago, and who have requested an exemption from disqualification, to work with adults with substance use disorders. Until the Department of Children and Families makes a determination on a request for an exemption from disqualification, these individuals must work under the supervision of a qualified professional.

The bill expands the healthcare practitioners who are exempt from the registration requirements for prescribing controlled substances to treat nonmalignant chronic pain to those who are board eligible or board certified in pain medicine by the American Board of Interventional Pain Physicians or the American Association of Physicians. Additionally, the bill provides that only a physician may dispense medication or prescribe a controlled substance on the premises of a registered pain management clinic.

The bill adds psychiatric nursing as a certification eligible for licensure as an advanced registered nurse practitioner. The bill authorizes a psychiatric nurse to prescribe psychotropic controlled substances within an established protocol with a psychiatrist. The bill also subjects psychiatric nurses to additional disciplinary actions related to the prescribing of psychotropic controlled substances.

The bill provides legislative findings regarding the need for additional psychiatrists and the use of telemedicine to improve patient care and reduce transportation costs. The bill also recommends an additional psychiatry program be established at one of the state's medical schools, not currently offering such a program, and requires that program to seek to integrate primary care and psychiatry.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/HB 1411 (ch. 2016-150, L.O.F.) – Termination of Pregnancies

By: Health & Human Services Committee; Health Care Appropriations Subcommittee; Burton and others

Tied Bills: None

Companion Bills: CS/SB 1722

Committee(s) of Reference: Health Quality Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee

Category: Health, Health Care Facilities

CS/CS/HB 1411 amends the regulatory requirements for abortion clinics. It establishes the manner in which fetal remains must be disposed and specifies the penalty for failing to do so. It requires all abortion clinics to comply with the reporting requirements for the United States Standard Report of Induced Termination of Pregnancy adopted by the Centers for Disease Control and Prevention. It removes an existing license fee cap and requires the Agency for Health Care Administration (AHCA) to establish fees which may not be more than the costs incurred to license and regulate abortion clinics.

The bill requires all physicians who perform abortions in a clinic prior to the third trimester to have admitting privileges with a hospital within a reasonable proximity of the clinic unless the clinic has a written transfer agreement with a hospital within a reasonable proximity to the clinic that includes the transfer of the patient's medical records held by both the clinic and the treating physician. The bill also defines "gestation" and the trimesters of pregnancy, which are not currently defined in the abortion clinic licensure act.

The bill requires AHCA to perform annual licensure inspections of all abortion clinics, including a review of at least 50 percent of the patient records generated since the last inspection. The bill requires AHCA to submit to the Legislature an annual report that summarizes all regulatory actions it has taken against abortion clinics during the prior year.

The bill prohibits selling, purchasing, donating, or transferring fetal remains obtained through an abortion, as well as advertising or offering to do any of the preceding acts. Violation of this provision is a second degree felony.

The bill prohibits public funding for an organization that owns, operates, or is affiliated with a licensed abortion clinic, and provides exemptions to this prohibition.

The bill requires abortion referral or counseling agencies to register with AHCA, and requires AHCA to include actions against referral agencies in its annual regulatory action report.

The bill provides AHCA an appropriation of \$59,951 in recurring and \$185,213 in nonrecurring funding from the Health Care Trust Fund to implement the provisions of the bill. The bill also provides a 0.5 full-time equivalent for additional inspections and records reviews required by the bill.

The bill became law on March 25, 2016, chapter 2016-150, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/SB 1604 – Drugs, Devices, and Cosmetics

By: Appropriations; Health Policy; Grimsley

Tied Bills: None

Companion Bills: CS/CS/HB 1211

Committee(s) of Reference: Health Policy; Appropriations Subcommittee on General Government; Appropriations

Category: Business and Professional Regulation, Controlled Substances, Health

The U.S. Food and Drug Administration (FDA) regulates the manufacture of prescription drugs. Generally, state boards of pharmacy continue to have the primary responsibility for oversight and regulation of the practice of pharmacy; however, the FDA regulates, and in some cases preempts state action, through the federal Food, Drug, and Cosmetic Act and the Drug Quality and Security Act (DQSA). The DQSA creates a national uniform standard and an electronic system for the tracing of drugs at the package level, preempting pedigree laws that previously existed in Florida and 28 other states.

Part I of ch. 499, F.S., requires the Department of Business and Professional Regulation (DBPR) to regulate drugs, devices, and cosmetics. The bill amends ch. 499, F.S., to conform it to the DQSA. The bill revises the definition section of ch. 499, F.S., to incorporate definitions of terms from the DQSA and delete terms made obsolete by the DQSA; it also deletes federally-preempted portions of the chapter.

The bill lessens the initial application and renewal application requirements for wholesale distributor permits by reducing the length of the application, staggering renewal permit dates, and establishing a late fee for permit renewals. With respect to cosmetic product registration and cosmetic manufacturer permits, the bill aligns the expiration dates of the registration of products with that of the manufacturer's permit. It also establishes several new permits and exempts certain entities from being required to obtain permits. Additionally, the bill revises bond requirements for wholesale distributors.

The bill requires certain recordkeeping requirements for active pharmaceutical ingredients. It also requires DBPR to adopt rules for the labeling of certain repackaged and distributed prescription drugs.

The bill increases the number of unit doses, from 5,000 to 7,500 unit doses, of a controlled substance that may be ordered during a one-month period before triggering an assessment by the wholesaler as to whether the ordered amount of that controlled substance is reasonable.

The bill also creates the Victoria Siegel Controlled Substance Safety Education and Awareness Act, which requires the Department of Health (DOH) to develop a pamphlet containing certain educational information about controlled substances and requires the Surgeon General to make the pamphlet publicly available on DOH's website. It also requires DOH to encourage healthcare providers to disseminate and display information about controlled substance safety, including DOH's pamphlet.

Finally, the bill authorizes an academic medical research institution affiliated with a licensed children's specialty hospital that contracts with DOH to conduct research on cannabidiol and low-THC cannabis.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

HOUSE OF REPRESENTATIVES

Judiciary Committee

Representative Charles McBurney, Chair

Representative Kathleen C. Passidomo, Vice Chair

2016 SUMMARY OF PASSED LEGISLATION



Civil Justice Subcommittee

Representative Kathleen C. Passidomo, Chair

Representative Walter Bryan "Mike" Hill, Vice Chair

Criminal Justice Subcommittee

Representative Carlos Trujillo, Chair

Representative Charles E. Van Zant, Vice Chair

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The Judiciary Committee was not first reference on any bill that passed both houses of the Legislature.

Civil Justice Subcommittee

HB 43 (ch. 2016-50, L.O.F.) – Churches or Religious Organizations

By: Plakon; Cortes, B. and others

Tied Bills: None

Companion Bills: SB 110

Committee(s) of Reference: Civil Justice Subcommittee; Judiciary Committee

Category: Courts

Conscience protection laws prevent individuals and entities from being required, under threat of civil or criminal penalties, to perform services that violate their religious beliefs or moral convictions. Such laws have historically applied to abortion, sterilization, and contraception. The bill creates conscience protections for clergy, churches, and certain religious organizations and their employees who object to solemnizing any marriage or providing services, facilities, or goods related to a marriage if doing so violates the organization or individual's sincerely held religious beliefs.

The bill also protects the state tax exempt status, and the right to apply for grants, contracts, and participation in government programs, of covered organizations that refuse to solemnize a marriage or provide services, facilities, or goods related to a marriage.

The bill became law on March 10, 2016, chapter 2016-50, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/CS/HB 91 (ch. 2016-16, L.O.F.) – Severe Injuries Caused by Dogs

By: Judiciary Committee; Local Government Affairs Subcommittee; Civil Justice Subcommittee; Steube and others.

Tied Bills: None

Companion Bills: CS/SB 334

Committee(s) of Reference: Civil Justice Subcommittee; Local Government Affairs Subcommittee; Judiciary Committee

Category: Courts, Law Enforcement, Local Government, Safety

State laws governing the classification, control, and destruction of "dangerous dogs" are enforced by local animal control authorities who investigate reported incidents involving dog bites or attacks. If a reported incident involves severe injury to or death of a human, or a dog that has previously been classified as a "dangerous dog," current law requires that the dog be immediately confiscated and destroyed by the animal control authority. In such cases, mitigating evidence, such as self-defense or

defense of others, may not be presented by the dog owner to prevent the destruction of the dog and the animal control authority has no discretion to impose alternative statutory safety measures governing “dangerous dogs.” The bill:

- eliminates the mandatory quarantine, confiscation, and destruction of previously unclassified dogs that cause severe injury to a human;
- provides that if a dog is classified as “dangerous” as a result of causing severe injury to a human, the animal control authority may destroy the dog only after considering the nature of the injury and future likelihood of harm by the dog;
- revises the notice of hearing and appeal rights to dog owners;
- transfers jurisdiction over appeals of animal control determinations from county court to circuit court;
- authorizes local governments to adopt ordinances that further regulate dogs that have bitten or attacked humans or domestic animals; and
- expressly exempts law enforcement dogs from provisions of law governing “dangerous dogs.”

The bill became law on March 8, 2016, chapter 2016-16, Laws of Florida, and became effective upon that date.

HB 111 (ch. 2016-52, L.O.F.) – Jury Service

By: Combee and others

Tied Bills: None

Companion Bills: SB 206

Committee(s) of Reference: Civil Justice Subcommittee; Judiciary Committee

Category: Courts

Clerks of the Court randomly select citizens to serve on a jury venire. Current law provides numerous grounds by which individuals called for jury duty can be exempt or excused from service. The bill adds that individuals permanently incapable of caring for themselves can request a permanent exemption from jury duty by submitting a written statement from a doctor verifying the disability.

The bill became law on March 10, 2016, chapter 2016-52, Laws of Florida, and becomes effective on July 1, 2016.

CS/CS/HB 131 (ch. 2016-18, L.O.F.) – Unattended Persons and Animals in Motor Vehicles

By: Judiciary Committee; Civil Justice Subcommittee; Young; Moskowitz and others

Tied Bills: None

Companion Bills: CS/CS/SB 308

Committee(s) of Reference: Civil Justice Subcommittee; Judiciary Committee

Category: Courts, Motorists

In several high-profile incidents throughout the state, good Samaritans have forcibly entered motor vehicles to rescue unattended persons and animals at risk of suffering heat-related illness or death due to extreme temperatures. The “Good Samaritan Act” (GSA), designed to encourage bystanders to help

those in need, provides immunity from civil liability for personal injury arising out of care or treatment rendered to persons or animals under such circumstances. However, the GSA does not specifically address immunity from liability for property damage that may be related to the rendering of such care and treatment.

The bill provides that an individual who attempts to rescue a minor, vulnerable adult, or domestic animal from a motor vehicle is immune from civil liability for damage to the vehicle, if the individual:

- determines the vehicle is locked or there is no other reasonable method for the person or animal to exit the vehicle without assistance;
- has a good faith and reasonable belief that entering the vehicle is necessary due to the likelihood of imminent harm to the person or animal;
- ensures that law enforcement is notified before or immediately after entering the vehicle;
- uses only the amount of force necessary to enter the vehicle and effect the rescue; and
- remains with the person or animal in a safe location until first responders arrive.

The bill became law on March 8, 2016, chapter 2016-18, Laws of Florida, and became effective upon that date.

SB 396 (ch. 2016-43, L.O.F.) – Nonresident Plaintiffs in Civil Actions

By: Bradley

Tied Bills: None

Companion Bills: HB 4029

Committee(s) of Reference: Judiciary; Rules

Category: Courts, Repeals of Existing Laws

Current law requires a nonresident plaintiff, or a plaintiff who leaves the state after filing a lawsuit, to file a surety bond of \$100 to apply against court costs for which the plaintiff may be liable. The bill repeals this requirement.

The bill became law on March 10, 2016, chapter 2016-43, Laws of Florida, and becomes effective July 1, 2016.

CS/SB 458 (ch. 2016-45, L.O.F.) – Transfers of Structured Settlement Payment Rights

By: Banking and Insurance; Richter

Tied Bills: None

Companion Bills: CS/CS/HB 379

Committee(s) of Reference: Judiciary; Banking and Insurance; Rules

Category: Consumer Protection, Courts, Financial Services

A structured settlement agreement is an arrangement for the periodic payment of damages in connection with a personal injury claim. Current law requires certain disclosures and court approval if a payee wishes to transfer his or her rights to future periodic payments for an immediate cash payout.

The bill:

- repeals the requirement to disclose the quotient;
- requires the petition to the court for approval of the transfer to be filed in the county where the payee lives, or to the circuit where the underlying tort occurred if the payee is not a state resident;
- allows a court to authorize assignment of the rights under a structured settlement notwithstanding a non-assignment clause;
- requires the payee to attend the hearing; and
- requires additional information to be included in the petition for authority to transfer.

The bill became law on March 10, 2016, chapter 2016-45, Laws of Florida, and became effective upon that date.

CS/CS/SB 494 (ch. 2016-46, L.O.F.) – Digital Assets

By: Rules; Judiciary; Hukill and others

Tied Bills: None

Companion Bills: CS/HB 747

Committee(s) of Reference: Judiciary; Fiscal Policy; Rules

Category: Consumer Protection, Courts

The bill creates the Florida Fiduciary Access to Digital Assets Act to provide designated recipients and specified fiduciaries, specifically the personal representative of a decedent, an agent under a power of attorney, a guardian, or a trustee, with a limited ability to access the digital assets of the decedent, principal, or ward. Digital assets include electronic communications and records such as emails, text messages, online photographs, documents stored on the cloud, and electronic bank statements.

In general, the bill provides that a fiduciary or designated recipient will have access to a catalogue of the user's communications (the "outside of the envelope") but not the content (the "inside of the envelope"), unless the user consented to the disclosure of the content of the communication.

The bill became law on March 10, 2016, chapter 2016-46, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/CS/SB 540 – Estates

By: Rules; Banking and Insurance; Judiciary; Hukill

Tied Bills: None

Companion Bills: CS/CS/HB 393

Committee(s) of Reference: Judiciary; Banking and Insurance; Rules

Category: Courts

The Florida Probate Code and the Florida Trust Code govern the disposition and management of estates during a person's lifetime or after their death. The bill amends these codes to:

- codify the common law situs rule, which provides that the disposition of real property located in Florida is governed by Florida law regardless of any contrary directive in a will;
- provide, consistent with current practice, that the election by a surviving spouse of the right to receive an elective share of a decedent's estate establishes the minimum share of the estate that may be received by the surviving spouse; and
- provide additional guidance to lawyers and the courts regarding the circumstances under which a trustee may pay attorney fees and costs from trust assets in breach of trust proceedings.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

HB 549 (ch. 2016-84, L.O.F.) – Offenses Concerning Racketeering and Illegal Debts

By: Burton

Tied Bills: None

Companion Bills: SB 850

Committee(s) of Reference: Civil Justice Subcommittee; Justice Appropriations Subcommittee;

Judiciary Committee

Category: Courts, Law Enforcement

The Florida RICO (Racketeer Influenced and Corrupt Organization) Act imposes criminal and civil liability on any person who engages in racketeering or the collection of unlawful debt to acquire real property or to establish or operate any enterprise or be associated with such an enterprise. Any property that is used in the course of or derived from the illegal conduct is subject to forfeiture to the state. The bill makes the following changes to the civil enforcement provisions of the RICO Act:

- If property subject to forfeiture is diminished in value, an investigative agency may pursue an action in circuit court to recover fair market value of the property
- A court may order the forfeiture of any other property of the defendant up to the value of any property that is unavailable or is diminished in value
- Civil penalties of up to \$100,000 for a natural person and up to \$1 million for any other person may be imposed for violations of the RICO Act
- An investigatory subpoena issued pursuant to the RICO Act is confidential for 120 days after the date of its issuance
- Any party to a RICO Act civil action may petition the court for entry of a consent decree or for approval of a settlement agreement

- The court is required to order distribution of forfeiture proceeds to the victims of the racketeering activity

The bill became law on March 24, 2016, chapter 2016-84, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/SB 668 – Family Law

By: Appropriations; Judiciary; Stargel

Tied Bills: None

Companion Bills: CS/HB 455; includes parts of CS/SB 250 and HB 553

Committee(s) of Reference: Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations

Category: Courts

The bill makes a number of changes to laws regarding families. Specifically, the bill:

- provides factors to assist a court in determining an award of temporary alimony;
- eliminates the current categorization of post-dissolution alimony awards as bridge-the-gap, rehabilitative, durational, or permanent and creates one form of post-dissolution alimony;
- establishes a mathematical formula to determine a presumptive range for the amount and duration of post-dissolution alimony awards, effectively ending permanent alimony;
- creates factors to determine a post-dissolution alimony award within the presumptive range;
- authorizes courts to deviate from the presumptive range under certain circumstances;
- revises procedures to initiate payment of alimony awards through the clerk of court depository;
- provides that certain changes in actual income and an obligor's retirement constitute a substantial change in circumstances for purposes of modifying or terminating an alimony award;
- revises the criteria for supportive relationships that justify modifying or terminating an alimony award, including the consideration of prior relationships and repealing the cohabitation requirement;
- creates a rebuttable presumption that modification or termination of an alimony award is retroactive to the date of the petition for relief;
- prohibits a party who unreasonably pursues or defends an alimony modification action from recovering attorney fees and costs and requires that such party pay the fees and costs of the prevailing party;
- requires that a court start with the premise that a minor child spend approximately equal amounts of time with each parent when establishing a parenting plan and time-sharing schedule that is in the best interests of the child; and
- requires courts to advance certain domestic relations actions on the court calendar upon motion.

The bill is applicable to petitions for the determination or modification of alimony awards pending or brought on or after October 1, 2016, and petitions for timesharing initially filed after October 1, 2016.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2016.

CS/HB 821 – Reimbursement of Assessments

By: Civil Justice Subcommittee; Rooney, Jr.

Tied Bills: None

Companion Bills: CS/SB 1692

Committee(s) of Reference: Civil Justice Subcommittee; Judiciary Committee

Category: Consumer Protection, Military

The United States Department of Veterans Affairs (VA) allows individuals to become an “accredited representative” to assist claimants (veterans) in applying for veterans benefits. In some circumstances, the VA charges an administrative fee against an accredited representative. Federal law prohibits a representative from directly or indirectly charging the veteran for this administrative fee. This bill provides that it is a second degree misdemeanor for any accredited representative to request, receive or obtain reimbursement of the administrative fee from a veteran.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2016.

HB 967 (ch. 2016-93, L.O.F.) – Family Law

By: Stevenson and others

Tied Bills: None

Companion Bills: SB 972

Committee(s) of Reference: Civil Justice Subcommittee; Judiciary Committee

Category: Courts

Collaborative law is a voluntary, non-adversarial alternative dispute resolution process that, similar to mediation, promotes problem-solving and solutions in lieu of litigation. The process employs collaborative attorneys, mental health professionals, and financial specialists to help adversarial parties reach a consensus on disputed issues. Collaborative law requires the creation of confidentiality privileges by statute, while courts must develop conforming rules of practice and procedure.

The bill creates the Collaborative Law Process Act (CLPA), based upon the Uniform Collaborative Law Rules/Act promulgated by the Uniform Law Commission, to provide a statewide, uniform system for the practice of collaborative law in family law proceedings, including dissolution of marriage, child custody, support, and paternity actions. The CLPA:

- specifies the manner of beginning, concluding, and terminating a collaborative law process;
- protects the confidentiality of communications made by parties and non-parties during a collaborative law process by establishing statutory privileges against the discovery, disclosure, or admissibility of such communications; and
- provides for the waiver, preclusion, and limitation of privileged communications.

The framework created by the CLPA will become effective 30 days after the adoption of rules of procedure and professional responsibility for the practice of collaborative law by the Florida Supreme Court.

The bill became law on March 24, 2016, chapter 2016-93, Laws of Florida, and becomes effective July 1, 2016.

CS/SB 1042 (ch. 2016-33, L.O.F.) – Judgments

By: Judiciary; Simmons

Tied Bills: None

Companion Bills: CS/HB 503

Committee(s) of Reference: Judiciary; Rules

Category: Courts

Proceedings supplementary is a legal process for the discovery and recovery of assets that a judgment debtor may have improperly transferred or concealed in an effort to delay or hinder a creditor attempting to satisfy a final judgment. A key part of proceedings supplementary is the ability of a judgment creditor to bring in to the proceeding a non-party who improperly received the property from the judgment debtor.

The bill makes a number of changes to current law governing proceedings supplementary:

- Revises and updates terms and creates a stand-alone “Definitions” section to provide uniform usage of terms
- Provides a procedure for bringing non-parties into proceedings supplementary via service of a Notice to Appear that describes the property at issue, notifies the third party of the right to a jury trial, and requires the third party to serve an answer within a time set by the court
- Provides that Uniform Fraudulent Transaction Act (UFTA) claims raised during proceedings supplementary must be initiated by a supplemental complaint and that such claims are governed by the provisions of the UFTA and the rules of civil procedure
- Moves the discovery provisions in current law into a single provision and provides that the discovery provisions are in addition to those provided under the rules of civil procedure

The bill became law on March 9, 2016, chapter 2016-33, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/HB 1181 (ch. 2016-101, L.O.F.) – Bad Faith Assertions of Patent Infringement

By: Judiciary Committee; Civil Justice Subcommittee; Grant and others

Tied Bills: None

Companion Bills: CS/SB 1298

Committee(s) of Reference: Civil Justice Subcommittee; Judiciary Committee

Category: Consumer Protection, Courts, Repeals of Existing Laws

In 2015, the Legislature enacted the “Patent Troll Prevention Act” (Act) to provide a private right of action for a person who has received a bad faith patent infringement demand letter. The bill amends the Act by revising when a party pursuing a private right of action under the bill may recover punitive damages and by revising the criteria by which a demand letter is deemed to be a bad faith assertion of patent infringement in violation of the Act.

The bill also repeals the provision in the Act that authorizes a target of a bad faith assertion of patent infringement to seek a protective order or a court order requiring the plaintiff to post a bond.

The bill became law on March 24, 2016, chapter 2016-101, Laws of Florida, and became effective upon that date.

CS/CS/SB 1432 – Service of Process

By: Rules; Judiciary; Stargel

Tied Bills: None

Companion Bills: CS/CS/HB 1231

Committee(s) of Reference: Judiciary; Rules

Category: Courts

Service of process is the formal delivery of a writ, summons, or other legal process or notice to a person affected by that document. Substitute service of process (process on an alternative person) is allowed in certain circumstances.

This bill provides that if the only address for a person to be served is a virtual office or an executive or mini office suite, substitute service may be made by leaving a copy of the process with the person in charge of the virtual office or executive or mini office suite, provided the process server determines that the person to be served maintains a virtual office or an executive or mini office suite at that location.

Service of process is an essential component of jurisdiction. The bill provides that a Florida court does not have jurisdiction over a case where another state is attempting to enforce an order, penalty or fine imposed, or issued by a state agency where there is no mandatory right of appeal.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

CS/HB 3509 – Relief/Andrea Castillo/City of Hialeah

By: Civil Justice Subcommittee; Nuñez

Tied Bills: None

Companion Bills: CS/CS/SB 44

Committee(s) of Reference: Civil Justice Subcommittee

Category: Claim Bill

The bill compensates Susana Castillo for the death of her daughter, Andrea Castillo, as the result of negligence by the City of Hialeah. Andrea was a passenger in a vehicle that was struck by a City of Hialeah police cruiser. Based on a settlement agreement, the city agreed to pay \$455,000 in addition to the \$300,000 that has already been paid. Payment for attorney fees, lobbying fees, and costs is limited to 25 percent.

This act became law on March 25, 2016.

CS/HB 3515 – Relief/Q.B./Palm Beach County School Board

By: Civil Justice Subcommittee; Fitzenhagen

Tied Bills: None

Companion Bills: CS/SB 58

Committee(s) of Reference: Civil Justice Subcommittee

Category: Claim Bill

The bill compensates Q.B. for injuries she suffered as the result of negligence by the Palm Beach County School Board. Q.B. was a student on a Palm Beach County school bus when she was sexually assaulted by another student. Based on a settlement agreement, the school board agreed to pay \$600,000 and purchase an annuity in the amount of \$594,000 in addition to the \$100,000 that has already been paid. Payment for attorney fees, lobbying fees, and costs is limited to 25 percent.

This act became law on March 25, 2016.

CS/HB 3517 – Relief/Alex Zaldivar, Brienna Campos, & Remington Campos/Orange County

By: Civil Justice Subcommittee; Bracy and others

Tied Bills: None

Companion Bills: CS/SB 20

Committee(s) of Reference: Civil Justice Subcommittee

Category: Claim Bill

The bill compensates Rafael and Kyoko Zaldivar for the death of their son, Alex Zaldivar, and Brienna and Remington Campos for injuries sustained as the result of negligence by Orange County. Alex, Brienna, and Remington were victims of a murder and attempted murder by Bessman Okafor, who was under the supervision of the Orange County Home Confinement Unit. Based on a settlement agreement, the county agreed to pay \$400,000 in addition to the \$300,000 that has already been paid. Payment for attorney fees, lobbying fees, and costs is limited to 25 percent.

This act became law on March 25, 2016.

CS/HB 3525 – Relief/Melvin & Alma Colindres/City of Miami

By: Civil Justice Subcommittee; Artiles

Tied Bills: None

Companion Bills: CS/SB 46

Committee(s) of Reference: Civil Justice Subcommittee

Category: Claim Bill

The bill compensates Melvin and Alma Colindres for the death of their son, Kevin Colindres, as the result of negligence by the City of Miami. Kevin suffered fatal injuries while being restrained by City of Miami police officers. Based on a settlement agreement, the city agreed to pay \$550,000 in addition to the \$200,000 which has already been paid. Payment for attorney fees, lobbying fees, and costs is limited to 25 percent.

This act became law on March 25, 2016.

Criminal Justice Subcommittee

CS/CS/HB 75 (ch. 2016-15, L.O.F.) – Electronic Monitoring Devices

By: Judiciary Committee; Criminal Justice Subcommittee; Torres, Jr. and others

Tied Bills: None

Companion Bills: CS/CS/SB 954

Committee(s) of Reference: Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

Category: Corrections, Courts, Law Enforcement, Safety, Sentencing

Electronic monitoring devices (EMD) are used to keep track of the location of arrestees, criminal defendants, and offenders who have been placed on probation, community control, or conditional release (community supervision). A defendant who tampers with or circumvents an EMD that was ordered as a condition of pretrial release may be detained while awaiting trial for the duration of his or her criminal case. Similarly, an offender who has been sentenced to use an EMD as a condition of community supervision can have his or her community supervision revoked for tampering or interfering with the EMD. Pursuant to s. 948.11(7), F.S., it is a third degree felony for a person to intentionally alter, tamper with, damage, or destroy any electronic monitoring equipment pursuant to court or commission order, unless that person is the owner of the equipment or an agent of the owner, and is performing ordinary maintenance and repairs.

The bill repeals s. 948.11(7), F.S., and moves its provisions into newly-created s. 843.23, F.S. This section makes it a third degree felony for a person to intentionally and without authority, remove, destroy, alter, tamper with, damage, or circumvent the operation of specified EMDs, or to request, authorize, or solicit a person to do so.

The bill also amends s. 948.11(1), F.S., to clarify that the Department of Corrections may electronically monitor offenders sentenced to community control only when the court has imposed electronic monitoring as a condition of community control.

The bill became law on March 8, 2016, chapter 2016-15, Laws of Florida, and becomes effective October 1, 2016.

HB 93 (ch. 2016-76, L.O.F.) – Law Enforcement Officer Body Cameras

By: Jones, S.; Williams, A. and others

Tied Bills: None

Companion Bills: SB 418

Committee(s) of Reference: Criminal Justice Subcommittee; Appropriations Committee; Judiciary Committee

Category: Law Enforcement

A body camera is a portable electronic device, typically worn on the outside of a portion of clothing, which records audio and video data. Preliminary studies on the effects of using body cameras on law enforcement officers have indicated a reduction of citizen complaints against officers who wore the cameras while on duty. Only a small number of Florida law enforcement agencies have elected to use body cameras. Currently, Florida law does not require such agencies to have policies in place that govern the use of such technology.

The bill requires law enforcement agencies that permit law enforcement officers to wear body cameras to develop policies and procedures governing the proper use, maintenance, and storage of body cameras and recorded data. The policies and procedures must include:

- general guidelines for the proper use, maintenance, and storage of body cameras;
- any limitations on which law enforcement officers are permitted to wear body cameras;
- any limitations on law-enforcement-related encounters in which law enforcement officers are permitted to wear body cameras; and
- general guidelines for the proper storage, retention, and release of audio and video data recorded by body cameras.

The bill requires law enforcement agencies to provide policies and procedures training to all personnel who use, maintain, store, or release body camera recording data, and to retain body camera recording data in compliance with s. 119.021, F.S. Agencies must perform periodic reviews of agency practices to ensure compliance with agency policies and procedures. The bill also exempts body camera recordings from the requirements of ch. 934, F.S. This allows law enforcement officers to wear body cameras during their patrol duties without having to inform each individual they make contact with that they are being recorded.

The bill became law on March 24, 2016, chapter 2016-76, Laws of Florida, and became effective upon that date.

CS/CS/SB 130 (ch. 2016-12, L.O.F.) – Discharging a Firearm

By: Community Affairs; Criminal Justice; Richter

Tied Bills: None

Companion Bills: CS/CS/HB 41

Committee(s) of Reference: Criminal Justice; Community Affairs; Fiscal Policy

Category: Law Enforcement, Safety

Currently, s. 790.15, F.S., provides that it is a first degree misdemeanor for a person to recklessly or negligently discharge a firearm outdoors on any property used primarily as the site of a dwelling or zoned exclusively for residential use. The bill amends this section of law to also provide that it is a first degree misdemeanor for a person to recreationally discharge a firearm outdoors in an area that:

- the person knows or reasonably should know is primarily residential in nature; and
- has a residential density of one or more dwelling units per acre.

The bill specifies that recreational discharge includes target shooting and that the misdemeanor offense is not committed if:

- a person is lawfully defending life or property or performing official duties requiring the discharge of a firearm;
- under the circumstances, the discharge does not pose a reasonably foreseeable risk to life, safety, or property; or
- a person accidentally discharges a firearm.

The bill became law on February 24, 2016, chapter 2016-12, Laws of Florida, and became effective upon that date.

CS/SB 180 (ch. 2016-5, L.O.F.) – Trade Secrets

By: Commerce and Tourism; Richter

Tied Bills: CS/CS/SB 182

Companion Bills: CS/HB 55

**Committee(s) of Reference: Commerce and Tourism; Governmental Oversight and Accountability;
Rules**

Category: Business and Professional Regulation, Law Enforcement, Sentencing

Florida law currently imposes criminal penalties for a variety of acts relating to the theft, unauthorized copying, and misappropriation of trade secrets. For many of these statutes, the term “trade secret” is defined in accordance with s. 812.081, F.S., to include “any scientific, technical, or commercial information” that otherwise qualifies as trade secret.

The bill amends the definition of “trade secret” to mean “any scientific, technical, or commercial information, including financial information,” that otherwise qualifies as trade secret. The bill reenacts several statutes to incorporate the changes to the definition of “trade secret.”

The bill became law on February 24, 2016, chapter 2016-5, Laws of Florida, and becomes effective October 1, 2016.

CS/CS/SB 182 (ch. 2016-6, L.O.F.) – Public Records and Meetings/Trade Secrets

By: Governmental Oversight and Accountability; Commerce and Tourism; Richter

Tied Bills: CS/SB 180

Companion Bills: CS/HB 57

**Committee(s) of Reference: Commerce and Tourism; Governmental Oversight and Accountability;
Rules**

**Category: Business and Professional Regulation, Government in the Sunshine, Government
Operations**

Florida law contains a variety of provisions making trade secret information exempt or confidential and exempt from public records. Many of these statutes define the term “trade secret” in accordance with s. 812.081(1)l, F.S. CS/SB 180, which is tied to this bill, expands the definition of the term “trade secret” contained in s. 812.081(1)l, F.S., to include financial information.

This bill amends ss. 119.071(1)(f), 125.0104(9)(d), 288.1226(8), 331.326, 365.174, 381.83, 403.7046(2) and (3)(b), 403.73, 499.012(8)(g) and (m), 499.0121(7), 499.051(7), 499.931, 502.222, 570.48(3), 573.123(2), 601.10(8), 601.15(7)(d), 601.152(8)(c), 601.76, and 815.04(3)and (6), F.S., to incorporate the changes to the definition of “trade secret” made by CS/SB 180. The sections provide public record exemptions for trade secret information. Thus, the bill amends those public record exemptions for trade secret information to include financial information.

The bill provides for repeal of the amended exemptions on October 2, 2021, unless they are reviewed and saved from repeal through reenactment by the Legislature. It also provides a public necessity statement as required by the Florida Constitution.

The bill became law on February 24, 2016, chapter 2016-6, Laws of Florida, and becomes effective October 1, 2016.

CS/SB 218 – Offenses Involving Electronic Benefits Transfer Cards

By: Criminal Justice; Hutson and others

Tied Bills: None

Companion Bills: CS/HB 105

Committee(s) of Reference: Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations

Category: Law Enforcement, Sentencing

Currently, s. 414.39, F.S., makes it a criminal offense for a person to knowingly use, transfer, acquire, traffic, alter, forge, or possess, in any manner not authorized by law, a food assistance identification card or an authorization, including an electronic authorization, for the expenditure of food assistance benefits. The subsection also specifies that it is a crime for a person to attempt to commit, or to aid or abet another person in the commission of, the aforementioned acts. Depending on the value of the public assistance wrongfully received, retained, misappropriated, sought, or used, these criminal offenses range from a first degree misdemeanor to a first degree felony.

Florida law does not currently describe acts that are included in the term “traffic” as used above. The bill adds language providing that the following acts are included in the term “traffic:”

- Buying, selling, stealing, or otherwise effecting an exchange of certain food assistance benefits for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone
- Exchanging firearms, ammunition, explosives, or controlled substances for food assistance benefits
- Purchasing a product with food assistance benefits and subsequently intentionally reselling the product in exchange for cash or consideration other than eligible food
- Intentionally purchasing products originally purchased with food assistance benefits in exchange for cash or consideration other than eligible food

Further, the bill makes it a first degree misdemeanor for an individual to possess two or more electronic benefits transfer cards for food assistance benefits that were issued to other persons and to sell or attempt to sell one or more of the cards. It also specifies that a second or subsequent violation constitutes a third degree felony. A person who commits this violation must be ordered by the court, in addition to any other penalty, to serve at least 20 hours of community service. If determined feasible by the court, such community service must be performed with a nonprofit entity that provides the community with food services for the needy.

Subject to the Governor’s veto powers, the effective date of this bill is October 1, 2016.

CS/SB 228 (ch. 2016-7, L.O.F.) – Mandatory Minimum Sentences

By: Criminal Justice; Bean; Bradley and others

Tied Bills: None

Companion Bills: CS/HB 135

Committee(s) of Reference: Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; Fiscal Policy

Category: Law Enforcement, Safety, Sentencing

Currently, s. 775.087, F.S., commonly known as the “10-20-Life” law, requires the court to sentence a person convicted of aggravated assault, attempted aggravated assault, or other specified offenses to a minimum term of imprisonment of:

- three years if, during the commission of the offense, the person actually possessed a firearm or destructive device or 15 years if the firearm possessed was a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun; or
- twenty years if, during the commission of the offense, the person discharged a firearm, destructive device, semiautomatic firearm, or machine gun or 25 years to life imprisonment if such discharge resulted in death or great bodily harm to a person.

These minimum terms must be imposed for an aggravated assault conviction unless the court makes written findings that:

- the defendant had a good faith belief that the aggravated assault was justifiable pursuant to ch. 776, F.S.;
- the aggravated assault was not committed in the course of committing another criminal offense;
- the defendant does not pose a threat to public safety; and
- the totality of the circumstances involved in the offense do not justify the imposition of such sentence.

The bill deletes aggravated assault and attempted aggravated assault from the offenses that are subject to the mandatory minimum sentences set forth in s. 775.087, F.S., and makes a conforming change by repealing the exception to such sentences based on specified court findings. Thus, persons who are convicted of aggravated assault or attempted aggravated assault and who actually possessed or discharged a firearm or other specified weapon during the commission of that offense will no longer be subject to the “10-20-Life” mandatory minimum sentences.

The bill became law on February 24, 2016, chapter 2016-7, Laws of Florida, and becomes effective July 1, 2016.

CS/SB 230 – Missing Persons with Special Needs

By: Appropriations; Dean

Tied Bills: None

Companion Bills: CS/CS/CS/CS/HB 11

Committee(s) of Reference: Criminal Justice; Children, Families, and Elder Affairs; Appropriations

Category: Safety

Elopement, which means leaving an area without supervision or caregiver permission, is prevalent among individuals with certain special needs and may expose them to dangerous situations. Individuals with Alzheimer’s disease or autism are two populations at higher risk to elope. There are a number of personal devices on the market that utilize cellular or global-positioning system technologies to aid in the search-and-rescue efforts for individuals who elope.

The bill creates the “Project Leo” pilot projects, with the first pilot project serving Alachua, Baker, Columbia, Hamilton, and Suwannee Counties, the second pilot project serving Palm Beach County, and the third pilot project serving Hillsborough County. Each pilot project must provide personal devices free of charge to participants to aid in search-and-rescue efforts in the event a participant elopes.

The first project will be developed and administered by the Center for Autism and Related Disabilities (CARD) at the University of Florida (CARD UF), the second project will be developed and administered by CARD at the Florida Atlantic University (CARD FAU) and the third project will be developed and administered by CARD at the University of South Florida (CARD USF). The bill directs CARD UF, CARD FAU, and CARD USF to select participants on a first-come, first-serve basis. Participants will be selected based on criteria developed by CARD UF, CARD FAU, or CARD USF. Each center’s criteria must, at a minimum, consider the individual’s risk of elopement. The number of participants shall be determined based on available funding within each center’s existing resources. The respective county sheriff’s offices will distribute these devices to project participants.

The bill requires CARD UF, CARD FAU, and CARD USF to submit preliminary and final reports to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The final reports must include recommendations for modifications or continued implementation of the program. The pilot programs expire on June 30, 2018.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

CS/CS/HB 293 (ch. 2016-78, L.O.F.) – Public Records/Juvenile Criminal History Records

By: Judiciary Committee; Criminal Justice Subcommittee; Pritchett and others

Tied Bills: None

Companion Bills: CS/SB 700

Committee(s) of Reference: Criminal Justice Subcommittee; Government Operations Subcommittee; Judiciary Committee

Category: Government in the Sunshine, Juvenile Justice, Law Enforcement

Section 985.04(1), F.S., specifies that all records obtained under ch. 985, F.S., as a result of a juvenile being involved in the juvenile justice system, are confidential. However, s. 985.04(2), F.S., creates exceptions to such confidentiality if the juvenile: is taken into custody for a violation of law that, if committed by an adult, would be a felony; is found by a court to have committed three or more violations of law that, if committed by an adult, would be misdemeanors; or is transferred to the adult system.

In contrast, s. 943.053, F.S., allows a juvenile's criminal history information to be disseminated in the same manner as that of an adult, without regard to the confidentiality of juvenile records under s. 985.04, F.S.

A recent ruling by Florida's First District Court of Appeal highlighted this inconsistency. The bill addresses this inconsistency by:

- making the records of juveniles who have been found to have committed any number of misdemeanors confidential and exempt (currently, a juvenile record consisting of three or more misdemeanors is a public record);
- ensuring that the list of juvenile records that are not confidential and exempt under s. 985.04(2), F.S., is identical to the list of juvenile records deemed not to be confidential and exempt under s. 943.053, F.S.;
- requiring the Florida Department of Law Enforcement (FDLE) to release juvenile criminal history records in a manner that takes into account the records' confidential and exempt status; and
- specifying how FDLE must release juvenile criminal history records.

Additionally, the bill provides that a public records custodian may choose not to electronically publish on the custodian's website the arrest or booking photographs contained in a juvenile's record that is not confidential and exempt or otherwise restricted from publication by law. The bill also specifies that this provision does not restrict public access to records as provided by s. 119.07, F.S.

The bill provides for repeal of the public record exemptions on October 2, 2021, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

The bill became law on March 24, 2016, chapter 2016-78, Laws of Florida, and became effective upon that date.

CS/SB 380 – Violation of an Injunction for Protection

By: Fiscal Policy; Abruzzo and others

Tied Bills: None

Companion Bills: CS/HB 101

Committee(s) of Reference: Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; Fiscal Policy

Category: Courts, Law Enforcement, Safety, Sentencing

Victims of domestic, repeat, dating, or sexual violence, or stalking or cyberstalking may obtain an injunction for protection if certain requirements are met. An injunction is either temporary, lasting a maximum of 15 days, or final, lasting until dissolved by the court. A respondent violates the terms of an injunction for protection if the respondent willfully commits a prohibited act against the petitioner. The court may enforce a violation of an injunction through a civil or criminal contempt proceeding, or the state attorney may prosecute it as a first degree misdemeanor.

Currently, violating an injunction for protection is a first degree misdemeanor, regardless of how many times a person is convicted of this offense.

The bill amends ss. 741.31(4), 784.047, and 784.0487(4), F.S., to increase the penalty for a third or subsequent violation of an injunction for protection against the same victim to a third degree felony.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2016.

CS/SB 386 (ch. 2016-42, L.O.F.) – Expunction of Records of Minors

By: Fiscal Policy; Detert and others

Tied Bills: None

Companion Bills: CS/CS/CS/HB 147

Committee(s) of Reference: Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; Fiscal Policy

Category: Government in the Sunshine, Juvenile Justice

Section 943.0515, F.S., requires the automatic expunction of the criminal history records of specified juveniles at age 26 or 24. For a juvenile who is not classified as a serious or habitual juvenile offender, or who has not been committed to a juvenile correctional facility or juvenile prison, the Criminal Justice Information Program must retain his or her criminal history record until the age of 24, at which time it is automatically expunged unless other specified circumstances apply.

The bill requires all records related to minors who are not classified as serious or habitual juvenile offenders (non-serious juvenile offenders) to be automatically expunged when the minor reaches the age of 21, provided the specified exceptions do not apply. The bill also permits non-serious juvenile offenders to apply to the Florida Department of Law Enforcement (FDLE) to have their record expunged earlier than age 21. FDLE must expunge the juvenile criminal history record earlier than age 21 if:

- the minor has reached 18 years of age and has not been charged with or found to have committed a criminal offense in the 5-year period before the application; and
- the State Attorney for each circuit in which an offense specified in the criminal history record occurred has given approval.

The bill makes conforming changes to s. 790.23, F.S., which regulates the possession of weapons by felons and delinquents, to provide that the section does not apply to a non-serious juvenile offender whose criminal history record has been expunged under s. 943.0515, F.S.

Juvenile prearrest and postarrest diversion programs (diversion programs) are nonjudicial alternatives used to keep less serious juvenile offenders from being processed through the traditional juvenile justice system. A diversion program is authorized to provide for the expunction of a juvenile's arrest record upon successful completion of the diversion program. To obtain such an expunction, a juvenile who has completed a diversion program must provide specified documentation to FDLE within a 12-month time frame in accordance with s. 943.0582, F.S.

The bill amends s. 943.0582, F.S., to eliminate the requirement that an application for diversion program expunction must be submitted within a 12-month time frame.

The bill became law on March 10, 2016, chapter 2016-42, Laws of Florida, and becomes effective July 1, 2016.

HB 387 (ch. 2016-81, L.O.F.) – Offenses Evidencing Prejudice

By: Stevenson and others

Tied Bills: None

Companion Bills: SB 356

Committee(s) of Reference: Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

Category: Mental Health, Safety, Sentencing

Currently, s. 775.085, F.S., authorizes civil remedies and reclassifies the criminal penalty for any felony or misdemeanor offense if the circumstances evidence prejudice based on race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, mental or physical disability, or the advanced age of the victim.

The bill removes prejudice based on mental or physical disability as a factor for reclassifying an offense under s. 775.085, F.S. The bill creates a new section of law, s. 775.0863, F.S., to establish a separate hate crime statute specifically for crimes evidencing prejudice based on mental or physical disability. The new section's language is substantively identical to the language currently in s. 775.085, F.S, which authorizes civil remedies and reclassifies the penalty for any felony or misdemeanor offense if the circumstances evidence prejudice based on mental or physical disability. Offenses that fall under the statute are reclassified as follows:

- A misdemeanor of the second degree is reclassified to a misdemeanor of the first degree
- A misdemeanor of the first degree is reclassified to a felony of the third degree
- A felony of the third degree is reclassified to a felony of the second degree
- A felony of the second degree is reclassified to a felony of the first degree
- A felony of the first degree is reclassified to a life felony

The bill became law on March 24, 2016, chapter 2016-81, Laws of Florida, and becomes effective on October 1, 2016.

CS/CS/SB 436 – Crime of Making Threats of Terror or Violence

By: Appropriations; Criminal Justice; Simpson and others

Tied Bills: None

Companion Bills: CS/CS/HB 257

Committee(s) of Reference: Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations

Category: Law Enforcement, Public Employees, Safety

Florida law currently imposes criminal penalties for making specific types of threats, as well as false reports regarding explosives or other destructive devices. However, such a threat or report must fall into narrow categories to be criminal. There are a number of states throughout the nation that criminalize broad categories of serious threats of great bodily harm or death. Florida currently does not have such a prohibition in place.

The bill expands the current second degree felony offenses of making a false report about planting a bomb, explosive, or weapon of mass destruction under s. 790.163, F.S., and under s. 790.164, F.S., relating to property owned by the state or any political subdivision, to also make it a second degree felony to make a false report concerning the use of firearms in a violent manner against a person.

Additionally, the bill creates s. 836.12, F.S., to make it a first degree misdemeanor to threaten death or serious bodily harm against a law enforcement officer, state attorney, assistant state attorney, firefighter, judge, or elected official, or a family member of such a person. A second or subsequent offense is a third degree felony.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2016.

CS/CS/CS/HB 439 (ch. 2016-127, L.O.F.) – Mental Health Services in the Criminal Justice System

By: Judiciary Committee; Appropriations Committee; Children, Families & Seniors Subcommittee; McBurney and others

Tied Bills: None

Companion Bills: CS/CS/SB 604; includes parts of CS/SB 12

Committee(s) of Reference: Criminal Justice Subcommittee; Children, Families & Seniors Subcommittee; Appropriations Committee; Judiciary Committee

Category: Corrections, Courts, Juvenile Justice, Mental Health, Safety, Sentencing

On any given day in Florida, it is estimated that there are 17,000 prison inmates, 15,000 jail detainees, and 40,000 individuals under correctional supervision who experience serious mental illness. Each year, as many as 125,000 adults with mental illnesses or substance use disorders, who require immediate treatment, are arrested and booked into Florida jails. Further, of the 150,000 juveniles referred to Florida's Department of Juvenile Justice each year, more than 70 percent have at least one mental health disorder.

To address mental health issues in the criminal and juvenile justice systems, Florida has multiple programs, some of which operate on a statewide basis, e.g., state-administered forensic and civil mental health programs, and others that are only available in certain counties or circuits, e.g., mental health courts and veterans' courts. This bill amends statutes governing these programs by:

- creating the Forensic Hospital Diversion Pilot Program, which is to be modeled after the Miami-Dade Forensic Alternative Center, and authorizing the Department of Children and Families to implement the pilot program in Duval, Broward, and Miami-Dade Counties, if existing recurring resources are available;
- authorizing county court judges to order misdemeanants to involuntary outpatient placement if the misdemeanants meet specified criteria;
- creating statutory authority for each county to establish a mental health court program that provides pretrial intervention and post-adjudicatory programs and authorizing courts to order adult and juvenile offenders who have mental illnesses to participate in such programs;
- expanding the definition of "veteran," for the purpose of eligibility for veterans' court, to include veterans who were discharged or released under a general discharge; and
- expanding the statutory authorization for certain offenders to transfer to a "problem-solving court" in another county to also include transfer to delinquency pretrial intervention programs.

The bill also makes conforming changes to child welfare statutes to incorporate references to mental health treatment and mental health courts.

The bill became law on March 25, 2016, chapter 2016-127, Laws of Florida, and becomes effective on July 1, 2016.

SB 498 – Repeal of a Prohibition on Cohabitation

By: Sobel and others

Tied Bills: None

Companion Bills: HB 4003

Committee(s) of Reference: Criminal Justice; Judiciary; Rules

Category: Law Enforcement, Repeals of Existing Laws, Sentencing

Florida's cohabitation law, s. 798.02, F.S., which was first enacted in 1868, makes it a second degree misdemeanor if any:

- man and woman, not being married to each other, lewdly and lasciviously associate and cohabit together; or
- man or woman, married or unmarried, engages in open and gross lewdness and lascivious behavior.

In recent years, states such as Arizona, Idaho, Maine, New Mexico, North Dakota, Virginia, and West Virginia, have repealed their cohabitation laws. In 2006, North Carolina's cohabitation law was found unconstitutional as violating one's substantive due process rights.

The bill repeals the portion of s. 798.02, F.S., which makes it a second degree misdemeanor for any man and woman, not being married to each other, to lewdly and lasciviously associate and cohabit together.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/HB 545 (ch. 2016-24, L.O.F.) – Human Trafficking

By: Justice Appropriations Subcommittee; Criminal Justice Subcommittee; Spano and others

Tied Bills: None

Companion Bills: CS/SB 784; includes parts of SB 874, HB 1367, HB 4033

Committee(s) of Reference: Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

Category: Law Enforcement, Safety, Sentencing

In recent years, the Legislature has overhauled Florida's human trafficking laws to increase penalties for solicitation of prostitution and removed some offenses that penalized minors for the commission of prostitution to reflect that minors are unable to consent to prostitution and should be viewed as victims of human trafficking. Minors, however, may still be charged with prostitution under s. 796.07, F.S. In Fiscal Year 2014-15, 39 minors were arrested for prostitution.

The bill removes persons under the age of 18 from being prosecuted for prostitution, and makes correlating changes in ch. 39, F.S., relating to the definition of the term "sexual abuse of a child," to reflect that sexually exploiting a child in prostitution should be viewed as human trafficking. This ensures that children involved in prostitution are treated as victims, not culprits.

The bill also includes the following provisions:

- Adds faith-based programs on the negative effects of prostitution and human trafficking to the educational programs that a person convicted of soliciting prostitution must attend if such programs exist in his or her judicial district
- Increases the penalties for knowingly renting space to be used for prostitution
- Reclassifies an offense of s. 796.07(2)(a), F.S., if the place, structure, building, or conveyance that is owned, established, maintained, or operated for prostitution is a massage establishment that is or should be licensed under s. 480.043, F.S., and adds such reclassified offense to the list of offenses that disqualify applicants from a massage therapist or massage establishment license
- Adds human trafficking as a qualifying felony for first degree murder in the commission of a felony
- Clarifies the offense of branding a victim of human trafficking
- Reclassifies human trafficking offense if the victim suffers great bodily harm, permanent disability, or permanent disfigurement
- Adds racketeering under s. 895.03, F.S., to the qualifying offenses for a sexual predator or sexual offender if a judge makes written findings that racketeering activity involved at least one sexual offense included in the definition of sexual predator or sexual offender

The bill became law on March 8, 2016, chapter 2016-24, Laws of Florida, and becomes effective October 1, 2016.

SB 628 – Fees for Records

By: Richter

Tied Bills: None

Companion Bills: HB 1089

Committee(s) of Reference: Children, Families, and Elder Affairs; Appropriations Subcommittee on Criminal and Civil Justice; Fiscal Policy

Category: Law Enforcement, Safety

Section 943.053(3)(b), F.S., in relevant part, provides that the fee per record for criminal history information provided by the Florida Department of Law Enforcement is \$24.00 per name submitted, except that the fee for the guardian ad litem program and vendors of the Department of Children and Families, the Department of Juvenile Justice, and the Department of Elder Affairs is \$8.00 for each name submitted.

The bill adds the Agency for Persons with Disabilities (APD) to the list of state agencies above; thus, authorizing APD vendors to pay \$8.00 per background screening.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/CS/SB 636 (ch. 2016-72, L.O.F.) – Evidence Collected in Sexual Offense Investigations

By: Appropriations; Criminal Justice; Benacquisto and others

Tied Bills: None

Companion Bills: CS/CS/HB 179

Committee(s) of Reference: Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations

Category: Law Enforcement, Safety

Sexual offense evidence kits (SOEKs), also referred to as “rape kits,” are medical kits used to collect evidence from the body and clothing of a victim of rape or other sexual offense during a forensic physical examination. Such kits are submitted by law enforcement agencies to crime laboratories for DNA analysis and resulting DNA profiles are uploaded to local, state, and federal DNA databases to determine whether a match identifying the perpetrator can be made.

Currently, Florida law does not specify requirements regarding the testing of SOEKs. Proviso adopted as part of the 2015-16 General Appropriations Act directed the Florida Department of Law Enforcement (FDLE) to conduct a statewide assessment of untested SOEKs. FDLE reported its findings on December 30, 2015, which indicated, based on the survey responses of local law enforcement agencies representing 89 percent of in this state’s population, that a total of 13,435 SOEKs have not been submitted for analysis.

The bill creates s. 943.326, F.S., to require a SOEK, or other DNA evidence if such kit is not collected, to be submitted to a member of the statewide criminal analysis laboratory system for forensic testing within 30 days after:

- the receipt of the evidence by a law enforcement agency if a report of the sexual offense is made to the agency; or
- a request to have the evidence tested is made by the alleged victim or a specified representative of the victim.

The bill further requires that:

- an alleged victim or certain representatives of the victim be informed of the purpose for and right to demand testing of such evidence;
- testing of SOEKs be completed by laboratories within 120 days after receipt; and
- FDLE and others to adopt guidelines for the collection, submission, and testing of DNA evidence.

Finally, the bill specifies that the section does not create a cause of action or a right to challenge the admission of evidence or a cause of action for damages or any other relief.

The bill became law on March 23, 2016, chapter 2016-72, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/HB 739 (ch. 2016-59, L.O.F.) – Secondhand Dealers

By: Judiciary Committee; Criminal Justice Subcommittee; Passidomo and others

Tied Bills: None

Companion Bills: CS/CS/CS/SB 948

Committee(s) of Reference: Criminal Justice Subcommittee; Judiciary Committee

Category: Business and Professional Regulation, Consumer Protection, Law Enforcement

Sections 538.03-538.17, F.S., regulate specific secondhand dealers and their business practices. Secondhand dealers must comply with transaction recording and reporting requirements and must keep secondhand goods for at least 15 days before they can be modified, transferred, disposed of, or used in any way.

The bill amends the secondhand dealers' transaction form requirements to include digital photos of the relevant goods and permit the International Mobile Station Equipment Identity (IMEI), the mobile equipment identifier (MEID), and other unique identifying numbers to be recorded in lieu of serial numbers. The bill also expands the holding period for the following secondhand goods from 15 to 30 days: a precious metal, a gemstone, or jewelry; an antique furnishing, fixture, or decorative object; an item of art; or goods purchased through an automated kiosk.

Section 538.08, F.S., authorizes a civil action of replevin when a person contests the identification or ownership of property in a secondhand dealer's possession. The bill expands the action to allow lienors alleging a right of possession to bring suit and entitles any plaintiff to use a summary procedure process.

The bill also creates a noncriminal violation punishable pursuant to s. 775.083, F.S., by a fine of up to \$2,500, when the secondhand dealer fails to return property to an owner or lienor in specified circumstances.

The bill authorizes storage at a secondhand dealer registered location outside the appropriate law enforcement official's jurisdiction when the law enforcement official agrees and the secondhand dealer provides proof that he or she is able to and agrees to deliver the stored secondhand goods to the appropriate law enforcement official within two business days upon request.

The bill became law on March 10, 2016, chapter 2016-59, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/CS/SB 912 – Fraudulent Activities Associated with Payment Systems

By: Rules; Fiscal Policy; Criminal Justice; Flores and others

Tied Bills: None

Companion Bills: CS/CS/HB 761

Committee(s) of Reference: Criminal Justice; Appropriations Subcommittee on General Government; Fiscal Policy; Rules

Category: Consumer Protection, Law Enforcement, Safety, Sentencing

The Department of Agriculture and Consumer Services (DACS) is responsible for inspecting measuring devices, i.e., fuel pumps, that are used in this state to sell fuel at wholesale and retail. In executing this responsibility, DACS also inspects the pumps for devices, commonly referred to as “skimmers,” which steal payment card information from customers paying for their fuel at the pump.

During recent investigations, DACS has found that skimmed payment card information is being used as part of elaborate fraud schemes to purchase hundreds of gallons of fuel pumped into unapproved, hidden fuel tanks in vans, SUVs, and trucks. Such gas is then usually resold by the criminals to independent truck drivers at a fraction of its usual cost.

To establish greater protection for consumer payment card information and enhance penalties for crimes involved in the fraud schemes, the bill:

- requires owners and managers of retail fuel pumps in this state to affix or install one or more security measure(s) on each fuel pump, which restrict the unauthorized access of customer payment card information;
- increases the penalty for the offense of unlawfully conveying and fraudulently obtaining fuel from an unranked third degree felony to a second degree felony ranked as a Level 5 offense on the Offense Severity Ranking Chart (OSRC);
- makes the possession of, in addition to the trafficking of, counterfeit credit cards or related documents a prohibited offense; and
- reduces the number of counterfeit credit cards or related documents required to constitute a trafficking or possession offense from 10 to 5 and creates a tiered penalty scheme that makes it:
 - a second degree felony, ranked at Level 5 on the OSRC, to unlawfully traffic or possess 5 to 14 counterfeit credit cards or related documents,
 - a second degree felony, ranked at Level 7 on the OSRC, to unlawfully traffic or possess 15 to 49 counterfeit credit cards or related documents, and
 - a felony of the first degree ranked at Level 8 on the OSRC, to unlawfully traffic or possess 50 or more counterfeit credit cards or related documents.

Subject to the Governor’s veto powers, the effective date of this bill is October 1, 2016.

CS/CS/SB 936 – Persons with Disabilities

By: Appropriations; Criminal Justice; Ring and others

Tied Bills: None

Companion Bills: CS/CS/HB 1043; includes parts of HB 1105 and CS/CS/SB 718

Committee(s) of Reference: Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations

Category: Law Enforcement, Mental Health, Safety

Autism spectrum disorder (ASD) is a developmental disorder that is characterized, in varying degrees, by repetitive behaviors and difficulties with social interaction and communication. In Diagnostic and Statistical Manual of Mental Disorder, the ASD diagnosis encompasses disorders such as Autistic Disorder and Asperger Syndrome. Individuals diagnosed with ASD have an estimated seven times as many contacts with law enforcement agencies during their lifetimes than other individuals.

The bill requires the Department of Highway Safety and Motor Vehicles to put a “D” on an individual’s identification card upon satisfactory proof that the individual has been diagnosed with a developmental disability. Additionally, the bill requires a law enforcement officer, a correctional officer, or another public safety official to procure the presence of a specified mental health professional at any interview of an individual diagnosed with autism or ASD, if requested by the individual or the individual’s parent or guardian. The individual or the individual’s parent or guardian is responsible for the expenses related to having the professional present. If the individual is a victim, the expenses must be reimbursed by the defendant upon conviction.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016, except as otherwise provided.

CS/CS/SB 1044 – Contraband Forfeiture

By: Fiscal Policy; Criminal Justice; Brandes and others

Tied Bills: None

Companion Bills: CS/CS/HB 889; includes parts of CS/SB 220 and HB 883

Committee(s) of Reference: Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; Fiscal Policy

Category: Government Operations, Law Enforcement, Local Government

Sections 932.701-932.706, F.S., comprise the Florida Contraband Forfeiture Act (hereafter the “Act”), which provides for the seizure and civil forfeiture of property used in violation of the Act. The forfeiture procedure advances primarily by a two-step process: the seizure or other initial restraint on the property is applied; and the forfeiture itself occurs once it is determined in court that the property can be legally forfeited.

The bill amends the requirements that apply to seizure, the review of seizures, and forfeiture procedures in a number of ways:

- Property seizure is unauthorized until the owner of the property is arrested for a criminal offense that forms the basis for determining that the property is a contraband article, or one of the enumerated arrest exceptions applies
- The seizing agency must petition the court for a finding that the seizure was lawful
- When an agency files a petition for forfeiture, the agency must pay a minimum \$1,000 filing fee and a \$1,500 bond to the clerk of court
- A forfeiture petition may only be granted upon proof beyond a reasonable doubt that the property was being used in violation of the Act
- Specified parties in seizing agencies must review forfeiture settlements, perform annual seizure reviews, and review seizures for legal sufficiency
- Agencies must address deficiencies raised by a review and create written policies promoting the release of property
- Law enforcement officer employment and compensation may not depend on seizure quotas
- Specified law enforcement officers must receive training on seizure and forfeiture
- The percentage of proceeds that must be donated by the seizing agency or used for specified causes is increased
- Any law enforcement agency that does not comply with the reporting requirements is subject to a civil fine up to \$5,000

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

CS/HB 1149 (ch. 2016-100, L.O.F.) – Alternative Sanctioning

By: Criminal Justice Subcommittee; Spano; Edwards and others

Tied Bills: None

Companion Bills: CS/SB 1256

Committee(s) of Reference: Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

Category: Corrections, Courts, Law Enforcement, Sentencing

Any person who is found guilty by a jury or the court sitting without a jury, or who enters a plea of guilty or nolo contendere, may be placed on probation regardless of whether adjudication is withheld. Section 948.06, F.S., provides procedures regarding a violation of the terms and conditions imposed on a person who is on probation. Upon violation, the probationer is arrested and brought before the sentencing court. At the first hearing on the violation, the probationer is advised of the charge. If the probationer admits the charge, the court may immediately revoke, modify, or continue the probation or place the probationer into a community control program.

The bill creates an alternative sanctioning program (“program”) for technical violations of probation. The bill defines “technical violation” as any alleged violation of supervision that is not a new felony offense, misdemeanor offense, or criminal traffic offense. The bill allows the chief judge of each judicial circuit, in consultation with the state attorney, public defender, and the Department of Corrections, to establish an alternative sanctioning program and determine which technical violations will be eligible for alternative sanctioning.

An eligible probationer who commits a technical violation may choose to participate in the program and admit to the violation, comply with a probation officer’s recommended sanctions, and waive his or her right to a hearing on the violation. A probation officer’s recommended alternative sanction must be reviewed by the court, which may approve the sanction or remove the probationer from the program.

The bill became law on March 24, 2016, chapter 2016-100, Laws of Florida, and becomes effective July 1, 2016.

CS/SB 1294 – Victim and Witness Protection

By: Fiscal Policy; Flores; Grimsley and others

Tied Bills: None

Companion Bills: HB 7075; SB 1382; includes parts of HB 1367

Committee(s) of Reference: Criminal Justice; Judiciary; Fiscal Policy

Category: Courts, Safety

Florida law currently has a number of statutes providing for the fair treatment of victims and witnesses. Sections 92.53, 92.54, and 92.55, F.S., authorize the court to provide special protections to a victim or witness who is under 16 years of age or who has an intellectual disability or to a victim or witness of a sexual offense who is under 16 years of age. For example, protective orders may be entered by the court to allow protected persons to testify via closed circuit television or to limit the frequency or nature of depositions to which the protected person has to attend. Additionally, s. 794.022, F.S., Florida's Rape Shield law, prevents most evidence regarding a victim's prior sexual conduct from being admitted at trial in a prosecution for sexual battery under s. 794.011, F.S.

The bill broadens the application of ss. 92.53, 92.54, and 92.55, F.S., by increasing the age range for protected persons from victims or witnesses less than 16 years of age to victims or witnesses less than 18 years of age. Additionally, the bill adds advocates appointed by the court under s. 914.17, F.S., to the list of persons authorized to make a motion for protection under s. 92.55, F.S.

The bill also expands the application of Florida's Rape Shield law to prosecutions under s. 787.06, F.S., relating to human trafficking, and under s. 800.04, F.S., relating to lewd or lascivious offenses committed upon or in the presence of children less than 16 years of age. The bill also amends s. 787.06, F.S., to prohibit defendants from using a victim's willingness, consent, or lack of chastity as a defense in a human trafficking prosecution when the victim is less than 18 years of age.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/HB 1333 (ch. 2016-104, L.O.F.) – Sexual Offenders

By: Judiciary Committee; Baxley

Tied Bills: None

Companion Bills: CS/SB 1662

Committee(s) of Reference: Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

Category: Corrections, Law Enforcement, Safety, Sentencing

The bill amends a variety of statutes related to sexual predators and offenders to bring them further in line with the federal Adam Walsh Act.

Specifically, the bill removes language that currently prevents a parent or guardian from being designated as a sexual predator or offender when he or she has been convicted of a specified kidnapping, false imprisonment, or luring or enticing a child offense against his or her minor child. Under the bill, such parent or guardian may be designated a sexual predator or offender if he or she commits one of the above-mentioned offenses and the offense had a sexual component.

Further, with respect to sexual predators and offenders, the bill:

- amends various definitions and provides consistency among relevant statutes;
- expands the types of information that can be registered or updated through the Florida Department of Law Enforcement’s online system;
- clarifies the appropriate entity to which a predator or offender must report;
- modifies reporting requirements for international travel;
- requires predators and offenders taking online courses to report such information and for institutions of higher education to be notified of such attendance;
- clarifies obligations to obtain a driver license or identification card;
- clarifies to which court a predator or offender must petition for removal from registration requirements; and
- clarifies that the “Romeo and Juliet” exception that allows removal from registration requirements applies only to consensual acts.

Additionally, the bill requires an offender who is designated as a sexual offender for a conviction of lewd or lascivious battery upon an elderly person to report quarterly for life and to specify that such offender is ineligible for removal from registration requirements.

The bill became law on March 24, 2016, chapter 2016-104, Laws of Florida, and becomes effective October 1, 2016.

CS/CS/HB 1347 (ch. 2016-105, L.O.F.) – Illicit Drugs

By: Appropriations Committee; Criminal Justice Subcommittee; Ingram and others

Tied Bills: None

Companion Bills: CS/CS/SB 1528

Committee(s) of Reference: Criminal Justice Subcommittee; Appropriations Committee

Category: Controlled Substances, Law Enforcement, Safety, Sentencing

Chapter 893, F.S., sets forth the Florida Comprehensive Drug Abuse Prevention and Control Act and classifies controlled substances into five categories, known as schedules. These schedules regulate the manufacture, distribution, preparation, and dispensing of the substances listed therein. The distinguishing factors between the different drug schedules are the “potential for abuse” of the substances and whether there is a currently accepted medical use for the substances.

The bill amends s. 893.03, F.S., to add 12 new substances and 6 general substance classes to the list of substances that are classified under Schedule I. The general classes are as follows:

- Synthetic Cannabinoids
- Substituted Cathinones
- Substituted Phenethylamines
- N-benzyl Phenethylamine compounds
- Substituted Tryptamines
- Substituted Phenylcyclohexylamines

The bill makes technical corrections to the names of 113 substances, adds definitions, and makes conforming changes. The bill also revises various criminal penalties that apply to violations of ch. 893, F.S.

The bill became law on March 24, 2016, chapter 2016-105, Laws of Florida, and becomes effective July 1, 2016.

SB 1412 – Orders of No Contact

By: Simmons

Tied Bills: None

Companion Bills: CS/HB 969

Committee(s) of Reference: Judiciary; Criminal Justice; Rules

Category: Courts, Law Enforcement, Safety

Section 903.047, F.S., governs the conditions of pretrial release. The conditions include refraining from criminal activity, refraining from contact with the victim, and complying with any other condition imposed. The requirement that a defendant refrain from contact with the victim is implemented through a no contact order.

An order of no contact generally prohibits a defendant from being near or communicating with a victim. Existing law could be read to require a court to issue an order of no contact to every person on pretrial release if there is a victim. The bill amends current law to provide that courts are authorized, but not required, to issue an order of no contact to a person on pretrial release. The order of no contact must be provided in writing, specifying the applicable prohibited acts, before the defendant is released from custody on pretrial release.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

HB 4009 (ch. 2016-106, L.O.F.) – Slungshot

By: Combee and others

Tied Bills: None

Companion Bills: SB 612

Committee(s) of Reference: Criminal Justice Subcommittee; Judiciary Committee

Category: Corrections, Law Enforcement, Repeals of Existing Laws, Sentencing

Florida law defines a “slungshot” as a small mass of metal, stone, sand, or similar material fixed on a flexible handle, strap, or the like, used as a weapon. The term is currently included in the definition of a “concealed weapon.” As such, a person who is licensed to carry a concealed weapon may carry a slungshot in a concealed manner. A person may also openly carry a slungshot, even without a concealed carry permit.

Three provisions in ch. 790, F.S., currently criminalize certain acts with respect to a slungshot:

- Section 790.01(1), F.S., makes it a first degree misdemeanor to carry a “concealed weapon,” which includes a slungshot, in a concealed manner without a concealed weapon permit
- Section 790.09, F.S., makes it a second degree misdemeanor for a person to manufacture, cause to be manufactured, sell, or expose for sale a slungshot
- Section 790.18, F.S., makes it a second degree felony for a dealer in arms to sell or transfer a slungshot to a minor

The bill amends s. 790.001, F.S., to remove “slungshot” from the definition of “concealed weapon.” As a result, a person will be able to carry a slungshot in a concealed manner without a permit. The bill also amends ss. 790.09 and 790.18, F.S., to remove references to “slungshot,” and, thus, makes it lawful for:

- a person to manufacture, cause to be manufactured, sell, or expose for sale a slungshot; or
- a dealer in arms to sell or transfer a slungshot to a minor.

The bill became law on March 24, 2016, chapter 2016-106, Laws of Florida, and became effective upon that date.

HB 7101 (ch. 2016-13, L.O.F.) – Sentencing for Capital Felonies

By: Criminal Justice Subcommittee; Trujillo; Spano and others

Tied Bills: None

Companion Bills: CS/SB 7068

Committee(s) of Reference: Judiciary Committee

Category: Corrections, Courts, Sentencing

Under current law, when a defendant is convicted of a capital offense, a separate sentencing proceeding is conducted before the trial jury to determine whether the defendant should be sentenced to death or life imprisonment. After hearing the evidence, the jury renders an advisory sentence to the judge based on whether sufficient aggravating circumstances exist, whether sufficient mitigating circumstances exist that outweigh the aggravating circumstances, and whether, based on these considerations, the defendant should be sentenced to life imprisonment or death. A simple majority vote of the jury is necessary to recommend the death penalty. Juries are not required to list on the verdict aggravating and mitigating circumstances that the jury finds persuasive or to disclose the number of jurors making these findings.

The judge may sentence a defendant as recommended by the jury or may override the jury’s recommendation. If the judge sentences a defendant to death, the judge must make written findings that indicate there are sufficient aggravating circumstances and insufficient mitigating circumstances to outweigh the aggravating circumstances.

On January 12, 2016, the United States Supreme Court held Florida’s capital sentencing scheme unconstitutional. The Court ruled that, under the Sixth Amendment of the United States Constitution, a jury, not a judge, must find each fact necessary to impose a sentence of death as a jury’s “mere recommendation is not enough.”

The bill amends Florida’s capital sentencing scheme to comply with the United States Supreme Court’s ruling. Under the new sentencing scheme, the jury will continue to determine whether an aggravating factor exists, but will be required to make that determination unanimously. If the jury does not unanimously find at least one aggravating factor, the jury may only recommend a sentence of life imprisonment without the possibility of parole. If the jury unanimously finds one or more aggravating factors outweigh the mitigating circumstances, the jury may recommend a sentence of death or life imprisonment without the possibility of parole.

To recommend a sentence of death, a minimum of ten jurors must concur in the recommendation. If fewer than ten jurors concur, a sentence of life imprisonment without the possibility of parole will be the jury's recommendation to the court.

If the jury recommends life imprisonment without the possibility of parole, the judge must impose the recommended sentence. If the jury recommends a sentence of death, the judge may impose a sentence of death or a sentence of life imprisonment without the possibility of parole after considering each aggravating factor found by the jury and all mitigating circumstances. The judge may only consider an aggravating factor that was unanimously found by the jury.

Additionally, the bill requires prosecutors to provide notice to the defendant and to file notice with the court when the state is seeking the death penalty. This notice must contain a list of the aggravating factors that the state intends to prove.

The bill became law on March 7, 2016, chapter 2016-13, Laws of Florida, and became effective upon that date.

HOUSE OF REPRESENTATIVES
Local & Federal Affairs Committee
Representative Dennis K. Baxley, Chair
Representative Debbie Mayfield, Vice Chair

2016 SUMMARY OF PASSED LEGISLATION



Local Government Affairs Subcommittee

Representative Debbie Mayfield, Chair
Representative George R. Moraitis, Jr., Vice Chair

Veteran & Military Affairs Subcommittee

Representative Jimmie T. Smith, Chair
Representative Daniel D. "Dan" Raulerson, Vice Chair

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HM 417 – Article V Convention for Congressional Term Limits

By: Metz and others

Tied Bills: None

Companion Bills: SM 630

Committee(s) of Reference: Local & Federal Affairs Committee; State Affairs Committee

Category: Federal Government; Constitutional Amendments

The memorial constitutes the state’s application to Congress for an Article V convention for the sole purpose of proposing an amendment to the U.S. Constitution to establish term limits for members of the U.S. Senate and U.S. House of Representatives. Currently, there is not a limit on the number of terms a member of Congress may serve. The memorial does not specify the number of terms that members should be allowed to serve.

In the early 1990s, twenty-three states, including Florida, approved state constitutional amendments or passed laws imposing congressional term limits. However, in 1995, the U.S. Supreme Court ruled that congressional term limits may only be imposed by amending the U.S. Constitution.

There are two methods to amend the U.S. Constitution. The first method calls for each house of Congress to approve a proposal for an amendment by a two-thirds majority. Alternatively, two-thirds of the states (34 states) may submit applications to Congress for an Article V convention. An Article V convention has never been called. In either case, proposed amendments must be ratified by three-fourths of the states (38 states) in order to become part of the U.S. Constitution.

The memorial is not subject to the Governor’s veto powers. It was filed with the Secretary of State on March 9, 2016.

CS/HM 601 – Promotion of Economic Recovery in Puerto Rico

By: Local & Federal Affairs Committee; Cortes

Tied Bills: None

Companion Bills: SM 798

Committee(s) of Reference: Local & Federal Affairs Committee; Economic Affairs Committee

Category: Federal Government

Puerto Rico is currently suffering from a severe recession and debt crisis. The Governor of Puerto Rico has warned certain municipalities and public utilities on the island may not be able to pay currently existing bond obligations as those payments become due. A resolution of this crisis is of particular interest to Florida, not only because of the significant economic activity between the state and Puerto Rico, but also because over a million Florida residents are of Puerto Rican heritage, the second largest such population in the nation.

This memorial urges Congress to enact legislation establishing programs to relieve the present debt crisis and to encourage economic recovery in Puerto Rico.

This memorial does not have a fiscal impact on state or local governments.

The memorial is not subject to the Governor's veto powers. It will be filed with the Secretary of State and sent to the President and Congress.

CS/SB 1174 (ch. 2016-74, L.O.F.) – Residential Facilities

By: Community Affairs; Diaz de la Portilla

Tied Bills: None

Companion Bills: CS/HB 885

Committee(s) of Reference: Community Affairs; Children, Families, and Elder Affairs; Fiscal Policy

Category: Local Government

The bill prohibits a community residential home and a home of six or fewer residents which otherwise meets the definition of a community residential home from being located within a radius of 1,200 feet of each other. The bill does not impact the status of any community residential home permitted and operating as of July 1, 2016.

The bill does not have a fiscal impact on state or local governments.

The bill became law on March 23, 2016, chapter 2016-74, Laws of Florida, and becomes effective July 1, 2016.

Local Government Affairs Subcommittee

SB 194 – Redevelopment Trust Fund

By: Hukill

Tied Bills: None

Companion Bills: HB 565

Committee(s) of Reference: Community Affairs; Finance and Tax; Fiscal Policy

Category: Local Government, Taxes

Community redevelopment agencies (CRAs) are funded through a mechanism known as tax increment financing, which requires each taxing district within the CRA to pay in to the CRA's redevelopment trust fund an amount equal to the increase in the taxable value of the real and tangible personal property within the district since the inception of the CRA, multiplied by the taxing district's millage rate. SB 194 exempts hospital districts from making payments into the redevelopment trust fund of a CRA created on or after July 1, 2016. The bill does not affect payments made by hospital districts to existing CRAs. This bill has no fiscal impact to state funds.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/SB 416 (ch. 2016-44, L.O.F.) – Location of Utilities

By: Community Affairs; Flores

Tied Bills: None

Companion Bills: HB 461

Committee(s) of Reference: Community Affairs; Transportation; Fiscal Policy

Category: Local Government, Transportation, Utilities and Communications

Consistent with common law, Florida Statutes provide for utilities to bear the costs of relocating facilities located “upon, under, over, or along” any public road or rail corridor if the facilities “unreasonably interfere” with the use, maintenance, improvement, or expansion of the road or corridor, subject to enumerated exceptions.

The bill creates a new exception for when utility facilities are located within an existing and valid public utility easement granted by recorded plat. This exception still applies if the ownership of the underlying land was acquired by the governmental entity requiring the relocation. The cost of relocating utility facilities covered by this exception shall be borne by local governments or the Department of Transportation (DOT), with deductions for any increase in value attributable to the new facility and any salvage value of the old facility.

The bill also limits the authority of a county to grant a license for utility facilities only to those facilities located “under, on, over, across, or within the right-of-way limits of,” but not “along,” a county highway or public road or highway. The bill limits the authority of DOT or local government entities to prescribe and enforce reasonable rules and regulations relating to the placement or maintenance of utility facilities to those located “under, on, over, across, or within the right-of-way limits of,” but not “along,” a county highway or public road or highway.

The bill became law on March 10, 2016, chapter 2016-44, Laws of Florida, and became effective upon that date.

CS/HB 479 (ch. 2016-22, L.O.F.) – Special Districts

By: Local Government Affairs Subcommittee; Metz

Tied Bills: None

Companion Bills: SB 956

Committee(s) of Reference: Local Government Affairs Subcommittee; Local & Federal Affairs Committee

Category: Local Government

Special districts are used to provide a variety of local services and generally are funded through the imposition of ad valorem taxes, fees, and charges on the users of those services. Special districts are governed according to ch. 189, F.S., the “Uniform Special District Accountability Act.” Ch. 189, F.S., underwent extensive revisions in 2014, with substantive changes made to the oversight and

enforcement process for special district financial reporting, an extension of the Governor's power to remove certain special district board members, and better organizing of the underlying structure of the statute.

The bill:

- requires each district to post proposed budgets, final budgets, and amendments to the final budget for specified periods on the district's website;
- removes obsolete language concerning special district budget information for districts that do not maintain their own website;
- reasserts the power of the Legislature to create dependent special districts by special act;
- requires districts to identify if they are dependent or independent in their charter;
- creates a uniform series of requirements for special district oversight;
- revises the process for the Department of Economic Opportunity to declare a special district inactive and clarifies the power of the Legislature to dissolve inactive independent special districts by general law;
- revises the required content of the special district handbook; and
- revises the list of items required to appear on a special district's website.

The bill became law on March 8, 2016, chapter 2016-22, Laws of Florida, and becomes effective October 1, 2016.

CS/CS/SB 514 – Supervisor of Elections Salaries

By: Community Affairs; Ethics and Elections; Richter

Tied Bills: None

Companion Bills: CS/CS/HB 355

Committee(s) of Reference: Ethics and Elections; Community Affairs; Fiscal Policy

Category: Local Government; Elections

The supervisor of elections is a county officer created by the Florida Constitution. The supervisor of elections is responsible for administering the state's voter registration system at the local level and managing the logistics of elections conducted in the county.

The salaries for most county constitutional officers are set by a statewide formula. This formula provides a base salary determined by a county's population group and a group rate for each person in excess of the minimum number needed to qualify for the population group. While the base salary differs between the various county constitutional officers, the additional salary above the base for the population group is calculated using the same multiplier rate for all officers except the supervisor of elections.

The bill increases the population group multiplier rates used to calculate the salaries above the base for supervisors of elections to the same as used for other county constitutional officers. The bill also increases the base salary for supervisors of elections to the rate used to calculate the salaries for tax collectors, property appraisers, and clerks of circuit court.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2016.

CS/HB 971 (ch. 2016-94, L.O.F.) – Community Development Districts

By: Local Government Affairs Subcommittee; Sullivan

Tied Bills: None

Companion Bills: CS/SB 1156

Committee(s) of Reference: Local Government Affairs Subcommittee; Economic Development & Tourism Subcommittee; Local & Federal Affairs Committee

Category: Local Government

Community development districts (CDD) are a type of special-purpose local government intended to provide basic urban community services in a cost-effective manner. The operation of CDDs is governed by ch. 190, F.S., the “Uniform Community Development District Act of 1980.” Depending on their size, CDDs are created by a county or municipal ordinance or the adoption of a rule by the Florida Land and Water Adjudicatory Commission (FLWAC). As of March 7, 2016, there were 607 active CDDs in Florida.

The bill increases the size of a CDD that may be created by county or municipal ordinance from 1,000 acres or less to 2,500 acres or less. The bill makes corresponding changes to the size of CDDs created by FLWAC rule and to the ability of a district to expand.

The bill clarifies that a CDD may contract with a towing operator to provide services for facilities and properties owned by the district, as long as the district provides the same level of notice required by private property owners.

The bill creates a streamlined merger process for up to five CDDs created by ordinances of the same county or municipality, allowing districts to avoid duplication of administrative services and costs.

The bill became law on March 24, 2016, chapter 2016-94, Laws of Florida, and becomes effective July 1, 2016.

Veteran & Military Affairs Subcommittee

CS/SB 184 – Military and Veterans Affairs

By: Appropriations; Bean and others

Tied Bills: None

Companion Bills: CS/CS/HB 429; includes parts of CS/CS/HB 1073, HB 7105, and SB 7070

Committee(s) of Reference: Military and Veterans Affairs, Space, and Domestic Security; Ethics and Elections; Appropriations

Category: Business and Professional Regulation, Elections, Military, Motorists

The bill addresses various issues in support of the state’s military servicemembers and veterans:

- Creates the Military and Overseas Voting Assistance Task Force within the Department of State to study issues involving the development and implementation of an online voting system that allows absent uniformed services voters who are overseas to electronically submit voted ballots
- Requires the application form for an original, renewal, or replacement driver license or identification card to include a voluntary check-off to allow a veteran to request written or electronic information on federal, state, and local benefits and services
- Requires a residential rental application to be processed within seven days for a servicemember by a landlord, condominium association, cooperative association, or a homeowner association
- Requires the Department of Business and Professional Regulation and the Department of Agriculture and Consumer Services to extend credit for relevant military service across a broad range of professions and occupational fields
- Requires the Department of Highway Safety and Motor Vehicles and the Department of Military Affairs to provide commercial motor vehicle driver license testing opportunities to Florida National Guard members at certain military facilities in Florida
- Allows the Florida Veterans' Hall of Fame Council to consider former members of the Florida National Guard for admission into the Florida Veterans' Hall of Fame

The bill has an indeterminate, but likely insignificant negative fiscal impact on the state. The bill does not have a fiscal impact on local governments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

SB 1202 – Discounts on Public Park Entrance Fees and Transportation Fares

By: Abruzzo

Tied Bills: None

Companion Bills: HB 1321

Committee(s) of Reference: Military and Veterans Affairs, Space, and Domestic Security; Community Affairs; Fiscal Policy

Category: Law Enforcement, Local Government, Military, Natural Resources, Transportation

The bill requires county and municipal parks and recreation departments to provide discounts on local park entrance fees to the following individuals who present any information satisfactory to the county or municipal department, which evidences the individual's eligibility:

- Current members, honorably discharged veterans, and veterans with a service-connected disability, of the United States Armed Forces, or their reserve components, including the Air or Army National Guard
- The surviving spouse or parent of a deceased member of the United States Armed Forces, or their reserve components, including the Air or Army National Guard, who died in the line of duty under combat-related conditions
- The surviving spouse and parents of a law enforcement officer, firefighter, or an emergency medical technician or paramedic employed by state or local government, who died in the line of duty

For the purpose of minimizing any potential fiscal impact on county or municipal revenue, the bill:

- allows a county or municipal park to determine the amount of the discount; and
- narrowly defines a “park entrance fee” to exclude “additional fees for amenities.”

The bill also requires regional transportation authorities to provide disabled veterans, who provide information satisfactory to the authority, with discounts on fares or charges.

The bill may have a negative indeterminate fiscal impact on local governments. However, most local parks do not charge entrance fees.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

CS/HB 1219 (ch. 2016-102, L.O.F.) – Veterans’ Employment

By: Veteran & Military Affairs Subcommittee; Raburn

Tied Bills: None

Companion Bills: CS/SB 1538

Committee(s) of Reference: Veteran & Military Affairs Subcommittee; Government Operations Appropriations Subcommittee; State Affairs Committee

Category: Government Operations, Military, Public Employees

Current law requires the state and its political subdivisions to grant a preference in hiring to all veterans, Guard members, U.S. Reserve Forces, and Gold Star Mothers, Fathers, and legal guardians, and authorizes private sector employers to establish a veterans’ preference process for honorably discharged veterans and certain spouses. However, Florida law does not provide a policy concerning the recruitment and employment of veterans by state agencies. Florida law does not provide a policy regarding the tracking of statistical data concerning these practices.

The bill revises the section of Florida law governing veterans’ preference in appointment and retention to require agencies to include a veteran recruitment plan and to track data related to current veterans preference requirements.

Specifically, the bill:

- requires each state agency to develop and implement a written veterans’ recruitment plan;
- allows each political subdivision of the state to develop and implement a written veterans’ recruitment plan;
- requires each veterans’ recruitment plan to establish and meet annual goals for ensuring the full use of veterans in the agency’s or subdivision’s workforce;
- requires the Department of Management Services (DMS) to collect statistical data for each state agency on the number of persons who claim veterans’ preference, the number of persons who were hired through veterans’ preference, and the number of persons who were hired as a result of the veterans’ recruitment plan;
- requires DMS to update the statistical data annually on its website and include the statistics in its annual workforce report; and

- requires each veterans' recruitment plan to apply to the same veterans and veterans' family members that are included in the Florida law governing veterans preference in appointment and retention.

The fiscal impact to the state and each political subdivision of the state is indeterminate but likely insignificant. The bill will have a positive fiscal impact on veterans and their family members.

The bill became law on March 24, 2016, chapter 2016-102, Laws of Florida, and becomes effective October 1, 2016..

HOUSE OF REPRESENTATIVES
Regulatory Affairs Committee
Representative Jose Felix Diaz, Chair
Representative Mike La Rosa, Vice Chair

2016 SUMMARY OF PASSED LEGISLATION



Business & Professions Subcommittee

Representative Halsey Beshears, Chair
Representative Larry Ahern, Vice Chair

Energy & Utilities Subcommittee

Representative Dane Eagle, Chair
Representative Halsey Beshears, Vice Chair

Insurance & Banking Subcommittee

Representative John Wood, Chair
Representative Bill Hager, Vice Chair

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The Regulatory Affairs Committee was not first reference on any bill that passed both houses of the Legislature.

Business & Professions Subcommittee

CS/SB 90 – Natural Gas Rebate Program

By: Appropriations; Simpson

Tied Bills: None

Companion Bills: CS/CS/HB 285

Committee(s) of Reference: Communications, Energy, and Public Utilities; Appropriations Subcommittee on General Government; Appropriations

Category: Energy, Transportation

The bill allows any unexpended funds remaining for the Natural Gas Fuel Fleet Vehicle Rebate Program for the fiscal year to be used by the Department of Agriculture and Consumer Services to award additional rebates of \$25,000 for each vehicle that has not received a rebate under the program, up to an additional \$250,000 per applicant from June 1 through June 30. Government applicants are to receive preference on a first-come, first-served basis, and remaining funds will be available to eligible commercial applicants on a first-come, first-served basis.

The provisions of the bill should lower the amount of any unexpended balance of program funds in Fiscal Year 2016-17 and 2017-18.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/CS/HB 231 (ch. 2016-77, L.O.F.) – Motor Vehicle Manufacturer Licenses

By: Judiciary Committee; Business & Professions Subcommittee; Trujillo and others

Tied Bills: None

Companion Bills: CS/SB 960; includes portions of CS/HB 1087

Committee(s) of Reference: Business & Professions Subcommittee; Judiciary Committee

Category: Business and Professional Regulation, Consumer Protection

The bill provides additional grounds to deny, suspend, or revoke a license held by a motor vehicle manufacturer, factory branch, distributor, or importer (manufacturer). The bill prohibits manufacturers from taking certain actions against motor vehicle dealers and requires certain procedures be followed by the manufacturer when dealing with motor vehicle dealers related to the time period within which to perform audits of claims, the export or resale of vehicles, the use of replacement vehicles, and the use of certain vendors.

The bill requires a manufacturer or third party acting on behalf of a manufacturer to comply with certain restrictions on sharing or reusing consumer data provided by motor vehicle dealers. The bill requires a manufacturer to comply with all laws on the reuse or disclosure of consumer data to ensure that digital data is protected in the same manner as physical documents. The bill also provides that for any cause of action against a manufacturer for a violation of the prohibitions or requirements established in the bill, the person bringing the action has the burden of proving that the violation was willful or with sufficient frequency to establish a pattern of wrongdoing.

The bill became law on March 24, 2016, chapter 2016-77, Laws of Florida, and became effective upon that date. The bill applies to all franchise agreements entered into, renewed, or amended subsequent to October 1, 1988.

HB 303 (ch. 2016-79, L.O.F.) – Unlicensed Activity Fees

By: Burton and others

Tied Bills: None

Companion Bills: SB 394

Committee(s) of Reference: Business & Professions Subcommittee; Government Operations Appropriations Subcommittee; Regulatory Affairs Committee

Category: Business and Professional Regulation

The bill prohibits the Department of Business and Professional Regulation from requiring payment of an unlicensed activity fee if, at the beginning of the fiscal year, the profession's unlicensed activity account balance totals more than twice the cost of that profession's expenses for unlicensed activity investigations from the preceding two fiscal years combined. If a professional board meets these requirements, all of the licensees licensed by that board are exempt from paying the unlicensed activity fee for that renewal period. A profession that has a deficit in its operating account or is projected to have such a deficit within the next five years must continue to obtain the unlicensed activity fee from its licensees for each renewal cycle.

The bill is anticipated to significantly reduce unlicensed activity fee revenue to the department's Professional Regulation Trust Fund. The reduction in fee revenue is estimated to be \$1,564,735 in Fiscal Year (FY) 2016-17, \$1,624,715 in FY 2017-18, and \$1,568,735 in FY 2018-19.

The bill became law on March 24, 2016, chapter 2016-79, Laws of Florida, and becomes effective on July 1, 2016.

CS/HB 381 (ch. 2016-21, L.O.F.) – Public Records/Florida State Boxing Commission

By: Regulatory Affairs Committee; Raburn

Tied Bills: None

Companion Bills: CS/CS/SB 578

Committee(s) of Reference: Business & Professions Subcommittee; Government Operations Subcommittee; Regulatory Affairs Committee

Category: Business and Professional Regulation

The bill amends a current public records exemption under s. 548.062, F.S., related to promoters of pugilistic exhibitions, including boxing, kickboxing, and mixed martial arts. The current exemption provides that all proprietary confidential business information required to be filed with the Florida State Boxing Commission (commission) after a match or obtained during an audit of the promoter's books and records pursuant to s. 548.06, F.S., is confidential and exempt from s. 119.07(1), F.S., and Article I, section 24(a) of the Florida Constitution.

The bill expands the current exemption to cover all proprietary confidential business information provided by a promoter to the commission or obtained during an audit of the promoter's books and records pursuant to s. 548.06, F.S. The bill provides that the exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2021, unless reviewed and saved from repeal by the Legislature. It also provides a public necessity statement as required by the State Constitution.

The bill became law on March 8, 2016, chapter 2016-21, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/CS/HB 535 (ch. 2016-129, L.O.F.) – Building Codes

By: Regulatory Affairs Committee; Government Operations Appropriations Subcommittee; Business & Professions Subcommittee; Eagle and others

Tied Bills: None

Companion Bills: CS/CS/SB 704

Committee(s) of Reference: Business & Professions Subcommittee; Government Operations Appropriations Subcommittee; Regulatory Affairs Committee

Category: Business and Professional Regulation, Safety

The bill makes the following significant changes to existing law:

- Exempts employees of apartment communities with 100 or more units from contractor licensing requirements if making minor repairs to electric water heaters or HVAC systems under \$1,000
- Allows specified liquefied petroleum gas (propane) dealers and installers to disconnect and reconnect water lines in the servicing or replacement of existing propane water heaters
- Allows a homeowner to make a claim and receive restitution from the Florida Homeowners' Construction Recovery Fund based on work performed by a Division II contractor
- Clarifies that certain swimming pools used for specific purposes are not subject to regulation;
- Provides that the Florida Building Code (code) requires two fire service elevators for buildings in certain circumstances;
- Provides that the location of standpipes in high-rise buildings are subject only to specified requirements;
- Requires fire sprinklers in restaurants with a fire area occupancy load of 200 patrons or more
- Adds provisions to the code regarding fire separation distance and roof overhang projections
- Authorizes local building officials to issue phased construction permits
- Requires completed building permit applications to be submitted electronically
- Exempts wi-fi smoke alarms and those that contain multiple sensors, such as those combined with carbon monoxide alarms, from the 10-year, nonremovable, nonreplaceable battery provision and provides requirements regarding alarm monitoring system registration
- Authorizes mandatory blower door/air infiltration testing, effective July 1, 2017, and provides air change and infiltration rates
- Creates the Calder Sloan Swimming Pool Electrical-Safety Task Force and the Construction Industry Workforce Task Force
- Allows a specific energy rating index as an option for compliance with the energy conservation code and directs the Florida Building Commission to study and determine if on-site renewable energy generation can be counted toward energy conservation goals under the code

The bill became law on March 25, 2016, chapter 2016-129, Laws of Florida, and becomes effective July 1, 2016.

HB 633 (ch. 2016-86, L.O.F.) – Public Food Service Establishments

By: Raulerson and others

Tied Bills: None

Companion Bills: SB 764

Committee(s) of Reference: Business & Professions Subcommittee; Government Operations

Appropriations Subcommittee; Regulatory Affairs Committee

Category: Business and Professional Regulation

The bill amends the definition of “public food service establishment,” to exclude certain eating places at temporary events. An eating place that is excluded from the definition of public food service establishment is not subject to regulatory oversight, and therefore, not required to comply with state health and safety standards or be inspected by the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (department).

The bill provides that an eating place at a temporary “food contest” or “cook-off” that lasts three days or less is excluded from the definition of public food service establishment, when the eating place is maintained and operated by a public or private school, college, university, or a church or a religious, nonprofit fraternal or nonprofit civic organization.

The bill provides that an eating place at a temporary event that is “hosted by a church or a religious, nonprofit fraternal, or nonprofit civic organization” and that lasts three days or less is excluded from the definition of public food service establishment, when the eating place is “maintained and operated by an individual or entity.”

The bill provides that the division may request documentation from individuals claiming to be excluded from the definition of public food service establishment that indicates their status as a church or religious, nonprofit fraternal, or nonprofit civic organization.

The bill is expected to have a significant negative fiscal impact on state funds by reducing revenues to the Hotels and Restaurants Trust Fund by up to \$199,654 annually. However, the department estimates that the fiscal year-end balance of the Hotels and Restaurants Trust Fund will still maintain a positive surplus cash balance of: \$18.1 million in Fiscal Year (FY) 2016-17, \$20.2 million in FY 2017-18, and \$22.1 million in FY 2018-19.

The bill became law on March 24, 2016, chapter 2016-86, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/SB 698 – Alcoholic Beverages and Tobacco

By: Fiscal Policy; Regulated Industries; Bradley

Tied Bills: None

Companion Bills: CS/HB 1079

Committee(s) of Reference: Regulated Industries; Appropriations Subcommittee on General Government; Fiscal Policy

Category: Business and Professional Regulation, Local Government, Taxes

The bill makes the following changes to chs. 561-565 and 567-568, F.S., Florida's Beverage Law, under the Division of Alcoholic Beverages and Tobacco (division):

- Provides a three-year statute of limitations where the division may review and assess taxes on a person required to pay taxes on tobacco products
- Permits persons required to remit tax on tobacco products to correct a return
- Permits the division to provide alcoholic beverage vendor licenses to railroad transit stations, with limitations
- Clarifies licensure requirements for food service establishments selling alcoholic beverages pursuant to an alcoholic beverage license
- Requires a deposit for alcoholic beverages sold in kegs, and an inventory and reconciliation process as an accounting alternative for specified vendors
- Permits vendors to transport alcoholic beverages through another premises owned or operated in whole or in part by the same vendor
- Provides taxation provisions for passenger vessels that sell alcoholic beverages and tobacco products
- Permits the division to issue a temporary permit authorizing a municipality, county, or charity to sell alcoholic beverages for consumption on the premises of an event only, for a period not to exceed three days, subject to specific requirements

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016, except as otherwise provided.

CS/SB 754 – Public Records/Department of Agriculture and Consumer Services Criminal or Civil Intelligence or Investigative Information

By: Commerce and Tourism; Richter

Tied Bills: CS/CS/SB 772

Companion Bills: HB 643

Committee(s) of Reference: Commerce and Tourism; Governmental Oversight and Accountability; Rules

Category: Government in the Sunshine, Government Operations

This bill creates a public records exemption for criminal or civil intelligence or investigative information held by the Department of Agriculture and Consumer Services (department) as part of a joint or multi-agency examination or investigation with another state or federal regulatory, administrative, or criminal justice agency when the information shared is confidential or exempt under the laws or regulations of that state or federal agency.

The public records exemption does not apply to information held by the department as part of an independent examination or investigation conducted by the department.

The bill provides that the public records exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides a public necessity statement as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law, if SB 772 is adopted in the same legislative session and becomes a law.

CS/CS/SB 772 – Regulated Service Providers

By: Appropriations; Commerce and Tourism; Richter

Tied Bills: CS/SB 754

Companion Bills: CS/CS/CS/HB 641

Committee(s) of Reference: Commerce and Tourism; Appropriations Subcommittee on General Government; Appropriations

Category: Consumer Protection, Government Operations, Military

The bill contains modifications to several licensing and consumer services activities under the jurisdiction of the Florida Department of Agriculture and Consumer Services (department). The bill:

- provides for the waiver of certain license and registration fees for veterans and their spouses;
- reduces the fee for a concealed weapons license by \$10 for both new licenses and renewals;
- removes the requirement that one of the board members of the Board of Surveying and Mapping be specialized in photogrammetry;
- clarifies that telemarketers only have to disclose actual physical locations of operations;
- exempts certain water-related amusement rides from inspection at facilities not open to the general public, if:
 - the ride is an incidental amenity operated by a licensed lodging or food service establishment;
 - the ride is an incidental amenity at a private, membership-only facility; or
 - the ride is located at a permanent facility for a nonprofit, charitable organization;
- clarifies several fees and standards related to weights and measures in chs. 527 & 531, F.S.;
- removes “personal trainers,” “tour guides,” and “tour guide services” from regulation;
- requires the department to participate in the Florida Department of Law Enforcement’s Applicant Fingerprint Retention and Notification Program and requires licensees to submit fingerprints and pay retention fees;
- amends concealed weapons licensing law provisions, including clarifying the crimes used for disqualification and requiring a live fire demonstration by trainees in the physical presence of the trainer;
- provides that lienholders may post a bond to secure the release of a motor vehicle held by a motor vehicle repair shop with a possessory lien;
- requires the department to maintain a “student tour operators” list;
- provides that the department may provide notice of a suspension or revocation of a concealed weapons license via first-class mail or e-mail, in certain circumstances; and
- allows tax collectors to print and renew concealed weapons licenses on site.

The bill will have a significant fiscal impact on state government and the private sector, in part, due to the veteran fee waiver programs and the concealed weapons license fee reduction. The bill provides a nonrecurring appropriation of \$1,305,097 from the Division of Licensing Trust Fund for payment of fingerprint processing and retention fees to the FDLE.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016, except as otherwise provided.

CS/CS/SB 826 – Mobile Homes

By: Fiscal Policy; Community Affairs; Latvala

Tied Bills: None

Companion Bills: CS/CS/HB 743

Committee(s) of Reference: Regulated Industries; Community Affairs; Fiscal Policy

Category: Business and Professional Regulation

The bill makes the following changes to ch. 723, F.S., the Florida Mobile Home Act, under the Division of Florida Condominiums, Timeshares, and Mobile Homes (Division):

- Revises the requirement that the Division provide updates on the status of a complaint by a mobile home owner, mobile home park owner, or home owners association and requires notice to be provided to the subject of the complaint after a written complaint is filed with the Division
- Provides that non-ad valorem assessments are considered a charge that a mobile home park owner may pass on to a mobile home owner
- Provides that, if the park owner does not provide a notice of a lot rental increase 90 days before the renewal date of the rental agreement, the rental agreement remains under the same terms until a 90-day notice is given
- Permits the purchaser of a mobile home to cancel or rescind a contract for the purchase of the mobile home if the park owner has not approved the purchaser's tenancy at least five days before the closing of the purchase
- Provides that, upon incorporation, all consenting mobile homeowners may become members or shareholders of a homeowners' association and that upon incorporation and notification to the park owner, the association becomes the representative to all mobile homeowners in all matters related to the Act
- Provides that owners of a jointly owned mobile home or subdivision lot are only permitted one vote
- Authorizes members to vote in person or by secret ballot, including an absentee ballot
- Prohibits members from recording meetings between the board of directors or an appointed committee and the park owner
- Requires the Division to adopt rules implementing board member training and publish a notice of proposed rules by October 1, 2016
- Provides that board members will not be considered in violation for failure to comply with board member certification and education requirements until after October 1, 2017

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/CS/SB 938 – Retail Sale of Dextromethorphan

By: Commerce and Tourism; Health Policy; Benacquisto

Tied Bills: None

Companion Bills: CS/CS/HB 691

Committee(s) of Reference: Health Policy; Commerce and Tourism; Fiscal Policy

Category: Consumer Protection, Health

The bill prohibits manufacturers, distributors, retail entities, and their employees and representatives from knowingly or willfully selling a finished drug product that contains any quantity of Dextromethorphan (DXM) to a person younger than 18 years of age. Additionally, the bill prohibits a person younger than 18 years of age from purchasing a finished drug product that contains any quantity of DXM. The person making the sale of the finished drug product that contains DXM is required to obtain proof of age from the purchaser prior to completing the sale, unless the person making the sale could reasonably presume from the consumer's outward appearance that the consumer is 25 years of age or older.

The bill provides for fines to be paid by manufacturers, distributors, retail entities, or their employees or representatives in violation of this section, as well as persons who possess or receive a finished drug product that contains DXM with the intent to distribute it to a person under the age of 18. The bill provides a way for recipients of the fine to dispute the citation and provides for the local jurisdiction to recover unpaid accrued fines.

The bill preempts any ordinance regulating the sale, distribution, receipt, or possession of DXM that may be enacted by a county, municipality, or other political subdivision of the state. DXM is not subject to further regulation by such political subdivisions.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2017.

CS/CS/CS/SB 1602 – Elevators

By: Fiscal Policy; Community Affairs; Regulated Industries; Galvano

Tied Bills: None

Companion Bills: CS/CS/HB 1289

Committee(s) of Reference: Regulated Industries; Community Affairs; Fiscal Policy

Category: Business and Professional Regulation, Safety

The bill creates s. 399.031, F.S., the “Maxwell Erik ‘Max’ Grablin Act,” to provide requirements for new elevators in private residences. The bill provides specific measurements for clearances and requires specified force amounts for doors and gates of elevators within private residences. The bill also provides that the underside of the platform of an elevator car must be equipped with a device that stops the elevator car’s downward motion within two inches if the platform of the elevator car is obstructed anywhere on its underside in its downward travel. The downward motion can only be resumed after the elevator has been manually reset.

The bill directs the Florida Building Commission to adopt the Act’s provisions into the Florida Building Code by October 1, 2016.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

Energy & Utilities Subcommittee

CS/HJR 193 – Solar or Renewable Energy Source Devices/Exemption from Certain Taxation and Assessment

By: Regulatory Affairs Committee; Rodrigues R.; Berman and others

Tied Bills: CS/HB 195

Companion Bills: CS/CS/SJR 170

Committee(s) of Reference: Energy & Utilities Subcommittee; Finance & Tax Committee; Regulatory Affairs Committee

Category: Constitutional Amendments, Energy, Local Government, Taxes, Utilities and Communications

The joint resolution proposes an amendment to the Florida Constitution that will be placed on the ballot on August 30, 2016, pursuant to CS/HB 195. The proposed amendment authorizes the Legislature, by general law, to:

- exempt from ad valorem taxation the assessed value of solar devices or renewable energy source devices subject to tangible personal property tax (article VII, subsection (e) of section 3 of the Florida Constitution); and
- prohibit the consideration of the installation of such devices in determining the assessed value of residential and nonresidential real property for the purpose of ad valorem taxation (article VII, subsection (i) of section 4 of the Florida Constitution).

If approved by 60 percent of the voters in the election, the joint resolution provides that the proposed amendment will take effect on January 1, 2018, and expire on December 31, 2037. Upon expiration, the amended sections will be repealed and the text of both constitutional subsections will revert to that in existence on December 31, 2017.

CS/HB 195 (ch. 2016-118, L.O.F.) – Special Election

By: Regulatory Affairs Committee; Rodrigues, R.; Berman and others

Tied Bills: CS/HJR 193

Companion Bills: CS/CS/CS/SB 172

Committee(s) of Reference: Energy & Utilities Subcommittee; Finance & Tax Committee; Regulatory Affairs Committee

Category: Constitutional Amendments, Energy, Local Government, Taxes, Utilities and Communications

The bill provides for a special election on August 30, 2016, to be held concurrently with other statewide elections held on that date, if any. At that election, the amendment to the Florida Constitution proposed in CS/HJR 193 will be submitted to the electors for approval or rejection. The amendment authorizes the Legislature, by general law, to exempt from ad valorem taxation the assessed value of solar devices or renewable energy source devices subject to tangible personal property tax and to prohibit the consideration of the installation of such devices in determining the assessed value of residential and nonresidential real property for the purpose of ad valorem taxation.

The bill became law on March 25, 2016, chapter 2016-118, Laws of Florida, and becomes effective on January 1, 2017, having been enacted by a vote of at least three-fourths of each house of the Legislature and CS/HJR 193 was adopted by both houses.

CS/HB 347 (ch. 2016-124, L.O.F.) – Utility Projects

By: Finance & Tax Committee; Sprowls and others

Tied Bills: None

Companion Bills: CS/CS/SB 324

Committee(s) of Reference: Energy & Utilities Subcommittee; Finance & Tax Committee; Regulatory Affairs Committee

Category: Local Government, Utilities and Communications

The bill establishes a new financing mechanism through which certain entities created by interlocal agreement (referred to as an “authority”) may finance or refinance, on behalf of a municipality, county, special district, public corporation, regional water authority, or other governmental entity (referred to as a “local agency”), projects related to water or wastewater service. This financing mechanism is designed to satisfy rating agency criteria to achieve a higher bond rating and, therefore, a lower interest rate and more favorable terms for bonds issued to fund eligible projects.

The financing mechanism created by the bill allows a local agency to apply to an authority to finance the costs of an eligible project using “utility cost containment bonds.” The authority may then adopt a financing resolution setting forth certain requirements for issuance of the bonds. (The authority may form a single-purpose, limited liability company or, together with two or more of its members or other public agencies, may create a new single-purpose entity to perform its duties under the bill.) The bonds are secured by the revenues from a separate “utility project charge” imposed by the authority on behalf of the local agency, stated on the bill of each present and future customer of the services specified in the financing resolution, and collected by the local agency pursuant to a servicing agreement with the authority. The moneys from the charge are transferred to the authority and used to secure bonds issued for the benefit of the local agency. These moneys are not considered revenues of the local agency but are treated as revenues of the authority. The authority may not file bankruptcy while any of the bonds are outstanding.

The bill became law on March 25, 2016, chapter 2016-124, Laws of Florida, and becomes effective on July 1, 2016.

CS/CS/CS/HB 491 – Water and Wastewater

By: Regulatory Affairs Committee; Finance & Tax Committee; Energy & Utilities Subcommittee; Smith and others

Tied Bills: None

Companion Bills: CS/CS/CS/SB 534

Committee(s) of Reference: Energy & Utilities Subcommittee; Finance & Tax Committee; Regulatory Affairs Committee

Category: Utilities and Communications

This bill addresses several issues related to regulated water and wastewater utility systems, particularly small systems, and their customers:

- Directs the Division of Bond Finance to review the allocation of private activity bonds in Florida with respect to water and wastewater projects
- Creates an exemption from Public Service Commission (PSC) regulation for persons who resell water service to individually-metered residents at a price that does not exceed the purchase price of water plus the actual cost of meter reading and billing, not to exceed nine percent of the actual cost of service
- Authorizes the PSC, in a rate case, to create a reserve fund to be used for certain regulated utility infrastructure repair and replacement projects, subject to PSC approval
- Identifies specific types of expenses eligible for “pass-through” treatment in regulated utility rates and authorizes the PSC, by rule, to identify additional types of expenses eligible for such treatment, provided the expenses are beyond the utility’s control
- Prohibits the recovery of a regulated utility’s rate case expense where the rate case expense is incurred to prepare or file a staff-assisted rate case in which no party intervenes
- Authorizes the PSC, on its own motion or based on customer complaints, to review water quality issues involving secondary drinking water standards (e.g., standards related to odor, taste, and corrosiveness) and wastewater service issues involving odor, noise, aerosol drift, or lighting
- Expands the availability of low-interest loans through the State Revolving Fund to all for-profit water utilities
- Clarifies that each county that has opted to regulate water and wastewater services must comply with the requirements in current law concerning abandoned utilities

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

CS/CS/HB 1025 (ch. 2016-95, L.O.F.) – Public Records/Utility Security Information

By: State Affairs Committee; Energy & Utilities Subcommittee; Antone; Cortes, B.

Tied Bills: None

Companion Bills: CS/CS/SB 776

Committee(s) of Reference: Energy & Utilities Subcommittee; State Affairs Committee; Regulatory Affairs Committee

Category: Energy, Government in the Sunshine, Local Government, Utilities and Communications

The bill creates a public record exemption for the following information held by a local government utility:

- Information related to the security of the 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 such data or information technology resources
- Information related to the security of the 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, such systems in a manner that would adversely impact the safe and reliable operation of the systems and the utility

The bill provides for retroactive application of the public record exemption. The bill provides that this public record exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2021, 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.

For purposes of the Public Records Act, the bill defines the term “utility” to mean a person or entity that provides electricity, natural gas, telecommunications, water, chilled water, reuse water, or wastewater.

The bill became law on March 24, 2016, chapter 2016-95, Laws of Florida, and became effective upon that date.

Insurance & Banking Subcommittee

SB 80 (ch. 2016-35, L.O.F.) – Family Trust Companies

By: Richter and others

Tied Bills: None

Companion Bills: HB 17

Committee(s) of Reference: Banking and Insurance; Judiciary; Fiscal Policy

Category: Financial Services

The bill modifies and clarifies a number of requirements in the Florida Family Trust Company Act (Act) for licensed family trust companies (FTCs), unlicensed FTCs, and foreign-licensed FTCs. The bill:

- provides that the Office of Financial Regulation (OFR) must conduct an examination of a licensed FTC every 36 months, instead of the current 18 months;
- removes the requirement that OFR conduct examinations of unlicensed FTCs;
- requires a judicial determination of a breach of fiduciary duty or trust before OFR may enter a cease and desist order, and clarifies that an FTC has an opportunity for an administrative hearing before OFR may revoke an FTC's license;
- requires all FTCs in operation on October 1, 2016, to either apply for the appropriate FTC license or registration, or cease doing business in this state by December 30, 2016;
- clarifies that OFR is responsible for the regulation, supervision, and examinations of licensed FTCs, and limits OFR's role over unlicensed or foreign FTCs to ensuring that services provided by such companies are provided only to family members and to determining conformity with the Act;
- requires the management of a licensed FTC to have at least three directors or managers and requires that at least one of those directors or managers be a Florida resident;
- provides that an FTC registration application must state that trust operations will comply with statutory provisions relating to organizational documents, minimum capital requirements, and segregated books, records, and assets;
- provides that the designated relatives in a licensed FTC may not have a common ancestor within three generations, instead of the current five generations;
- requires that a registration application for a foreign-licensed FTC must provide proof that the company is in compliance with the FTC laws and regulations of its principal jurisdiction;
- requires amendments to certificates of formation or certificates of organization to be submitted to OFR at least 30 days before it is filed or effective; and
- allows FTCs to file annual renewal applications within 45 days of the end of each calendar year.

The bill became law on March 10, 2016, chapter 2016-35, Laws of Florida, and became effective upon that date.

CS/CS/HB 145 (ch. 2016-53, L.O.F.) – Financial Transactions

By: Regulatory Affairs Committee; Insurance & Banking Subcommittee; McGhee and others

Tied Bills: None

Companion Bills: CS/CS/CS/CS/SB 260

Committee(s) of Reference: Insurance & Banking Subcommittee; Regulatory Affairs Committee

Category: Financial Services

The bill provides the following changes:

- Exempts private schools from the credit card surcharge prohibition
- Permits licensed consumer finance lenders to pay money or anything else of value, either directly or indirectly, to any person as compensation, inducement, or reward for referring loan applicants to a licensed consumer finance lender, only if such amount is not charged directly or indirectly to the borrower
- Clarifies that Florida's codification of the Uniform Commercial Code Article 4A applies to funds transfers that are remittance transfers under the federal Electronic Funds Transfer Act (EFTA), unless the remittance transfer is also an electronic funds transfer under the EFTA
- Provides that the EFTA will preempt in the event any inconsistency exists
- Requires a lender to cancel a mortgage within 45 days of satisfaction, and in the case of an open-end mortgage, requires a lender to cancel the mortgage within 45 days of receipt of the borrower's written notice of intent to close the mortgage; however, the cancellation provision does not apply to open-end mortgages existing before July 1, 2016, if the loan agreement contained procedures for cancellation

The bill became law on March 10, 2016, chapter 2016-53, Laws of Florida, and becomes effective July 1, 2016, and applies prospectively to all remittance transfers made on or after July 1, 2016.

CS/CS/CS/HB 221 – Health Care Services

By: Health & Human Services Committee; Appropriations Committee; Insurance & Banking Subcommittee; Trujillo and others

Tied Bills: None

Companion Bills: CS/CS/CS/SB 1442

Committee(s) of Reference: Insurance & Banking Subcommittee; Appropriations Committee; Health & Human Services Committee

Category: Consumer Protection, Health, Insurance

The bill prohibits out-of-network health care providers from balance billing members of a preferred provider organization (PPO) or exclusive provider organization for emergency services or for nonemergency services when the nonemergency services are provided in a network hospital and the patient had no ability and opportunity to choose a network provider. The bill establishes standards for determining reimbursement to providers and authorizes providers and insurers to settle disputed claims under the statewide provider and health plan claim dispute resolution program, according to specified procedures.

In addition, the bill:

- requires all PPOs to publish a list of their network providers on their websites, and to update the list monthly;
- requires all PPOs to give subscribers notice regarding the potential for balance billing when using out-of-network providers;
- subjects certain facilities and licensed healthcare practitioners to disciplinary action for violations of the prohibition on balance billing;
- requires hospitals to publish information on their websites regarding their contracts with plans and providers of hospital-based services;
- expands the current mandate for large group health insurers and health maintenance organizations to cover treatment of autism spectrum disorder to require coverage for treatment of Down syndrome also; and
- readopts s. 627.42392(2), F.S., as created by HB 423, 1st Eng., 2016 Regular Session, to correct a drafting error.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016, except as otherwise provided.

CS/CS/SB 286 (ch. 2016-111, L.O.F.) – Merger and Acquisition Brokers

By: Fiscal Policy; Banking and Insurance; Brandes

Tied Bills: None

Companion Bills: CS/CS/HB 817

Committee(s) of Reference: Banking and Insurance; Appropriations Subcommittee on General Government; Fiscal Policy

Category: Financial Services

The bill amends the Florida Securities and Investor Protection Act to create transactional and broker exemptions for securities transactions conducted by a merger and acquisition (M&A) broker. If certain conditions are met, brokers operating exclusively as an M&A broker utilizing the bill's M&A transactional exemption will not have to register with the Office of Financial Regulation. The bill also defines "control person," "eligible privately-held company," "merger and acquisition broker," "public shell company," and sets forth grounds disqualifying an M&A broker from the broker exemption.

The bill became law on March 25, 2016, chapter 2016-111, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/HB 413 (ch. 2016-82, L.O.F.) – Title Insurance

By: Regulatory Affairs Committee; Insurance & Banking Subcommittee; Hager

Tied Bills: None

Companion Bills: CS/CS/SB 548

Committee(s) of Reference: Insurance & Banking Subcommittee; Regulatory Affairs Committee

Category: Insurance

The bill increases the limit that a single title insurer can assume, whether as a primary risk or as assumed reinsurance or coinsurance, from one-half of the dollar value of its surplus to the full amount of its surplus. It also allows the title insurer to purchase reinsurance for any amounts underwritten in excess of their statutory risk limitation from any eligible reinsurer; rather than only from other Florida title insurers. This expands the number of insurers that may provide title insurance reinsurance.

The bill became law on March 24, 2016, chapter 2016-82, Laws of Florida, and becomes effective on July 1, 2016.

CS/CS/HB 431 (ch. 2016-83, L.O.F.) – Fire Safety

By: Regulatory Affairs Committee; Insurance & Banking Subcommittee; Raburn; Combee and others

Tied Bills: None

Companion Bills: CS/CS/SB 822

Committee(s) of Reference: Insurance & Banking Subcommittee; Regulatory Affairs Committee

Category: Local Government, Safety

The bill exempts agricultural pole barns from the Florida Fire Prevention Code (FFPC), which is enforced by the State Fire Marshal. The bill also revises current exemptions to provide that tents up to 900 square feet and nonresidential farm buildings in which 70 percent or more of the perimeter walls are permanently open and allow free ingress and egress are exempt from the FFPC.

The bill also provides that structures on a farm (other than agricultural pole barns) that its owner uses for agritourism activity and receives consideration must be classified into one of three classes, and authorizes the State Fire Marshal to adopt rules to implement these classifications, including alternative lifesafety and fire prevention standards for Class 1 and Class 2 structures:

- Class 1: A nonresidential farm building used by its owner 12 times per year or fewer for agritourism activity with a maximum occupancy of 100 persons (these structures are subject to local inspection and State Fire Marshal rules, but are not subject to the FFPC)
- Class 2: A nonresidential farm building used by its owner for agritourism with a maximum occupancy of 300 persons (these structures are subject to local inspection and State Fire Marshal rules, but are not subject to the FFPC)
- Class 3: A structure primarily used for housing, sheltering, or accommodating the general public (these structures are subject to local inspection and the FFPC)

Additionally, the bill permits local fire officials to consider certain alternative lifesafety approaches as low-cost, reasonable alternatives to minimum firesafety standards, with regard to existing buildings.

The bill became law on March 24, 2016, chapter 2016-83, Laws of Florida, and becomes effective on July 1, 2016.

CS/SB 592 – Public Records/Department of Financial Services/Emergency Medical Technicians or Paramedics

By: Governmental Oversight and Accountability; Hutson

Tied Bills: None

Companion Bills: CS/CS/HB 463

Committee(s) of Reference: Banking and Insurance; Governmental Oversight and Accountability; Rules

Category: Government in the Sunshine, Public Employees

The bill creates public records exemptions for current and former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations and for current or former emergency medical technicians or paramedics. The exemption covers the home addresses, telephone numbers, dates of birth, and photographs of the personnel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by their children.

The bill provides for repeal of the exemptions on October 2, 2021, unless reviewed and saved from repeal by the Legislature. In addition, the bill provides a statement of public necessity as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 613 (ch. 2016-56, L.O.F.) – Workers' Compensation System Administration

By: Regulatory Affairs Committee; Sullivan

Tied Bills: None

Companion Bills: CS/SB 986

Committee(s) of Reference: Insurance & Banking Subcommittee; Government Operations

Appropriations Subcommittee; Regulatory Affairs Committee

Category: Insurance

The bill contains a variety of changes to the workers' compensation law related to the Department of Financial Services' (DFS) responsibility to enforce employer compliance with coverage requirements, administer the workers' compensation health care delivery system, collect system data, and assist injured workers with understanding and pursuing their benefits and rights. The changes include:

- providing for a 25-percent penalty credit for certain employers;
- establishing a deadline for employers to file certain documentation to receive a penalty reduction;
- reducing the imputed payroll multiplier related to penalty calculations from 2-times to 1.5-times the statewide average weekly wage;

- requiring employers to simply notify their insurers of their employees' coverage exemption, rather than requiring that a copy of the exemption be provided;
- eliminating a three-day response requirement applicable to employer held exemption information;
- removing the requirement that construction employers maintain written exemption acknowledgements;
- deleting a requirement that exemption revocations be filed by mail only;
- removing unnecessary information from the exemption application;
- relieving employers of the obligation to notify DFS by telephone or telegraph within 24 hours of any work-related death and relying instead on other existing reporting requirements;
- removing insurers and employers from the medical reimbursement dispute provision since they meet their adjustment, disallowance, and provider violation reporting duties through other provisions of law;
- eliminating fees collected by DFS related to new insurer registrations and Special Disability Trust Fund notices of claim and proofs of claim;
- revising the method for selecting an expert medical examiner; and
- eliminating the Preferred Worker Program, which has not been used in over ten years.

The bill became law on March 10, 2016, chapter 2016-56, Laws of Florida, and becomes effective October 1, 2016.

CS/SB 626 – Consumer Credit

By: Banking and Insurance; Gaetz and others

Tied Bills: None

Companion Bills: CS/HB 717

Committee(s) of Reference: Banking and Insurance; Military and Veterans Affairs, Space, and Domestic Security; Fiscal Policy

Category: Consumer Protection, Financial Services, Military

The bill authorizes the Office of Financial Regulation to enforce the federal Military Lending Act (MLA) and MLA regulations at the state level against state-chartered financial institutions, deferred presentment providers, consumer finance lenders, and title lenders.

Subject to the Governor's veto powers, the effective date of this bill is October 3, 2016.

CS/CS/CS/HB 651 (ch. 2016-132, L.O.F.) – Department of Financial Services

By: Regulatory Affairs Committee; Government Operations Appropriations Subcommittee; Insurance & Banking Subcommittee; Beshears and others

Tied Bills: None

Companion Bills: CS/CS/SB 992

Committee(s) of Reference: Insurance & Banking Subcommittee; Government Operations Appropriations Subcommittee; Regulatory Affairs Committee

Category: Government Operations, Insurance

The bill amends and creates duties and responsibilities of the Department of Financial Services (DFS).
The bill:

- authorizes DFS to create an Internet-based system for the electronic transmission of service of process documents served on the Chief Financial Officer (CFO);
- clarifies the eligibility requirements for participation in the State's deferred compensation plan;
- extends the exemption of medical malpractice insurance premiums from Florida Hurricane Catastrophe Fund emergency assessments from May 31, 2016, to May 31, 2019;
- amends the Florida Single Audit Act to conform to new federal standards, defines the term "higher education entity," and adds specific provisions applicable to higher education entities;
- authorizes DFS to access the digital photographs of driver licenses to investigate alleged violations of the insurance code by licensees and unlicensed persons;
- revises safety regulations for carbon monoxide detectors in public lodging establishments;
- exempts health insurance agents from licensure as public adjusters for specified activities;
- revises appointment procedures for the Florida Surplus Lines Service Office board of governors;
- exempts surplus lines agents from the quarterly reporting requirement to the Florida Surplus Lines Service Office when no business has been transacted in that quarter;
- provides additional grounds for disqualifying a neutral evaluator in sinkhole insurance disputes;
- creates procedures to grant exemptions to persons disqualified from licensure or certification as a firefighter or volunteer firefighter by the Division of State Fire Marshal;
- creates the Firefighter Assistance Grant Program to provide financial assistance in the form of training and equipment for volunteer and combination fire departments;
- amends the requirements for obtaining and renewing a firefighter certificate of compliance and amends provision related to the expiration of firefighter and volunteer firefighter certificates of compliance and completion;
- provides rulemaking authority relating to all unclaimed property reported and remitted to the CFO; and
- exempts certain travel insurance products with premiums less than \$30 for each covered trip from the Office of Insurance Regulation's rate filing requirements.

For the Fiscal Year 2016-17, \$229,165 in recurring funds from the Insurance Regulatory Trust Fund is appropriated to DFS for the purpose of implementing this act. One full-time position is authorized to create and administer the Firefighter Assistance Grant Program.

The bill became law on March 25, 2016, chapter 2016-132, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/HB 659 (ch. 2016-133, L.O.F.) – Automobile Insurance

By: Regulatory Affairs Committee; Insurance & Banking Subcommittee; Santiago

Tied Bills: None

Companion Bills: CS/CS/CS/SB 1036

Committee(s) of Reference: Insurance & Banking Subcommittee; Regulatory Affairs Committee

Category: Insurance, Motorists

The bill makes the following changes regarding automobile insurance:

- Allows single zip code rating territories if they are actuarially sound and the rate is not excessive, inadequate, or unfairly discriminatory
- Authorizes the Florida Automobile Joint Underwriting Association to cancel policies within the first 60 days for non-payment and prohibits insureds from cancelling coverage in the first 90 days, except in certain circumstances
- Allows the policyholder to apply unearned premium to any other policies issued by the insurer or the insurer's group
- Creates an exception to the requirement for insurers to collect two months of premium prior to issuing a private passenger motor vehicle policy or binder for Personal Injury Protection (PIP) and property damage liability coverage
- Adds payments by a "draft" to the list of acceptable payment methods for motor vehicle insurance contracts
- Authorizes motor vehicle insurers to charge \$15, pursuant to policy terms, if an electronic premium payment fails due to insufficient funds (this is in addition to any fees charged by their financial provider)
- Requires the Department of Financial Services to report preinsurance inspection data, including certain specified data elements, to the Governor and the presiding officers of the Legislature by December 1, 2016
- Replaces the International Classification of Diseases, 9th Revision, for coding of PIP medical services with the International Classification of Diseases, 10th Revision
- Allows medical clinics managed by a licensed healthcare practitioner (who has certain specified responsibilities) and owned, directly or indirectly, by a publicly-traded corporation that has \$250 million or more in total annual sales of healthcare services to receive reimbursement from insurers for PIP medical services without having to be separately licensed under the Health Care Clinic Act

The bill became law on March 25, 2016, chapter 2016-133, Laws of Florida, and becomes effective July 1, 2016.

CS/HB 695 (ch. 2016-57, L.O.F.) – Title Insurance

By: Regulatory Affairs Committee; Boyd

Tied Bills: None

Companion Bills: CS/CS/SB 940

Committee(s) of Reference: Insurance & Banking Subcommittee; Regulatory Affairs Committee

Category: Insurance

The bill allows a title insurer that has less than \$50 million in surplus, but is a member of an insurance holding company system that has \$1 billion or more in surplus, to set its guaranty fund reserve at 6.5 percent of written premium; rather than at \$0.30 for every \$1,000 of risk they retain. This exception will only be available if the insurance holding company system has a financial strength rating of “superior,” “excellent,” “exceptional,” or an equivalent financial strength rating by a rating agency acceptable to the Office of Insurance Regulation. This allows a smaller title insurer with access to capital from its holding company to set the reserve in the same way as a larger title insurer. This sets lower guaranty fund reserve amounts on higher value policies and allows the reserve to be released earlier. Also, the bill requires title insurers that move their domicile to Florida to reset the guaranty fund reserve that they bring into Florida to the amount that would have been required if the reserve was always held in Florida, rather than maintaining and releasing the newly domesticated reserve pursuant to the law of their former state.

The bill became law on March 10, 2016, chapter 2016-57, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/CS/HB 783 (ch. 2016-90, L.O.F.) – Unclaimed Property

By: Regulatory Affairs Committee; Government Operations Appropriations Subcommittee; Insurance & Banking Subcommittee; Trumbull and others

Tied Bills: None

Companion Bills: CS/SB 970

Committee(s) of Reference: Insurance & Banking Subcommittee; Government Operations Appropriations Subcommittee; Regulatory Affairs Committee

Category: Consumer Protection, Insurance

The bill makes changes to the Florida Disposition of Unclaimed Property Act, which is administered by the Department of Financial Services (DFS), Bureau of Unclaimed Property. The bill:

- revises certain definitions and adds one for the term “United States;”
- allows certain tax exempt water cooperatives to retain unclaimed patronage refunds;
- increases the maximum value related to an exception benefiting small estates from \$5,000 to \$10,000;
- requires the filing of certain court documents, in certain circumstances;
- authorizes DFS to estimate property value if the holder fails to produce sufficient records;

- requires a specified disclosure to be executed separately from, rather than as part of, representation agreements;
- eliminates an exception related to claims made under a power of attorney that removes a fee cap and disclosure requirement;
- eliminates an exception related to claims made under a purchase agreement that removes the \$1,000 discount limit (but not the disclosure requirement);
- deletes authority to remove certain language otherwise required in grants of limited power of attorney and purchase agreements;
- voids certain authorizations or agreements and limits related fees to the default maximum fee, if they do not meet certain documentary and filing requirements;
- increases the number of days allowed for a purchaser to pay a property right seller from 10 days to 30 days;
- requires the filing of proof of completed payment;
- voids the claim, if the required proof is not filed with DFS;
- repeals the 45 day waiting period for claims made under a power of attorney or purchase agreement;
- removes the authorization for registrants to receive social security numbers; and
- requires that unclaimed campaign account property be reported to the Chief Financial Officer and deposited into the State School Fund.

The bill became law on March 24, 2016, chapter 2016-90, Laws of Florida, and becomes effective July 1, 2016.

SB 812 – Reciprocal Insurers

By: Diaz de la Portilla

Tied Bills: None

Companion Bills: HB 699

Committee(s) of Reference: Banking and Insurance; Commerce and Tourism; Rules

Category: Insurance

The bill provides a domestic reciprocal insurer with an additional method to return surplus funds to its subscribers without the requirement to maintain subscriber savings accounts. The bill gives a domestic reciprocal insurer the option of paying to its subscribers up to 10 percent of its unassigned funds (surplus), capping distribution at 50 percent of its net income from the previous calendar year. The bill requires the Office of Insurance Regulation to approve distributions in writing. Further, the distributions cannot unfairly discriminate between classes of risks, or policies, or between subscribers, but may vary based on the experience of subscriber classes.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/CS/SB 828 – Insurance Guaranty Association Assessments

By: Finance and Tax; Banking and Insurance; Bean

Tied Bills: None

Companion Bills: CS/CS/CS/HB 467

Committee(s) of Reference: Banking and Insurance; Finance and Tax; Fiscal Policy

Category: Insurance

The bill makes the following changes to the Florida Workers' Compensation Insurance Guaranty Association (FWCIGA) assessment process:

- Moves the authority to make recommendations and issue orders related to a workers' compensation insurer's financial condition from the Department of Financial Services to the Office of Insurance Regulation (OIR)
- Increases the assessment cap for self-insurance funds from 1.5 percent of direct written premium to 2 percent
- Changes the basis of the assessment from the prior year's net direct written premium to the calendar year of the assessment
- Allows the FWCIGA to levy assessments using a "single assessment payment" method, where the insurer pays the assessment and then recovers it through policy surcharges (subject to an end of period reconciliation and a possible corrective payment or refund)
- Authorizes the use of an "installment" method, as an alternative to the "single assessment payment" method, where the insurer collects the policy surcharges and then remits them quarterly to the FWCIGA
- Changes the assessment recovery process from a component of premium to a policy surcharge
- Allows policy surcharges to begin 90 days after the FWCIGA certifies the need for an assessment, which will be collected at a uniform rate on new and renewed policies issued and in force during the 12 months beginning the calendar quarter after the assessment order is issued by OIR
- Provides that insurers are not liable for uncollectible surcharges
- Exempts assessments from the insurance premium tax

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/CS/SB 854 – Funeral, Cemetery, and Consumer Services

By: Regulated Industries; Banking and Insurance; Hukill

Tied Bills: None

Companion Bills: CS/CS/CS/HB 473

Committee(s) of Reference: Banking and Insurance; Regulated Industries; Fiscal Policy

Category: Financial Services

The bill makes the following changes to the Florida Funeral, Cemetery, and Consumer Services Act (Act):

- creates a total return method as an alternative to the current net income approach for care and maintenance trusts required of cemetery companies;
- authorizes the Department of Financial Services (DFS) and the Board of Funeral, Cemetery & Consumer Services to adopt rules to implement the new total return method;
- repeals surety bonding and letters of credit as alternative forms of security for the performance of preneed contracts, and eliminates references to these alternative options throughout the Act;
- creates definitions of “purchaser” and “beneficiary” for preneed contracts, and updates various financial and trust-related terms throughout the Act;
- repeals a preneed licensure exemption for certain servicing agents;
- authorizes the DFS to require email addresses from applicants and licensees for purposes of electronic notifications for official communications;
- ensures consistent use of the defined term “legally authorized person” throughout the Act;
- clarifies that cremated remains are not property for purposes of probate, and that division of such remains requires the legally authorized person’s consent;
- requires applicants for the embalmer apprentice program to demonstrate good character, which is currently required of other licensees under the Act;
- clarifies the scope of funeral directing;
- requires cemetery companies to remit unexpended monies paid on irrevocable preneed contracts to the Agency for Health Care Administration for deposit into the Medical Care Trust Fund after the beneficiary’s final disposition; and
- clarifies the deposit duties of preneed licensees prior to becoming inactive.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

CS/HB 875 (ch. 2016-60, L.O.F.) – Motor Vehicle Service Agreement Companies

By: Insurance & Banking Subcommittee; Stark; Santiago and others

Tied Bills: None

Companion Bills: CS/SB 1120

Committee(s) of Reference: Insurance & Banking Subcommittee; Regulatory Affairs Committee

Category: Insurance, Motorists

The bill modifies the definition of “additive product” to indicate the term does not include a product applied to the exterior or interior surface of a motor vehicle to protect the appearance of the motor vehicle. The bill also deletes the definition of “paintless dent-removal” but still allows the process to be considered part of a motor vehicle service agreement.

The bill also changes and expands coverage provided in a motor vehicle service agreement to include: a) repair or replacement of tires or wheels on a motor vehicle damaged as a result of encountering a road hazard (and defines the term); b) removal of dents, dings, or creases on a motor vehicle that may be repaired using the process of paintless dent-removal without affecting the existing paint finish and without using replacement body panels, or sanding, bonding, or painting; and c) replacement of a motor vehicle key or key fob if the key or key fob is inoperable, lost, or stolen.

The bill became law on March 10, 2016, chapter 2016-60, Laws of Florida, and becomes effective July 1, 2016.

SB 908 – Organization of the Department of Financial Services

By: Lee

Tied Bills: None

Companion Bills: CS/CS/HB 879

Committee(s) of Reference: Banking and Insurance; Appropriations Subcommittee on General Government; Appropriations

Category: Government Operations, Insurance

The bill reorganizes the Department of Financial Services (DFS) as follows:

- Removes the Divisions of Legal Services and Information Systems from statute;
- Renames the Division of Insurance Fraud as the Division of Investigative and Forensic Services (DIFS);
- Relocates the Office of Fiscal Integrity and shifts its powers, duties and functions to DIFS;
- Creates the Bureau of Fire and Arson Investigations and Bureau of Forensic Services in DIFS and amends various statutes related to the Division of State Fire Marshal (DSFM) to authorize DFS to move duties and functions related to the new bureaus from DSFM to DIFS;
- Changes an appointee to the Joint Task Force on State Agency Law Enforcement Communications from one representing DSFM to one representing DIFS and shifts the appointing authority from the State Fire Marshal to the Chief Financial Officer (CFO);

- Changes the Bureau of Unclaimed Property to the Division of Unclaimed Property (retaining all of its current powers, duties and functions); and
- Revises requirements relating to the service of legal process on authorized and unauthorized insurers.

The establishment of DIFS effectively consolidates all of the law enforcement and related support units in DFS into a single division. There are no powers, duties, or functions created or deleted by the bill; rather, they are either reallocated to a successor unit or reassigned to DFS, the CFO, or the State Fire Marshal, generally.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/CS/HB 931 – Operations of the Citizens Property Insurance Corporation

By: Regulatory Affairs Committee; Insurance & Banking Subcommittee; Passidomo; Rodríguez, J. and others

Tied Bills: None

Companion Bills: CS/CS/SB 1630

Committee(s) of Reference: Insurance & Banking Subcommittee; Regulatory Affairs Committee

Category: Insurance

The bill requires Citizens Property Insurance Corporation (Citizens) to revise its depopulation procedures to have Citizens, and not the take-out company, communicate take-out offers. Notice of a take-out offer must include standardized information that compares the coverage and estimated premium of each take-out offer to the coverage and premium provided by Citizens and must advise policyholders that they may accept or reject any offer. The reforms must be in place by January 1, 2017.

In addition, the bill:

- provides the consumer representative on the Citizens' board with the same exemption from the conflict of interest statute that is currently provided to board members with insurance expertise;
- authorizes additional entities to receive confidential underwriting data for the purpose of analyzing risks for underwriting, and prohibits an agent from using the data to solicit policyholders;
- requires an insurance agent to have at least one appointment with an insurer to retain eligibility to write insurance with Citizens; and
- authorizes Citizens to use the public hurricane loss projection model results in combination with the results of private models to calculate windstorm rates.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/CS/HB 965 (ch. 2016-92, L.O.F.) – Firesafety

By: Health & Human Services Committee; Appropriations Committee; Harrison

Tied Bills: None

Companion Bills: CS/CS/SB 1164

Committee(s) of Reference: Insurance & Banking Subcommittee; Appropriations Committee; Health & Human Services Committee

Category: Health Care Facilities, Safety

The bill amends laws relating to the uniform firesafety standards for assisted living facilities (ALFs) through significant repeal of firesafety requirements that are more than 20 years old. The bill requires that the current edition of the National Fire Protection Association, Life Safety Code (LSC), be used in determining the uniform firesafety standards adopted by the State Fire Marshal for ALFs instead of the out-of-date 1994 edition.

The bill provides an exemption from the new firesafety code requirements adopted by the State Fire Marshal for an ALF licensed prior to July 1, 2016. To qualify for the exemption, an ALF must affirmatively notify the local authority of such intent. An ALF that undergoes Level III building alterations or rehabilitation, as defined in the Florida Building Code, or that seeks to utilize a feature not authorized by the 1994 LSC, must comply with all of the new uniform firesafety standards in effects for ALFs as adopted by the State Fire Marshal.

Additionally, current law prohibits a local government from charging above the actual expense incurred for the installation and maintenance of automatic fire sprinkler systems in an ALF. The bill applies this prohibition to utilities. The bill removes the requirement that the Office of the State Fire Marshal provide training and education to the employees of the Agency for Health Care Administration and local government inspectors.

The bill became law on March 24, 2016, chapter 2016-92, Laws of Florida, and becomes effective July 1, 2016.

CS/SB 966 – Unclaimed Property

By: Banking and Insurance; Benacquisto and others

Tied Bills: None

Companion Bills: CS/HB 1041

Committee(s) of Reference: Banking and Insurance; Appropriations Subcommittee on General Government; Appropriations

Category: Consumer Protection, Insurance

The bill amends the Florida Disposition of Unclaimed Property Act to subject life insurers to the requirements in regulatory settlement agreements (RSAs) that many of the largest life insurers have entered into with the state regarding life insurance claims handling practices. The bill:

- requires life insurers, with certain exceptions, to determine whether their life or endowment insurance policyholders, annuitants, and retained asset account holders have died by performing annual comparisons against the U.S. Social Security Administration’s Death Master File (DMF);
 - the requirement applies to all life or endowment insurance policies, annuity contracts, and retained asset accounts that were in force on or after January 1, 1992; however, for life insurers who have either entered into RSAs or have received a targeted market conduct examination report with no violations as of June 30, 2016, the requirement applies to all in-force policies;
- provides that within four months of learning of an insured’s death through the DMF, the insurer is required to verify the death, verify if the insured had other products with the company, determine if benefits are due, and attempt to locate and contact beneficiaries;
- provides that policy or contract proceeds that remain unclaimed five years after the date of death of the insured, annuitant, or account holder must be reported and remitted to the Department of Financial Services (DFS) Bureau of Unclaimed Property;
- provides that fines, penalties, or additional interest may not be imposed on the insurer for failure to report and remit property under the bill, if such proceeds are reported and remitted to DFS Bureau of Unclaimed Property no later than May 1, 2021; and
- prohibits insurers and certain third parties from charging fees associated with the search, verification, claim, or delivery of funds to beneficiaries.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

CS/CS/SB 1104 – Service of Process on Financial Institutions

By: Rules; Banking and Insurance; Flores

Tied Bills: None

Companion Bills: CS/CS/HB 897

Committee(s) of Reference: Banking and Insurance; Judiciary; Rules

Category: Courts, Financial Services

The bill provides the following regarding service of process on a financial institution transacting business in Florida:

- service of process must be made in accordance with service of process statute in the Financial Institutions Codes;
- financial institutions may designate a registered agent or place with the Department of State (DOS) as the sole location or agent for service of process;
- if service cannot be made at the location designated with the DOS or the financial institution does not have a registered agent, service may be made upon officers, directors, or business agents at specified locations; and
- the Office of Financial Regulation may serve process on financial institutions through certified mail on specified persons and locations.

Subject to the Governor’s veto powers, the effective date of this bill is January 1, 2017.

CS/SB 1106 – International Trust Entities

By: Appropriations; Flores

Tied Bills: None

Companion Bills: CS/CS/CS/HB 1383

Committee(s) of Reference: Banking and Insurance; Appropriations Subcommittee on General Government; Appropriations

Category: Financial Services

The bill creates a moratorium, until July 1, 2017, on the Office of Financial Regulation’s (OFR) enforcement of international trust company representative office (ITCRO) licensing requirements with respect to organizations or entities providing services to an “international trust entity” engaging in ITCRO activities, if such person who manages, controls, or is employed by such organization or entity meets certain requirements and provides written assurances to OFR. The moratorium does not affect OFR’s authority to otherwise enforce applicable provisions of the Financial Institutions Codes or to prevent the unlawful conduct of banking or trust business in Florida, fraud, and violations of anti-money laundering and anti-terrorism laws. The bill repeals the moratorium on July 1, 2017.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

CS/CS/SB 1170 – Health Plan Regulatory Administration

By: Appropriations; Banking and Insurance; Detert

Tied Bills: None

Companion Bills: CS/CS/HB 951

Committee(s) of Reference: Banking and Insurance; Appropriations Subcommittee on Health and Human Services; Appropriations

Category: Insurance

The bill repeals and, in some cases, revises various state law requirements relating to health insurance regulation to eliminate conflicts and duplication with current federal law. Specifically, the bill repeals: the medical loss ratio standard for major medical health insurance policies; the requirement for insurers to issue a certificate of creditable coverage; and the requirement for certain insurers to provide an outline of coverage. In addition, the bill revises numerous cross-references and transfers certain provisions tied to continuing requirements.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/HB 1233 (ch. 2016-144, L.O.F.) – Federal Home Loan Banks

By: Insurance & Banking Subcommittee; Stevenson and others

Tied Bills: None

Companion Bills: CS/SB 1490

Committee(s) of Reference: Insurance & Banking Subcommittee; Regulatory Affairs Committee

Category: Financial Services, Government in the Sunshine

The bill clarifies a public records exemption in the Financial Institutions Codes to authorize the Office of Financial Regulation (OFR) to provide otherwise confidential information to any state, federal, or foreign agency responsible for the regulation or supervision of financial institutions. Secondly, the bill authorizes OFR to furnish information to the Federal Home Loan Banks (FHLBs) regarding its member institutions, in accordance with an information-sharing agreement between FHLBs and OFR. The bill requires FHLBs and OFR to execute the information-sharing agreement by August 1, 2016.

The bill became law on March 25, 2016, chapter 2016-144, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/SB 1274 – Limited Sinkhole Coverage Insurance

By: Fiscal Policy; Banking and Insurance; Latvala

Tied Bills: None

Companion Bills: CS/CS/HB 1327

Committee(s) of Reference: Banking and Insurance; Appropriations Subcommittee on General Government; Fiscal Policy

Category: Insurance

The bill creates a new type of insurance coverage. Among its key features, the bill:

- permits an authorized insurer to issue a “limited sinkhole coverage insurance” policy providing personal lines residential coverage for the peril of sinkhole loss on any structure or the contents of personal property;
- covers only losses from the perils of sinkhole loss as the term “sinkhole loss” is currently defined in law;
- prohibits Citizens Property Insurance Corporation from issuing limited sinkhole coverage insurance;
- does not require coverage of loss of personal property or contents (coverage may be limited to stabilization of the building and repair of the foundation; coverage of land stabilization is not required);
- allows policy limits and deductibles as agreed by the insurer and insured (minimum policy limit is \$50,000);
- requires the insured’s signed acknowledgement of reading and understanding the policy limitations, including a notice, with prescribed text;
- does not apply to commercial lines residential coverage, commercial lines nonresidential coverage, or excess coverage for the peril of sinkholes;
- provides specific conditions on the payout of policy limits on claims where the cost of recommended repairs exceeds the policy limits;
- requires insurer payment of repairs to be issued jointly to the policyholder and repair contractor;
- does not require form filing;
- establishes surplus requirements; and
- provides that, until October 1, 2019, limited sinkhole coverage insurers will not be subject to file and use rate review by the Office of Insurance Regulation.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

CS/CS/SB 1386 – Insurance Agents

By: Rules; Banking and Insurance; Richter

Tied Bills: None

Companion Bills: CS/CS/HB 1303

Committee(s) of Reference: Banking and Insurance; Commerce and Tourism; Rules

Category: Insurance

The bill amends current law to permit a health insurance agent, pursuant to a written contract, to charge a fee in lieu of a commission, to any group or individual health insurance or benefit plan, rather than only a group plan, for the purpose of providing advice, counsel, recommendation, or information in respect to the terms, conditions, benefits, coverage, or premium of a health insurance policy.

The bill raises the maximum amount of life insurance coverage that can be sold by a funeral director, a direct disposer, an employee of a funeral establishment, or a funeral establishment contracting with a life insurance agent, for a life insurance policy limited to funding a preneed contract. The coverage limit is raised from \$12,500 to \$21,000, plus an annual percentage increase based on the Annual Consumer Price Index compiled by the U.S. Department of Labor, beginning with the Annual Consumer Price Index announced by the department for 2016.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/SB 1416 – Public Records/Own-risk and Solvency Assessment/Corporate Governance Annual Disclosure

By: Governmental Oversight and Accountability; Banking and Insurance; Simmons

Tied Bills: CS/CS/SB 1422

Companion Bills: CS/CS/HB 1165

Committee(s) of Reference: Banking and Insurance; Governmental Oversight and Accountability; Rules

Category: Government in the Sunshine, Insurance

The bill, which is linked to CS/CS/SB 1422, provides that the following information held by the Office of Insurance Regulation is confidential and exempt from public records requirements:

- An Own Risk and Solvency Assessment (ORSA) summary report or a substantially similar ORSA report
- A Corporate Governance Annual Disclosure
- Supporting documents

The bill provides for repeal of the exemption on October 2, 2021, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is on the same date that SB 1422 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

CS/CS/SB 1422 – Insurer Regulatory Reporting

By: Appropriations; Banking and Insurance; Simmons

Tied Bills: CS/CS/SB 1416

Companion Bills: CS/CS/HB 1163

Committee(s) of Reference: Banking and Insurance; Appropriations Subcommittee on General Government; Appropriations

Category: Insurance

The bill creates two insurer reporting requirements that will be used for solvency monitoring by the Office of Insurance Regulation (OIR), known as the Own Risk Solvency Assessment (ORSA) and the Corporate Governance Annual Disclosure (CGAD). The bill also:

- provides criteria for OIR to exempt certain insurers and insurance groups and to provide waivers of ORSA requirements;
- provides a delayed compliance date for CGAD filings, with certain exceptions;
- provides that ORSA and CGAD filings and related documents are privileged and not subject to subpoena or discovery directly from OIR, and are not admissible in evidence in any private civil action;
- authorizes OIR to retain third-party consultants to assist in the administration of the bill and specifies requirements for such third-party consultants;
- authorizes the Financial Services Commission to adopt rules to implement the ORSA and CGAD requirements;
- authorizes OIR to impose sanctions for failure to submit ORSA summary reports or CGADs; and
- provides for the contingent repeal of these requirements, if the linked public bill is not reenacted on October 2, 2021.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2016, if CS/CS/SB 1416 or similar legislation is adopted in the same legislative session or an extension thereof and becomes a law.

HOUSE OF REPRESENTATIVES
Rules, Calendar & Ethics Committee
Representative Ritch Workman, Chair
Representative Eric Eisnagle, Vice Chair

2016 SUMMARY OF PASSED LEGISLATION



Rulemaking Oversight & Repeal Subcommittee
Representative Lake Ray, Chair
Representative Dane Eagle, Vice Chair

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SB 1030 (ch. 2016-8, L.O.F.) – Florida Statutes

By: Simmons

Tied Bills: None

Companion Bills: HB 7045

Committee(s) of Reference: Rules

Category: Government Operations

The bill was drafted by the Division of Law Revision and Information of the Office of Legislative Services to prospectively adopt the Florida Statutes 2016 and designate the portions thereof that are to constitute the official statutory law of the state. The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and has the effect of curing any title or single subject defects that may have existed in an act as originally passed.

The 2016 adoption act prospectively adopts all statutes of a general and permanent nature passed through the 2015 Regular Session together with corrections, changes, and amendments to and repeals of the provisions of the 2015 Florida Statutes enacted in additional reviser's bill(s) by the 2016 Legislature. The bill adopts as official statutory law of the state those portions of the statutes carried forward from the regular edition published in 2015, which thus serve as the best evidence of the law.

Legislation passed in the 2016 Regular Session, which will have occurred since the publication of the 2015 edition, is not adopted as the official statutory law of the state and serves as prima facie evidence of the law until it is adopted in 2017.

The bill became law on February 24, 2016, chapter 2016-8, Laws of Florida, and becomes effective May 10, 2016.

CS/SB 1032 (ch. 2016-9, L.O.F.) – Florida Statutes

By: Rules; Simmons

Tied Bills: None

Companion Bills: HB 7051

Committee(s) of Reference: Rules

Category: Government Operations

Section 11.242(5)(j), F.S., directs the Office of Legislative Services to include duplicative, redundant, or unused statutory rulemaking authority among its proposed repeals in reviser's bill recommendations. The purpose of this directive is not to diminish the authority of executive branch agencies to adopt administrative rules necessary to implement their statutory responsibilities, but to remove unnecessary text from the statutes.

The reviser's bill removes such rule-authorizing provisions through revision of existing statutes or repeal of unnecessary provisions. The bill also makes conforming changes to correct cross-references.

As technical and non-substantive, this reviser's bill has no fiscal impact on state or local government or on the private sector.

The bill became law on February 24, 2016, chapter 2016-9, Laws of Florida, and becomes effective May 10, 2016.

CS/SB 1038 (ch. 2016-10, L.O.F.) – Florida Statutes

By: Rules; Simmons

Tied Bills: None

Companion Bills: HB 7049

Committee(s) of Reference: Rules

Category: Government Operations

The Division of Statutory Revision of the Office of Legislative Services is required by statute to conduct a systematic and continuing study of the statutes and laws of this state. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes and otherwise improve their clarity and facilitate their correct and proper interpretation. In carrying out this work, Statutory Revision recommends changes such as correcting grammatical and typographical errors and deleting obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, non-substantive reviser's bills.

CS/SB 1038 is a general reviser's bill of technical nature that deletes expired or obsolete language; corrects cross-references and grammatical errors; removes inconsistencies, redundancies, and unnecessary repetition in the statutes; improves the clarity of the statutes and facilitates their correct interpretation; and confirms the restoration of provisions unintentionally omitted from republication in the Legislature's acts during the amendatory process.

The bill became law on February 24, 2016, chapter 2016-10, Laws of Florida, and becomes effective May 10, 2016.

SB 1040 (ch. 2016-11, L.O.F.) – Florida Statutes

By: Simmons

Tied Bills: None

Companion Bills: HB 7047

Committee(s) of Reference: Rules

Category: Government Operations

The Division of Statutory Revision of the Office of Legislative Services is required by statute to conduct a systematic and continuing study of the statutes and laws of this state. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes and otherwise improve their clarity and facilitate their correct and proper interpretation. In carrying out this work, Statutory Revision recommends changes such as correcting grammatical and typographical errors and deleting obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, non-substantive reviser's bills.

SB 1040 is a general reviser's bill that deletes statutory provisions that have been repealed by a non-current (past-year) session of the Legislature where that repeal or expiration date has now occurred, rendering the provision of no effect. Such provisions may be omitted from publication in the 2016 Florida Statutes only through a reviser's bill duly enacted by the Legislature.

The bill became law on February 24, 2016, chapter 2016-11, Laws of Florida, and becomes effective May 10, 2016.

HB 7071 (ch. 2016-151, L.O.F.) – Public Corruption

By: Rules, Calendar & Ethics Committee; Workman and others

Tied Bills: None

Companion Bills: CS/SB 582

Committee(s) of Reference: None

Category: Corrections, Courts, Public Employees, Sentencing

Chapter 838, F.S., establishes a number of criminal offenses related to public officials or employees and the performance of their official duties, including bribery, unlawful compensation for official behavior, official misconduct, and bid tampering. To be convicted of an offense under ch. 838, F.S., one must act "corruptly" or "with corrupt intent," which is defined as "acting knowingly and dishonestly for a wrongful purpose."

The offenses defined in ch. 838, F.S., only apply to the following persons and those who solicit such persons:

- any officer or employee of a state, county, municipal, or special district agency or entity;
- any legislative or judicial officer or employee;
- any person, except a witness, who acts as a general or special magistrate, receiver, auditor, arbitrator, umpire, referee, consultant, or hearing officer while performing a governmental function; or
- a candidate for election or appointment to any of the positions listed in this subsection, or an individual who has been elected to, but has yet to officially assume the responsibilities of, public office.

The bill expands the applicability of offenses in ch. 838, F.S., to officers and employees of a public entity created or authorized by law. Also, the bill makes public contractors eligible for prosecution of official misconduct. The bill defines public contractors as any person, or any officer or employee of a person, who has entered into a contract with a governmental entity. Additionally, the bill widens the scope of bid tampering to include public servants and public contractors who have contracted with a governmental entity to assist in a competitive procurement.

The bill also revises the level of intent for offenses under ch. 838, F.S., from "corruptly" or "with corrupt intent" to "knowingly and intentionally."

The bill became law on March 25, 2016, chapter 2016-151, Laws of Florida, and becomes effective October 1, 2016.

Rulemaking Oversight & Repeal Subcommittee

CS/CS/CS/HB 183 (ch. 2016-116, L.O.F.) – Administrative Procedures

By: State Affairs Committee; Government Operations Appropriations Subcommittee; Rulemaking Oversight & Repeal Subcommittee; Adkins

Tied Bills: None

Companion Bills: CS/CS/SB 372

Committee(s) of Reference: Rulemaking Oversight & Repeal Subcommittee; Government Operations Appropriations Subcommittee; State Affairs Committee

Category: Administrative Procedure, Government Operations

The Administrative Procedure Act (APA) provides uniform procedures for the exercise of specified administrative authority. The bill amends provisions of the APA to enhance opportunities for substantially affected parties to challenge rules. These changes include, but are not limited to:

- revising rulemaking procedures based on petitions to initiate rulemaking alleging an unadopted rule;
- expanding the listing of information that must be published on the Florida Administrative Register to include rules filed for adoption in the previous seven days and a listing of all rules filed for adoption but awaiting legislative ratification;
- revising the pleading requirements and burden of going forward with evidence in challenges to proposed and unadopted rules;
- clarifying which rule validity decisions may be appealed; and
- requiring agencies to identify and certify all of the rules the violation of which would be a minor violation.
-

In addition, the bill specifies that administrative challenges to any proposed regulatory permits related to special events are subject to the APA's summary hearing procedures, with certain exceptions.

The bill became law on March 25, 2016, chapter 2016-116, Laws of Florida, and becomes effective on July 1, 2016.

HB 981 – Administrative Procedures

By: Richardson and others

Tied Bills: None

Companion Bills: SB 1226

Committee(s) of Reference: Rulemaking Oversight & Repeal Subcommittee; Appropriations Committee; State Affairs Committee

Category: Administrative Procedure, Government Operations

The bill revises the rulemaking requirements for preparing a Statement of Estimated Regulatory Costs (SERC), to clarify for agencies the time frame for which costs must be evaluated so that decision makers and affected constituencies may understand the economic and policy impacts of proposed agency rules. The bill creates s. 120.541(5), F.S., to specify that adverse impacts and regulatory costs likely to occur within five years after implementation of a rule include adverse impacts and regulatory costs estimated to occur within five years after the effective date of the rule. The bill also specifies that if any provision of a rule is not fully implemented upon the effective date of the rule, the adverse impacts and regulatory costs associated with such provision must be adjusted to include any additional adverse impacts and regulatory costs estimated to occur within five years after implementation of such provision.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

SB 1402 – Ratification of Department of Financial Services Rules

By: Simmons

Tied Bills: None

Companion Bills: HB 7073

Committee(s) of Reference: Banking and Insurance; Fiscal Policy

Category: Administrative Procedure, Financial Services, Insurance

Florida’s workers’ compensation law requires that the provider reimbursement manuals setting maximum reimbursement rates for medical services must be updated every three years. Each manual is adopted by rule. The 2011 Edition of the Florida Workers’ Compensation Health Care Provider Reimbursement Manual was adopted but did not go into effect for lack of legislative ratification, leaving the 2008 Edition in effect.

After the 2015 Legislature adjourned, the Department of Financial Services (DFS) adopted amendments to the rule incorporating by reference the Florida Workers’ Compensation Health Care Provider Reimbursement Manual, 2015 Edition (2015 Edition). The 2015 Edition sets out the policies, guidelines, codes, and maximum reimbursement allowances for services and supplies furnished by health care providers under the workers’ compensation statutes. The 2015 Edition adopted as part of Rule 69L-7.020, F.A.C., Florida Workers’ Compensation Health Care Provider Reimbursement Manual, 2015 Edition (Rule), on July 16, 2015, was submitted for ratification on November 3, 2015.

Rule 69L-7.020 imposes regulatory costs exceeding \$1 million over the first 5 years the rule is in effect. Accordingly, the rule must be ratified by the Legislature before it may go into effect.

The bill satisfies the legislative ratification requirement based on the rule’s economic and regulatory cost impact. The bill expressly states that it serves no purpose other than satisfying the ratification requirement and that it will not be codified in the Florida Statutes.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

HOUSE OF REPRESENTATIVES
Select Committee on Affordable Healthcare Access
Representative Jose R. Oliva, Chair
Representative Jason T. Brodeur, Vice Chair

2016 SUMMARY OF PASSED LEGISLATION



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HB 1061 (ch. 2016-139, L.O.F.) – Nurse Licensure Compact

By: Pigman and others

Tied Bills: HB 1063

Companion Bills: CS/SB 1316

Committee(s) of Reference: Select Committee on Affordable Healthcare Access; Health Care Appropriations Subcommittee; Health & Human Services Committee

Category: Health, Health Care Practitioners

HB 1061 authorizes Florida to become a party state to the Nurse Licensure Compact (compact), a multi-state agreement that establishes a mutual recognition system for the licensure of registered nurses and licensed practical or vocational nurses. Under the compact:

- a nurse with a multistate license in a party state is authorized to practice in any other party state, however the nurse must comply with the practice laws of the state in which the nurse is practicing or where the patient is located;
- a nurse applying for a multistate license in Florida must meet the minimum requirements of the compact, Florida's nurse licensure laws, and any other requirements established by the Florida Board of Nursing;
- a party state may continue to issue a single-state license, which limits the licensee's authority to practice to only the issuing state;
- the Interstate Commission of Nurse Licensure Compact Administrators (commission), composed of the head of each party state's licensing board or a designee, oversees the implementation and administration of the compact, with each administrator represented equally;
- adverse action taken against a nurse's multistate licensing privilege or home state license must be reported to a coordinated licensure information system, which may be accessed by all party states;
- information designated as confidential by the reporting state may not be shared with nonparty states; and
- sovereign immunity of party states is only waived to the extent it is waived in the party states, and the compact provides for qualified immunity, defense, and indemnification of administrators, officers, and employees of the commission.

The bill also requires the Department of Health to conspicuously designate each nurse license as either a multistate or a single-state license. The Florida Center for Nursing must analyze the impact of the state's participation in the compact.

The bill became law on March 25, 2016, chapter 2016-139, Laws of Florida, and the effective date of this bill is December 31, 2018, or upon enactment of the Nurse Licensure Compact into law by 26 states, whichever occurs first.

HB 1063 (ch. 2016-97, L.O.F.) – Public Records and Meetings/Nurse Licensure Compact

By: Pigman and others

Tied Bills: HB 1061

Companion Bills: CS/SB 1306

Committee(s) of Reference: Select Committee on Affordable Healthcare Access; Government Operations Subcommittee; Health & Human Services Committee

Category: Government in the Sunshine, Health, Health Care Practitioners

HB 1063, tied to HB 1061, creates a public records exemption for certain information obtained and a public meeting exception for certain meetings held under the Nurse Licensure Compact.

Specifically, personal identifying information of a nurse, other than the nurse's name, licensure status, and licensure number, obtained from the coordinated licensure information system and held by the Department of Health or the Board of Nursing is exempt. However, if the state originally reporting the information to the coordinated licensure information system authorizes the disclosure of such information, then it is not exempt from public records requirements.

The bill also provides an exemption from the public meeting requirements for a meeting or a portion of a meeting of the Interstate Commission of Nurse Licensure Compact Administrators, which is the body that oversees the Nurse Licensure Compact, if the matter discussed is specifically exempted from disclosure by state or federal law. The bill provides that any recordings, minutes, and records generated from such a meeting are also exempt from public record requirements.

The bill subjects the exemptions to the Open Government Sunset Review Act and will stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature. The bill provides a public necessity statement as required by the State Constitution.

The bill became law on March 24, 2016, chapter 2016-97, Laws of Florida, and the effective date of this bill is on the same date that HB 1061 or similar legislation takes effect.

CS/CS/HB 1175 – Transparency in Health Care

By: Health & Human Services Committee; Health Care Appropriations Subcommittee; Sprowls and others

Tied Bills: None

Companion Bills: CS/SB 1496

Committee(s) of Reference: Select Committee on Affordable Healthcare Access; Health Care Appropriations Subcommittee; Health & Human Services Committee

Category: Health, Health Care Facilities, Health Care Practitioners, Insurance

CS/CS/HB 1175 ensures greater consumer access to health care price and quality information by requiring certain health care providers, insurers, and health maintenance organizations (HMOs) to give

that information to patients. The bill requires the Agency for Health Care Administration (AHCA) to contract with a vendor for an all-payer claims database (APCD), which provides an online, searchable method for consumers to compare provider price and quality, and a Florida-specific data set for price and quality research purposes. The bill requires insurers and HMOs to submit data to the APCD, under certain conditions.

The bill creates pre-treatment transparency obligations on hospitals, ambulatory surgery centers, health care practitioners providing non-emergency services in these facilities, and insurers and HMOs. Facilities must post online the average payments and payment ranges received for bundles of health care services defined by AHCA. This information must be searchable by consumers. Facilities must provide, within seven days of a request, a good faith, personalized estimate of charges, including facility fees, using either bundles of health care services defined by AHCA or patient-specific information. Failure to provide the estimate results in a daily licensure fine. Facilities must inform patients of health care practitioners providing their nonemergency care in hospitals and these practitioners must provide the same type of estimate, subject to a daily fine. Facilities and facility practitioners must publish information on their financial assistance policies and procedures. Insurers and HMOs must create online methods for patients to estimate their out-of-pocket costs, both using the service bundles established by AHCA and based on patient-specific estimates using the personalized estimate the patient obtains from facilities and practitioners. In addition, a diagnostic-imaging center owned by a hospital but located off of the hospital premises must publish and post charges for services pursuant to s. 395.107, F.S., which currently requires urgent care centers to do the same.

Post-treatment, facilities must provide an itemized bill within seven days of discharge or the patient's request, whichever is later, meeting certain requirements to ensure comprehension by the patient, and identifying any providers who may bill separately for care received in the facility. Finally, the bill makes several changes to the Florida Center for Health Information and Policy Analysis, which is the health care data collection unit of AHCA, by changing the Center's name, and streamlining the Center's functions by eliminating obsolete language, redundant duties, and unnecessary functions.

The bill provides an appropriation for AHCA of \$952,919 in recurring funds and \$3,100,000 in nonrecurring funds from the Health Care Trust Fund to implement its provisions.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/CS/HB 7087 – Telehealth

By: Health & Human Services Committee; Health Care Appropriations Subcommittee; Select Committee on Affordable Healthcare Access; Sprowls and others

Tied Bills: None

Companion Bills: CS/CS/SB 1686

Committee(s) of Reference: Select Committee on Affordable Healthcare Access; Health Care Appropriations Subcommittee; Health & Human Services Committee

Category: Health, Health Care Facilities, Health Care Practitioners, Insurance, Social Services

CS/CS/HB 7087 requires the Agency for Health Care Administration (AHCA), with assistance from the Department of Health and the Office of Insurance Regulation, to survey healthcare practitioners, facilities and insurers on telehealth utilization and coverage. AHCA must submit a report on the survey findings to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2016. The bill also creates a 15-member Telehealth Advisory Council, and requires it to submit a report with recommendations based on the survey findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 31, 2017. The section of law requiring these reports expires June 30, 2018.

The bill excludes from the definition of discount medical plan under s. 636.202, F.S., medical services provided through a telecommunications medium that are not provided at a discount to a plan member. This ensures that such medical services are not regulated as a discount medical plan.

The bill reenacts s. 409.975(6), F.S., notwithstanding changes to that subsection in HB 5101, to preserve the minimum and maximum Medicaid managed care hospital payment rates in current law.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

The Select Committee on Affordable Healthcare Access has no subcommittees under it.

HOUSE OF REPRESENTATIVES

State Affairs Committee

Representative Matt Caldwell, Chair

Representative Neil Combee, Vice Chair

2016 SUMMARY OF PASSED LEGISLATION



Agriculture & Natural Resources Subcommittee

Representative Tom Goodson, Chair

Representative Jake Raburn, Vice Chair

Government Operations Subcommittee

Representative Michael Bileca, Chair

Representative David Santiago, Vice Chair

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CS/CS/SB 552 (ch. 2016-1, L.O.F.) – Environmental Resources

By: Appropriations; Environmental Preservation and Conservation; Dean

Tied Bills: None

Companion Bills: CS/HB 7005

Committee(s) of Reference: Environmental Preservation and Conservation; Appropriations

Category: Agriculture, Environmental Protection, Federal Government, Local Government, Natural Resources

This bill revises policies relating to Florida’s environmental resources including, but not limited to:

- creating the Florida Springs and Aquifer Protection Act to expedite protection and restoration of the water flow and water quality in the aquifer and Outstanding Florida Springs;
- ensuring that the appropriate governmental entities continue to develop and implement uniform water supply planning, consumptive water use permitting, and resource protection programs for the area encompassed by the Central Florida Water Initiative;
- updating and restructuring the Northern Everglades and Estuaries Act to reflect and build upon the Department of Environmental Protection’s (DEP) completion of basin management action plans (BMAP) for Lake Okeechobee, the Caloosahatchee Estuary, and the St. Lucie River and Estuary, DEP’s continuing development of a BMAP for the inland portion of the Caloosahatchee River watershed, and the Department of Agriculture and Consumer Services’ implementation of best management practices in the three basins;
- modifying water supply and resource planning documents and processes to provide more robust representations of the state’s water needs and goals;
- requiring the Office of Economic and Demographic Research to conduct an annual assessment of water resources and conservation lands;
- requiring DEP to publish an online, publicly-accessible database of conservation lands on which public access is compatible with conservation and recreation purposes; and
- requiring DEP to conduct a feasibility study for creating and maintaining a web-based, interactive map of the state’s waterbodies as well as regulatory information about each waterbody.

The bill became law on January 21, 2016, chapter 2016-1, Laws of Florida, and becomes effective on July 1, 2016.

CS/HB 7003 (ch. 2016-3, L.O.F.) – Individuals with Disabilities

By: Government Operations Appropriations Subcommittee; State Affairs Committee; Caldwell and others

Tied Bills: None

Companion Bills: CS/SB 7010; includes CS/SB 376 and SB 388; includes parts of CS/CS/HB 1083 and CS/SB 7054

Committee(s) of Reference: Government Operations Appropriations Subcommittee

Category: Financial Services, Government Operations, Health, Mental Health, Public Employees, Social Services

The bill addresses the employment and economic independence of individuals with disabilities.

Specifically, the bill:

- modifies the definition of “developmental disability” to include Down syndrome;
- modifies the state’s equal employment policy to provide enhanced executive agency employment opportunities for individuals who have a disability;
- creates the Employment First Act, which requires certain state agencies and organizations to develop an interagency cooperative agreement to ensure a long-term commitment to improving employment outcomes for individuals who have a disability;
- creates the Financial Literacy Program for Individuals with Developmental Disabilities within the Department of Financial Services to promote economic independence and successful employment of individuals with developmental disabilities by providing information and outreach to individuals and employers; and
- creates the Florida Unique Abilities Partner Program to recognize business entities that demonstrate commitment, through employment or support, to the independence of individuals who have a disability.

The bill became law on January 21, 2016, chapter 2016-3, Laws of Florida, and becomes effective July 1, 2016.

SB 7012 – Death Benefits under the Florida Retirement System

By: Governmental Oversight and Accountability and others

Tied Bills: None

Companion Bills: CS/HB 7107; includes HB 87 and HB 917

Committee(s) of Reference: Appropriations

Category: Government Operations, Local Government, Public Employees, Retirement

The bill increases survivor benefits for Special Risk Class members of the Florida Retirement System (FRS) Pension Plan killed in the line of duty on or after July 1, 2013. Rather than receiving a monthly payment equal to one-half of the member's monthly salary at the time of death, the member's spouse and children are eligible to receive a monthly payment equal to the member's total monthly salary at the time of death.

The bill establishes new survivor benefits for Special Risk Class members of the FRS Investment Plan killed in the line of duty on or after July 1, 2013. As a result, the spouses and children of such members will receive the same survivor benefits provided to Special Risk Class members of the pension plan, including the new increased benefit. The bill provides a process for calculating the retroactive benefit.

Payment of these new benefits will begin on July 1, 2016.

In addition, for Special Risk Class members of the investment plan or pension plan killed in the line of duty on or after July 1, 2013, survivor benefits may be extended to the 25th birthday of an unmarried child enrolled as a full time student if there is no surviving spouse or the surviving spouse dies.

The bill provides that a proper and legitimate state purpose is served by the bill, provides allocations for the survivor benefits authorized by the act, and provides for adjustments to employer contribution rates in order to fund the proposed changes.

For Fiscal Year 2016-17, the bill appropriates the recurring amounts of \$5,445,537 from the General Revenue Fund and \$1,062,991 from trust funds to Administered Funds to fund the increased employer contribution rates to be paid by state agencies, state universities, state colleges, and school districts.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

SB 7022 – OGSR/Depictions or Recordings of the Killing of a Law Enforcement Officer

By: Criminal Justice

Tied Bills: None

Companion Bills: None

Committee(s) of Reference: Governmental Oversight and Accountability; Rules

Category: Government in the Sunshine, Law Enforcement

The bill saves from repeal the public record exemption for photographs and video and audio recordings held by an agency that depict or record the killing of a person. However, the bill narrows the exemption so that it only applies to those photographs and recordings that depict or record the killing of a law enforcement officer who was acting in accordance with his or her official duties. These records are confidential and exempt from public record requirements, except that they are accessible to certain family members of the deceased person, governmental entities in furtherance of their official duties, and others who obtain a court order granting access.

The bill does not specify that records made before the narrowing of the public record exemption must be made public. Therefore, such records must remain confidential and exempt.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2016.

Agriculture & Natural Resources Subcommittee

CS/CS/HB 59 (ch. 2016-14, L.O.F.) – Agritourism

By: State Affairs Committee; Local Government Affairs Subcommittee; Combee; Raburn and others

Tied Bills: None

Companion Bills: CS/CS/SB 304

Committee(s) of Reference: Agriculture & Natural Resources Subcommittee; Local Government Affairs Subcommittee; State Affairs Committee

Category: Agriculture, Economic Development, Local Government, Taxes, Tourism

Current law defines an “agritourism activity” as any agricultural related activity consistent with a bona fide farm or ranch or in a working forest that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, or harvest-your-own activities and attractions. Local governments may not adopt ordinances, regulations, rules, or policies that prohibit, restrict, regulate, or otherwise limit an agritourism activity on land that has been classified as agricultural land under Florida’s greenbelt law.

The bill:

- declares that the intent of the Legislature is to promote agritourism as a way to support bona fide agricultural production;
- prohibits local governments from enforcing any local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under Florida’s greenbelt law;
- provides that local governments may exercise their powers and duties to address substantial off-site impacts of agritourism activities;
- adds “civic,” “ceremonial,” and “training and exhibition” activities to the definition of “agritourism activity” and provides that agritourism activities may be consistent with livestock operations; and
- clarifies that using agricultural land for agritourism does not limit the land’s greenbelt status as long as the land remains used primarily for bona fide agricultural purposes.

The bill became law on March 8, 2016, chapter 2016-14, Laws of Florida, and becomes effective on July 1, 2016.

CS/SB 100 – Pollution Discharge Removal and Prevention

By: Appropriations; Simpson

Tied Bills: None

Companion Bills: CS/CS/CS/HB 697; CS/HB 351; CS/SB 92

Committee(s) of Reference: Environmental Preservation and Conservation; Appropriations

Subcommittee on General Government; Appropriations

Category: Environmental Protection, Natural Resources

The bill amends the criteria for determining when a contaminated site has been cleaned up for the Global Risk Based Corrective Action and brownfield program. In part, the bill:

- adds a definition of “background concentration” to include concentrations of contaminants that are naturally occurring or the result of human impacts unrelated to the discharge of pollutants or hazardous substances at the contaminated site undergoing rehabilitation;
- requires Department of Environmental Protection (DEP) rules to include protocols for long-term natural attenuation for site rehabilitation;
- requires DEP to consider the interactive effects of contaminants, including additive, synergistic, and antagonistic effects, when determining what constitutes a rehabilitation program task;
- creates an exception when applying state water quality standards if the responsible party demonstrates that the contaminants do not cause or contribute to the exceedance of applicable surface water quality criteria;
- allows the use of risk assessment modeling and probabilistic risk assessment to create site-specific alternative cleanup target levels (CTLs); and
- allows the use of alternative CTLs without institutional controls if certain conditions exist.

The bill also makes several changes to various state-assisted petroleum cleanup programs. In part, the bill:

- changes the eligibility criteria of the Abandoned Tank Restoration Program and the Petroleum Cleanup Participation Program to allow more contaminated sites to receive state funding assistance;
- directs DEP to make efficiency and productivity a priority in the administration of the petroleum restoration program and encourages DEP to contract for private services;
- increases the funding available to Low-Score Site Initiative (LSSI) sites and expands the activities eligible for funding under LSSI;
- reduces the minimum number of sites in the Advanced Cleanup Program that a facility owner or operator may bundle to be eligible for performance-based contracts from 20 sites to 5;
- authorizes DEP to contract for \$25 million in each fiscal year of advanced cleanup work, rather than \$15 million; and
- provides that a property owner that enters into a voluntary cost-share agreement with other property owners to bundle sites for advanced cleanup is not subject to agency term contractor assignment.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

CS/CS/CS/HB 153 – Healthy Food Financing Initiative

By: State Affairs Committee; Agriculture & Natural Resources Appropriations Subcommittee; Agriculture & Natural Resources Subcommittee; Santiago; Lee, Jr. and others

Tied Bills: None

Companion Bills: CS/CS/SB 760

Committee(s) of Reference: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

Category: Agriculture, Economic Development, Health

The bill directs the Department of Agriculture and Consumer Services (DACS) to create a Healthy Food Financing Initiative Program to coordinate the use of financial assistance from any source to increase access to fresh produce and other nutritious foods in underserved communities. In part, the bill:

- authorizes DACS to contract with a third-party to administer the program;
- requires DACS or a third-party administrator to establish program guidelines, raise matching funds, promote the program statewide, evaluate applicants, disburse grants and loans, and monitor compliance and impact;
- requires projects under the program to be located in underserved communities; primarily serve low income families; and provide for the renovation or expansion of independent grocery stores or supermarkets and community facilities;
- requires DACS to submit a report annually to the Legislature on the projects funded, geographic distribution of projects, program costs, and program outcomes;
- requires the Office of Program Policy Analysis and Government Accountability to review the program after 7 years. If the report determines the program to be unsuccessful after 7 years, DACS must create guidelines to return unused funds to the initial investor;
- enumerates program application requirements and permissible uses of program financing;
- restricts DACS to distributing no more than \$500,000 among no more than three recipients; and
- provides a nonrecurring appropriation of \$500,000 from the General Revenue Fund.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/SB 190 (ch. 2016-110, L.O.F.)– Conservation Easements

By: Community Affairs; Hutson and others

Tied Bills: None

Companion Bills: HB 501

Committee(s) of Reference: Community Affairs; Finance and Tax; Appropriations

Category: Environmental Protection, Local Government, Natural Resources, Taxes

The bill provides that once an original application for an ad valorem tax exemption for property subject to a perpetual conservation easement has been granted, the property owner is not required to file a renewal application until the use of the property no longer complies with the restrictions and requirements of the conservation easement.

The bill became law on March 25, 2016, chapter 2016-110, Laws of Florida, and becomes effective July 1, 2016.

SB 288 – State Designations

By: Smith

Tied Bills: None

Companion Bills: CS/HB 497

Committee(s) of Reference: Environmental Preservation and Conservation; Fiscal Policy

Category: Natural Resources, Tourism

The bill redesignates the John U. Lloyd Beach State Park in Broward County as the Von D. Mizell–Eula Johnson State Park in honor of their efforts to desegregate Broward County beaches. The bill also designates structures within the park in recognition of the contributions of Alphonso Giles, Dr. Calvin Shirley, George and Agnes Burrows, and W. George Allen to the civil rights movement in Broward County. Further, the bill directs the Department of Environmental Protection to erect suitable markers to designate the area and structures as described above.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2016.

CS/CS/HB 447 – Local Government Environmental Financing

By: Agriculture & Natural Resources Appropriations Subcommittee; Agriculture & Natural Resources Subcommittee; Raschein and others

Tied Bills: None

Companion Bills: CS/SB 770

Committee(s) of Reference: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

Category: Environmental Protection, Government Operations, Local Government, Natural Resources

The bill revises various policies relating to local government environmental financing, including, but not limited to, the following:

- Requiring the Department of Environmental Protection (DEP) to annually consider the recommendations of the Department of Economic Opportunity (DEO) relating to land purchases within an area of critical state concern (ACSC) or lands outside of an ACSC that directly impact an ACSC, which may include lands to preserve and protect water supply, and make recommendations to the Board of Trustees of the Internal Improvement Trust Fund (Board)
- Allowing local governments and special districts within an ACSC to make recommendations to the Board for additional land purchases that were not included in DEO's recommendations
- Authorizing a land authority to acquire and dispose of real and personal property or any interest therein when the acquisition is necessary or appropriate to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an ACSC, and to contribute funds to DEP for the purchase of lands by DEP. The acquisition or contribution must not be used to improve public transportation facilities or increase road capacity to reduce hurricane evacuation clearance times
- Expanding the purposes of the local government infrastructure surtax to include acquiring any interest in land to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an ACSC
- Expanding the uses for Everglades restoration bonds to include implementation of the City of Key West ACSC and projects that protect, restore or enhance nearshore water quality and fisheries, and protect water resources available to the Florida Keys
- Providing a procedure to dispose of certain lands purchased with Everglades restoration bond proceeds
- Providing a 10-year distribution of at least \$5 million annually through the Florida Forever Act for land acquisition within the Florida Keys ACSC
- Providing an appropriation of \$5 million in nonrecurring funds from General Revenue for certain projects within the Florida Keys ACSC and the City of Key West ACSC or for land acquisition within the Florida Keys ACSC

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

HB 525 (ch. 2016-55, L.O.F.) – Small Community Sewer Construction Assistance Act

By: Beshears and others

Tied Bills: None

Companion Bills: SB 444

Committee(s) of Reference: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

Category: Environmental Protection, Local Government, Natural Resources

The Small Community Sewer Construction Assistance Act (Act) assists financially disadvantaged small communities with their needs for adequate sewer facilities. Currently, the Act defines the term “financially disadvantaged small community” as a municipality that has a population of 10,000 or less, according to the latest decennial census, and a per capita annual income less than the state per capita annual income, as determined by the United States Department of Commerce.

The bill expands the definition of the term “financially disadvantaged small community” to include a county or special district that falls under the same population and per capita annual income parameters as currently required under the Act. Additionally, the bill provides that a special district is eligible for assistance under the Act if its public purpose includes water and sewer services, utility systems and services, or wastewater systems and services.

The bill became law on March 10, 2016, chapter 2016-55, Laws of Florida, and becomes effective on July 1, 2016.

CS/CS/HB 561 (ch. 2016-85, L.O.F.) – Organizational Structure of the Department of Environmental Protection

By: Agriculture & Natural Resources Appropriations Subcommittee; Agriculture & Natural Resources Subcommittee; Combee

Tied Bills: None

Companion Bills: CS/CS/SB 400

Committee(s) of Reference: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

Category: Environmental Protection, Government Operations, Natural Resources

The bill revises the organizational structure of the Department of Environmental Protection (DEP) to:

- remove the Office of Chief of Staff, Office of General Counsel, Office of Inspector General, Office of External Affairs, Office of Legislative Affairs, Office of Intergovernmental Programs, Office of Greenways and Trails, and Office of Emergency Response;
- establish the Office of the Secretary and allow the secretary to establish offices within divisions or within the Office of the Secretary to promote the efficient and effective operation of DEP;
- specify that the secretary must appoint a general counsel (GC) who is directly responsible to and serves at the pleasure of the secretary, and specify that the GC is responsible for all DEP legal matters;
- clarify that offices and districts are headed by managers and divisions are headed by directors;

- specify that the managers of all offices and districts and directors of all divisions are exempt from the Career Service System and are included in the Senior Management Service; and
- add the Division of Water Restoration Assistance as a division within DEP.

The bill became law on March 24, 2016, chapter 2016-85, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/CS/HB 589 (ch. 2016-130, L.O.F.) – Environmental Control

By: State Affairs Committee; Agriculture & Natural Resources Appropriations Subcommittee; Agriculture & Natural Resources Subcommittee; Pigman and others

Tied Bills: None

Companion Bills: CS/CS/SB 1052

Committee(s) of Reference: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

Category: Environmental Protection, Federal Government, Insurance, Natural Resources, Repeals of Existing Laws

The bill makes the following changes to chs. 373 and 403, F.S., regarding environmental control:

- Repeals s. 373.245, F.S., which provides supplemental liability for violations of consumptive use permit conditions that damage abutting permit holders
- Revises licensure requirements for water well contractors to require an applicant to demonstrate experience by either a letter from a water well contractor or water well inspector, but not both
- Provides that when the beneficial use of a constructed clay settling area (CSA) of a phosphate mine is extended, the rate of reclamation requirements and the financial responsibility requirements apply to the CSA when the beneficial use of the CSA is complete
- Allows the use of land set-asides and land use modifications not otherwise required by state law or permit, including constructed wetlands or other water quality improvement projects, that reduce nutrient loads into nutrient impaired surface waters to generate water quality credits for trading
- Provides that the limitation on the granting of a variance does not prohibit the issuance of moderating provisions or requirements under state law, subject to any necessary approval by the United States Environmental Protection Agency
- Expands the use of funds in the solid waste landfill closure account, removes the repeal date for the account, and allows the use of the Solid Waste Management Trust Fund to pay or reimburse additional expenses needed for performing or completing approved facility closure or long-term care under certain circumstances
- Requires a Florida registered professional to certify that a stormwater management system will meet additional requirements for a general permit, and requires the certification be submitted to the Department of Environmental Protection or a water management district before, rather than after, construction of the stormwater management system begins

The bill became law on March 25, 2016, chapter 2016-130, Laws of Florida, and became effective upon that date.

CS/CS/HB 749 (ch. 2016-88, L.O.F.) – Agriculture

By: State Affairs Committee; Agriculture & Natural Resources Subcommittee; Raburn and others

Tied Bills: None

Companion Bills: CS/CS/SB 1310

Committee(s) of Reference: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

Category: Agriculture, Local Government, Natural Resources

The bill makes a number of changes related to agriculture including:

- amending the greenbelt law to identify the Citrus Health Response Program as a state or federal eradication or quarantine program, allow land to retain its agricultural classification for five years after execution of a compliance agreement for an eradication or quarantine program, and require property tax collectors to assess the lands at a de minimis value during the five-year term of the agreement;
- allowing certain farm vehicles to travel on roads for up to three days without registration, paying license taxes, or license plates, when moving from an auction site or other place of purchase to the purchaser's property;
- preempting to the Department of Agriculture and Consumer Services (DACS) all authority in this state to regulate, inspect, sample, and analyze any commercial feed or feedstuff, including the assessment of penalties;
- providing that an individual is liable for all reasonable costs and expenses incurred by DACS in a plant pest control or eradication program and subject to increased administrative and criminal penalties if the individual knowingly acquires, imports, possesses, sells or offers to sell, trades or offers to trade, barter or offers to barter, moves or causes to be moved, introduces, or releases a plant pest without a special permit from DACS; and
- specifying that an allowable surface use of land subject to a conservation easement may include agricultural activities including, but not limited to, livestock grazing, silviculture, and forest management, if such activities are a current or historic use of the land under the easement and if such future uses are conducted in accordance with applicable best management practices adopted by DACS.

The bill became law on March 24, 2016, chapter 2016-88, Laws of Florida, and becomes effective July 1, 2016.

CS/HB 773 (ch. 2016-89, L.O.F.) – Special Assessments on Agricultural Lands

By: State Affairs Committee; Albritton and others

Tied Bills: None

Companion Bills: CS/SB 1664

Committee(s) of Reference: Agriculture & Natural Resources Subcommittee; Finance & Tax Committee; State Affairs Committee

Category: Agriculture, Local Government

The bill limits the authority of counties and municipalities to levy special assessments for the provision of fire protection on lands classified as agricultural under Florida's greenbelt law. With respect to agricultural land, counties and municipalities are only authorized to levy special assessments for fire protection services on land that contains a residential dwelling or certain nonresidential farm buildings. The special assessment for fire protection services must be based solely on the special benefit accruing to the portion of the property consisting of the residential dwelling and curtilage, and qualifying nonresidential farm buildings.

The bill became law on March 24, 2016, chapter 2016-89, Laws of Florida, and becomes effective November 1, 2017.

CS/SB 922 – Solid Waste Management

By: Appropriations; Montford

Tied Bills: None

Companion Bills: CS/HB 987

Committee(s) of Reference: Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations

Category: Environmental Protection, Local Government, Natural Resources

The bill amends the statute that governs the Solid Waste Management Trust Fund (SWMTF) to:

- provide funding for a waste tire abatement program;
- allow funds from the solid waste landfill closure account to be used for the closing and long-term care of a solid waste management facility that was not required to obtain a Department of Environmental Protection (DEP) permit to operate;
- allow a permittee to provide proof of financial assurance for closure by using an alternative form of financial assurance;
- allow DEP to accept sufficient documentation, rather than written documentation, to confirm that the issuer of the insurance policy or alternative form of financial assurance will provide or reimburse funds required for closure and long-term care;
- allow DEP to use funds from the SWMTF to pay for or reimburse additional expenses needed for performing or completing closure or long-term care in certain situations; and
- remove the solid waste landfill closure account's expiration date of July 1, 2016.

The bill also amends the solid waste management grant program by increasing the population size for small counties eligible for grants from 100,000 to 110,000, adding waste tire abatement as an allowable use of grant funds, and removing the waste tire grant program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016, except as otherwise expressly provided.

CS/CS/HB 1051 (ch. 2016-96, L.O.F.) – Anchoring Limitation Areas

By: State Affairs Committee; Agriculture & Natural Resources Subcommittee; Caldwell and others

Tied Bills: None

Companion Bills: CS/SB 1260

Committee(s) of Reference: Agriculture & Natural Resources Subcommittee; State Affairs Committee

Category: Environmental Protection, Government Operations, Local Government, Natural Resources, Safety, Tourism, Transportation

The bill designates the following densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant recreational boating traffic as anchoring limitation areas:

- The section of Middle River lying between Northeast 21st Court and the Intracoastal Waterway in Broward County
- Sunset Lake in Miami-Dade County
- The sections of Biscayne Bay in Miami-Dade County lying between:
 - Rivo Alto Island and Di Lido Island;
 - San Marino Island and San Marco Island; and
 - San Marco Island and Biscayne Island.

With specified exceptions, anchoring within these areas is prohibited between one-half hour after sunset and one-half hour before sunrise. Law enforcement officers are authorized to issue a uniform boating citation to the operator and remove and impound an improperly anchored vessel.

These provisions expire upon the Legislature's adoption of the Fish and Wildlife Conservation Commission's recommendations regarding the Anchoring and Mooring Pilot Program.

The bill became law on March 24, 2016, chapter 2016-96, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/HB 1075 – State Areas

By: State Affairs Committee; Agriculture & Natural Resources Appropriations Subcommittee; Caldwell and others

Tied Bills: None

Companion Bills: CS/SB 1290; CS/HB 359; CS/CS/SB 546; SB 1312

Committee(s) of Reference: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

Category: Agriculture, Local Government, Natural Resources, Repeals of Existing Laws

The bill addresses a number of issues relating to acquiring, managing, and disposing of state lands. In part, the bill:

- combines the acquisition procedures for all state lands into one section of law;
- requires conservation lands to be managed for conservation, recreation, or both, consistent with any existing land management plan;
- requires the Department of Environmental Protection (DEP) to submit conservation lands that are not meeting their short-term goals to the Acquisition and Restoration Council (ARC) to consider management and disposition options;
- combines the disposition procedures for all state lands into one section of law;
- removes priority consideration given to local governments when surplus lands;
- provides an exchange process that allows a person who owns land contiguous to state-owned land to request an exchange of all or a portion of the state-owned land, with the state retaining a permanent conservation easement, for a permanent conservation easement over all or a portion of the contiguous privately-owned land;
- authorizes minimal secondary, non-water-dependent uses that are related to a water-dependent use over sovereign submerged lands;
- requires ARC to give priority to proposed Florida Forever projects that can be acquired in less than fee and projects that contribute to improving springs or groundwater;
- requires DEP to add federally-owned conservation lands and state- and federally-owned conservation easements to the FL-SOLARIS state lands database by July 1, 2018;
- requires each county and city to submit to DEP, by July 1, 2018, a list of all conservation lands owned by local governments and lands on which local governments hold a permanent conservation easement;
- directs DEP to complete a study by January 1, 2018, regarding the technical and economic feasibility of including privately-owned conservation lands in a public lands inventory; and
- requires the Department of Agriculture and Consumer Services to follow certain acquisition procedures when acquiring conservation easements through the Rural and Family Lands Program.

The bill also streamlines the surplus procedures for water management district lands and authorizes the Florida Fish and Wildlife Conservation Commission to adopt protection zones that restrict the speed and operation of vessels to protect and prevent harm to springs.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/SB 1176 – Dredge and Fill Activities

By: Environmental Preservation and Conservation; Diaz de la Portilla

Tied Bills: None

Companion Bills: CS/HB 795

Committee(s) of Reference: Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations

Category: Environmental Protection, Federal Government, Government Operations, Natural Resources

The bill increases the acreage of wetland or other surface water impacts, including navigable waters, that the Department of Environmental Protection (DEP) or water management districts are authorized to implement through a state programmatic general permit (SPGP), subject to agreement with the United States Army Corps of Engineers, from three acres or less to ten acres or less. The bill provides that by seeking to use a SPGP, an applicant consents to applicable federal wetland jurisdiction criteria.

The bill allows DEP to seek delegation, in addition to assumption, of federal permitting programs regulating the discharge of dredged or fill material pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 1205 (ch. 2016-143, L.O.F.) – Fumigation

By: Magar

Tied Bills: None

Companion Bills: SB 1498

Committee(s) of Reference: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

Category: Agriculture, Consumer Protection, Environmental Protection

The bill revises the Department of Agriculture and Consumer Services' (DACS) authority to adopt rules relating to safety procedures for fumigation to:

- require fumigators to notify DACS, rather than a DACS inspector, of the location where a fumigation will be performed at least 24 hours before the fumigation;
- allow DACS to specify when a fumigator may notify DACS less than 24 hours before performing fumigation, rather than only allowing such notice during an authentic and verifiable emergency; and
- allow DACS to require safety procedures for the clearance of residential structures before reoccupation after fumigation.

Further, the bill authorizes DACS to establish conditions on fumigant registration, including requiring registrants to:

- train distributors and end users in safety measures, proper use, safe storage, and management of fumigant materials;
- obtain continuing education program approval for stewardship training programs;
- conduct quality assurance reviews;
- report to DACS probation and stop-sale notifications issued to end users; and
- assist DACS upon its request with the removal of fumigant containers from distributors and end users for compliance with permanent or extended stop-sale notices.

The bill became law on March 25, 2016, chapter 2016-143, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/SB 1318 – Shellfish Harvesting

By: Environmental Preservation and Conservation; Agriculture; Dean

Tied Bills: None

Companion Bills: CS/CS/HB 489

Committee(s) of Reference: Agriculture; Environmental Preservation and Conservation; Fiscal Policy

Category: Agriculture, Environmental Protection, Natural Resources

This bill revises the statutes governing shellfish harvesting on sovereign submerged lands in this state. In part, the bill:

- defines “shellfish” as oysters, clams, mussels, and scallops;
- defines “dredge or mechanical harvesting device” as a dredge, scrape, rake, drag, or other device that is towed by a vessel or self-propelled and that is used to harvest shellfish, and excludes handheld or handdrawn hydraulically or mechanically operated devices used to harvest clams;
- removes a prohibition on using a dredge or mechanical device to remove oysters from the natural or artificial state reefs or beds of this state;
- removes the prohibition on mechanical dredging of shellfish from Apalachicola Bay unless specifically authorized in a lease issued before July 1, 1989;
- authorizes the Board of Trustees of the Internal Improvement Trust Fund to allow the use of a dredge or a mechanical harvesting device as a special lease condition of a sovereign submerged land lease;
- removes the requirement that a harvester notify the Florida Fish and Wildlife Conservation Commission (FWC) 48 hours in advance of any dredging or mechanical harvesting activity and that each vessel display its lease number in 12-inch high numbering;
- prohibits the use of a dredge or mechanical harvesting device on public shellfish beds and prohibits possession of a device on any waters of the state between 5 p.m. and sunrise;
- limits individuals to possessing and using one dredge or mechanical harvesting device per sovereign submerged land lease site at any one time;

- authorizes, rather than requires, the Department of Agriculture and Consumer Services to designate areas for the taking of oysters and clams that are planted on leases, grants, and public areas;
- requires FWC to establish the amount of oysters, clams, and mussels that may be obtained for relaying or transplanting; and
- specifies that a violation of these provisions is a violation of the sovereign submerged land lease agreement and will result in the revocation of all leases held by the violator and denial of any future use of sovereign submerged land.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/SB 1470 – Crustaceans

By: Environmental Preservation and Conservation; Latvala

Tied Bills: None

Companion Bills: CS/HB 1227

Committee(s) of Reference: Environmental Preservation and Conservation; Appropriations

Subcommittee on Criminal and Civil Justice; Fiscal Policy

Category: Environmental Protection, Law Enforcement, Natural Resources

The bill amends the penalties for commercial harvesters who violate Florida Fish and Wildlife Conservation Commission (FWC) rules for stone crab and spiny lobster trap certifications and trap tags by:

- specifying that the stone crab specific administrative penalties are in addition to other commercial penalties;
- designating violations of FWC rules relating to stone crab harvesting as a level 5 offense on the offense severity ranking chart for purposes of criminal sentencing; and
- authorizing FWC to suspend or revoke the violator's commercial harvesting license in certain situations.

The bill also provides that possession of undersized lobsters is a major violation, unless authorized by FWC rule, and provides penalties for such violation by:

- authorizing prosecutors to charge a separate misdemeanor count for each undersized spiny lobster, but restricting the total misdemeanor penalty that may be assessed;
- providing that violations involving 100 or more undersized spiny lobsters are punishable as a third degree felony; and
- requiring FWC to impose an administrative penalty and suspend all of the violator's license privileges up to 12 months.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2016.

CS/CS/HB 7007 (ch. 2016-61, L.O.F.) – Department of Agriculture and Consumer Services

By: State Affairs Committee; Agriculture & Natural Resources Appropriations Subcommittee; Agriculture & Natural Resources Subcommittee; Raburn and others

Tied Bills: None

Companion Bills: CS/CS/SB 1010; CS/CS/HB 749; CS/CS/SB 1310

Committee(s) of Reference: Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

Category: Agriculture, Government Operations, Local Government, Natural Resources

The bill addresses a number of issues relating to the powers and duties of the Department of Agriculture and Consumer Services (DACS). In part, the bill:

- designates tupelo honey as the official Florida state honey;
- deletes a pest control operator certificate issuance fee and application late charge;
- adds dietary supplements to the list of possibly adulterated foods;
- adds allergen information labeling requirements to the list of possibly misbranded foods;
- preempts to DACS the regulation of the use or sale of polystyrene products by entities regulated by the Florida Food Safety Act;
- authorizes DACS to sponsor “events” (not just breakfasts, luncheons, or dinners) to promote agriculture and agricultural business products;
- authorizes DACS to use money deposited in the Pest Control Trust Fund to carry out any of the powers of the Division of Agricultural Environmental Services;
- removes the requirement that DACS notify a property owner that a plant infested or infected with plant pests or noxious weeds has been found on their property if the plant is infested with pests or noxious weeds that are determined to be widely established in Florida;
- modifies the reporting period for fertilizer tonnage sales from monthly to quarterly and changes the reporting requirement from 30 days following the reporting period to 15 days;
- preempts to DACS the regulatory authority for commercial feed and feedstuff;
- changes the powers and duties of the Soil and Water Conservation Districts to reflect current practices;
- eliminates Watershed Improvement Districts;
- authorizes DACS to implement the Farmers’ Market Nutrition Program for Supplemental Nutrition Program for Women, Children and Infants;
- eliminates the requirement that each grain dealer report monthly to DACS the value of grain it received from producers for which the producers have not received payment; and
- redesignates the Pompano State Farmers Market as the Edward L. Myrick State Farmers Market.

The bill became law on March 16, 2016, chapter 2016-61, Laws of Florida, and becomes effective July 1, 2016.

HB 7013 (ch. 2016-107, L.O.F.) – Fish and Wildlife Conservation Commission

By: Agriculture & Natural Resources Subcommittee; Combee and others

Tied Bills: None

Companion Bills: CS/SB 1282

Committee(s) of Reference: Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

Category: Environmental Protection, Federal Government, Law Enforcement, Natural Resources

The bill amends provisions that impose penalties for violations of recreational fishing and hunting laws and regulations to achieve consistency, encourage compliance, and deter offenses. In part, the bill:

- increases the fine from \$250 to \$500 per violation for illegally taking game while trespassing and adds all fish and wildlife to the list of species covered by the fine;
- offers violators of recreational fishing and hunting licensure requirements the option of purchasing the respective license rather than paying the cost of the license in addition to any fine;
- increases the fine from \$100 to \$250 for repeat offenders who commit a noncriminal infraction within three years after the previous noncriminal infraction;
- reduces the penalty from a second degree misdemeanor to a noncriminal infraction for violations of rules or orders of the Florida Fish and Wildlife Conservation Commission (FWC) that require reporting by alligator hunting licensees or require the return of unused tags issued under the Statewide Alligator Harvest Program or the Statewide Nuisance Alligator Program;
- increases the penalty from a second degree misdemeanor to a first degree misdemeanor for the sale, barter, or trade of tarpon;
- deletes language prohibiting the altering or changing of a license or permit from the statutory section that prohibits the transfer of a license or permit or possession of a transferred license or permit and treats such actions as forging or counterfeiting a license or permit, which is punishable as a third degree felony;
- authorizes spearfishing when allowed by FWC rule; and
- specifies that knowing possession of any marine turtle species, hatchling, or any parts of the species without authorization from FWC, or from the federal government under the Endangered Species Act, is a third degree felony.

The bill also authorizes, rather than requires, FWC to retain an administrative fee when collecting donations for Southeastern Guide Dogs, Inc.

The bill became law on March 24, 2016, chapter 2016-107, Laws of Florida, and becomes effective July 1, 2016.

Government Operations Subcommittee

CS/CS/SB 86 (ch. 2016-36, L.O.F.) – Scrutinized Companies

By: Appropriations; Governmental Oversight and Accountability; Negron and others

Tied Bills: None

Companion Bills: HB 527

Committee(s) of Reference: Governmental Oversight and Accountability; Appropriations Subcommittee on General Government; Appropriations

Category: Government Operations, Public Employees, Retirement

The bill requires the State Board of Administration to identify and create a list of all companies that boycott Israel in which the Florida Retirement System (FRS) Trust Fund has direct or indirect holdings or could possibly have such holdings in the future. The FRS Trust Fund is prohibited from acquiring securities of companies on the list, with certain exceptions.

The bill also prohibits a company that is on the list or that is engaged in a boycott of Israel from bidding on, submitting a proposal for, or entering into or renewing a contract with an agency or local governmental entity for goods or services of \$1 million or more, with certain exceptions.

The bill defines “boycott Israel” to mean refusing to deal, terminating business activities, or taking other actions to limit commercial relations with Israel or persons or entities doing business in Israel or in Israeli-controlled territories in a discriminatory manner.

The bill became law on March 10, 2016, chapter 2016-36, Laws of Florida, and became effective upon that date.

SB 112 (ch. 2016-37, L.O.F.) – Absentee Voting

By: Thompson

Tied Bills: None

Companion Bills: CS/HB 361

Committee(s) of Reference: Ethics and Elections; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Rules

Category: Elections

The bill amends the Florida Statutes to replace references to “absentee ballot” with “vote-by-mail ballot.”

The bill became law on March 10, 2016, chapter 2016-37, Laws of Florida, and becomes effective July 1, 2016.

CS/SB 124 – Public-private Partnerships

By: Governmental Oversight and Accountability; Evers

Tied Bills: CS/SB 126

Companion Bills: CS/CS/HB 95

Committee(s) of Reference: Community Affairs; Governmental Oversight and Accountability; Fiscal Policy

Category: Government Operations, Local Government

The bill clarifies that the public-private partnership (P3) process is an alternative process that must be construed as cumulative and supplemental to any other authority or power vested in the governing body of a county, municipality, special district, or municipal hospital or health care system. It also clarifies that the list of entities authorized to conduct P3s includes special districts and school districts rather than school boards.

The bill provides increased flexibility to the responsible public entity by permitting a responsible public entity to deviate from the provided procurement timeframes if approved by majority vote of the entity's governing body.

The bill requires an unsolicited proposal to be submitted concurrently with an initial application fee, which the responsible public entity may establish, and authorizes a responsible public entity to request additional funds if the initial fee does not cover the costs to evaluate the unsolicited proposal. However, the responsible public entity must return the initial application fee if it does not review the unsolicited proposal.

The bill authorizes the Department of Management Services to accept and maintain copies of comprehensive agreements received from responsible public entities for the purpose of sharing them with other responsible public entities.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/SB 126 – Public Records and Public Meetings/Public-private Partnerships

By: Governmental Oversight and Accountability; Evers

Tied Bills: CS/SB 124

Companion Bills: HB 97

Committee(s) of Reference: Community Affairs; Governmental Oversight and Accountability; Fiscal Policy

Category: Government in the Sunshine, Local Government

The bill creates an exemption from public record and public meeting requirements for unsolicited proposals for public-private partnership projects for public facilities and infrastructure.

The bill provides that an unsolicited proposal is exempt from public record requirements until such time that the responsible public entity provides notice of its intended decision. If the responsible public entity rejects all proposals and concurrently provides notice of its intent to seek additional proposals, the unsolicited proposal remains exempt for a specified period of time; however, it does not remain exempt for more than 90 days after the responsible public entity rejects all proposals received for the project described in the unsolicited proposal. If the responsible public entity does not issue a competitive solicitation, the unsolicited proposal is not exempt for more than 180 days.

The bill creates a public meeting exemption for any portion of a meeting during which the exempt unsolicited proposal is discussed. A recording must be made of the closed portion of the meeting. The recording, and any records generated during the closed meeting, are exempt from public record requirements until such time as the underlying public record exemption expires.

The public record and public meeting exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature. The bill provides a statement of public necessity as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is on the same date that CS/SB 124 or similar legislation takes effect.

CS/HB 273 (ch. 2016-20, L.O.F.) – Public Records

By: Government Operations Subcommittee; Beshears; Kerner and others

Tied Bills: None

Companion Bills: CS/SB 390

Committee(s) of Reference: Government Operations Subcommittee; State Affairs Committee

Category: Government in the Sunshine, Government Operations

The bill requires a public agency contract for services with a contractor to include a statement in large, boldface font informing the contractor of the contact information of the public agency's custodian of public records (records custodian) and instructing the contractor to contact the records custodian concerning any questions the contractor may have regarding the contractor's duties to provide public records relating to the contract.

The bill repeals the requirement that each contract for services require the contractor to transfer its public records to the public agency upon termination of the contract. Instead, the contract must address whether the contractor will retain the public records or transfer the public records to the public agency upon completion of the contract.

The bill requires a request for public records relating to a contract for services to be made directly to the contracting public agency. If the public agency determines that it does not possess the records, it must immediately notify the contractor and the contractor must provide the records or allow access to the records within a reasonable time. A contractor who fails to provide the records to the public agency within a reasonable time may be subject to certain penalties.

The bill provides that if a civil action is filed to compel production of public records, the court must assess and award against the contractor the reasonable costs of enforcement, including attorney fees, if the court determines that a contractor unlawfully refused to comply with the public records request within a reasonable time, and the plaintiff provided written notice of the public records request to the public agency and the contractor. The notice must be sent at least eight business days before the plaintiff files the civil action. The bill specifies that a contractor who complies with the public records request within eight business days after the notice is sent is not liable for the reasonable costs of enforcement.

The bill became law on March 8, 2016, chapter 2016-20, Laws of Florida, and became effective upon that date.

CS/SB 350 (ch. 2016-31, L.O.F.) – Procurement Procedures for Educational Institutions

By: Appropriations; Montford and others

Tied Bills: None

Companion Bills: CS/HB 305; includes parts of SB 7036

Committee(s) of Reference: Governmental Oversight and Accountability; Appropriations

Subcommittee on Education; Appropriations

Category: Government Operations, Higher Education and Workforce, Pre-K through 12 Education

The bill authorizes district school boards, Florida College System institutions, and universities to make purchases through an online procurement system, an electronic auction service, or other efficient procurement tool.

The bill requires each district school board and Florida College System institution board of trustees to review purchasing agreements established and state term contracts procured by the Department of Management Services before purchasing nonacademic commodities and services to determine whether such agreements and contracts would be more economically beneficial. The bill requires each bid specification for nonacademic commodities or services to include a statement indicating that the available agreements and contracts have been reviewed. The bill also authorizes each district school board to use the cooperative state purchasing programs managed through the regional consortium service organizations.

The bill became law on March 9, 2016, chapter 2016-31, Laws of Florida, and becomes effective on July 1, 2016.

HB 541 (ch. 2016-23, L.O.F.) – Addresses of Legal Residence

By: Spano; Murphy and others

Tied Bills: None

Companion Bills: CS/CS/SB 744

Committee(s) of Reference: Government Operations Subcommittee; State Affairs Committee

Category: Elections

The bill defines the term “address of legal residence” to mean the legal residential address of an elector and includes all information necessary to distinguish one residence from another, including, but not limited to, apartment, suite, lot, room, or dormitory room numbers.

The bill requires the voter registration application to include the applicant’s address of legal residence in order to be considered complete. However, failure to include a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier on a voter registration application does not impact a voter’s eligibility to register to vote or cast a ballot. Furthermore, the omission of such an identifier may not be a basis to challenge a voter’s eligibility or serve as a reason to not count a ballot.

The bill also requires supervisors of elections to include within their list of valid residential street addresses all information necessary to differentiate one residence from another and to make all reasonable efforts to obtain such information if it is not included in a voter registration application.

The bill became law on March 8, 2016, chapter 2016-23, Laws of Florida, and becomes effective July 1, 2016.

CS/SB 624 (ch. 2016-114, L.O.F.) – Public Records/State Agency Information Technology Security Programs

By: Governmental Oversight and Accountability; Hays

Tied Bills: None

Companion Bills: CS/CS/HB 1037

Committee(s) of Reference: Governmental Oversight and Accountability; Rules

Category: Government in the Sunshine, Government Operations

The bill provides that the following records are confidential and exempt from public records requirements:

- Records held by a state agency that identify detection, investigation, or response practices for suspected or confirmed information technology (IT) security incidents
- Portions of risk assessments, evaluations, external audits, and other reports of a state agency’s IT security program for the data, information, and IT resources of the state agency

Such records, and portions thereof, are only confidential and exempt from public records requirements if disclosure would facilitate the unauthorized access to or the unauthorized modification, disclosure, or destruction of physical or virtual data or information or IT resources.

The bill authorizes the release of the confidential and exempts records, and portions thereof, to certain entities, and provides for retroactive application of the public record exemptions. In addition, the bill provides for repeal of the exemptions on October 2, 2021, unless reviewed and saved from repeal by the Legislature, and provides a statement of public necessity as required by the Florida Constitution.

The bill became law on March 25, 2016, chapter 2016-114, Laws of Florida, and became law upon that date.

SB 666 – Voter Identification

By: Legg

Tied Bills: None

Companion Bills: HB 505

Committee(s) of Reference: Ethics and Elections; Military and Veterans Affairs, Space, and Domestic Security; Rules

Category: Elections

The bill expands the current lists of valid forms of identification required for certain electoral activities to include a veteran health identification card issued by the United States Department of Veterans Affairs, a Florida license to carry a concealed weapon or firearm, or a government-issued employee identification card.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/SB 708 – Arthur G. Dozier School for Boys

By: Appropriations; Governmental Oversight and Accountability; Joyner and others

Tied Bills: None

Companion Bills: CS/CS/HB 533

Committee(s) of Reference: Governmental Oversight and Accountability; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

Category: Government Operations, Pre-K through 12 Education

The bill requires any historical resource, record, archive, or artifact and any human remains that are recovered from the Arthur G. Dozier School for Boys to be retained and preserved by the University of South Florida (USF) until the Department of State (DOS) requests custody.

The bill also directs DOS to reimburse the next of kin or pay directly to the provider up to \$7,500 for funeral, reinterment, and grave marker expenses for each child whose body was buried at and exhumed from the school. DOS must contract with USF to identify and locate eligible next of kin of such children.

The bill establishes a task force under DOS to make recommendations to DOS regarding the creation and maintenance of a memorial and the location of a site for the reinterment of unidentified or unclaimed remains.

For Fiscal Year (FY) 2016-17, the bill appropriates \$500,000 in nonrecurring funds from the General Revenue Fund to DOS to implement the bill's requirements. Any funds remaining unexpended or unencumbered as of July 1, 2017, must revert and be appropriated for the same purpose for FY 2017-18.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 716 – Florida Holocaust Memorial

By: Sobel and others

Tied Bills: None

Companion Bills: CS/HB 513

Committee(s) of Reference: Governmental Oversight and Accountability; Appropriations

Subcommittee on General Government; Fiscal Policy

Category: Government Operations

The bill establishes the Florida Holocaust Memorial on the premises of the Capitol Complex and directs the Department of Management Services (DMS) to administer the memorial. The bill requires DMS to construct and place the memorial after considering the recommendations of the Florida Historical Commission and coordinating with the Division of Historical Resources of the Department of State regarding the memorial's design and placement.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

CS/CS/SB 752 – Public Records/Agency Inspector General Personnel

By: Rules; Governmental Oversight and Accountability; Abruzzo

Tied Bills: None

Companion Bills: CS/HB 587

Committee(s) of Reference: Governmental Oversight and Accountability; Rules

Category: Government in the Sunshine, Public Employees

The bill creates a public record exemption for the home addresses, telephone numbers, dates of birth, and photographs of current or former employees of an agency's Office of Inspector General or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline. It also creates a

public record exemption for the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such employees. In addition, the names and locations of schools and day care facilities attended by the children of such employees are exempt from public records requirements.

The bill provides for repeal of the exemption on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature, and provides a public necessity statement as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 1004 – Public Records/Security System Plans

By: Community Affairs; Hays

Tied Bills: None

Companion Bills: CS/CS/HB 869

Committee(s) of Reference: Community Affairs; Governmental Oversight and Accountability; Rules

Category: Government in the Sunshine, Government Operations

The bill amends the public record exemption for security system plans held by an agency to expand the list of authorized releases by allowing an agency to disclose the confidential and exempt plans:

- in furtherance of the official duties and responsibilities of the custodial agency;
- to another local, state, or federal agency in furtherance of that agency's official duties and responsibilities; or
- upon a showing of good cause before a court of competent jurisdiction.

The bill also amends the public record exemption for information relating to security systems held by an agency to authorize release of the confidential and exempt information:

- to the property owner or leaseholder;
- in furtherance of the official duties and responsibilities of the custodial agency;
- to another local, state, or federal agency in the furtherance of that agency's duties and responsibilities; or
- upon a showing of good cause before a court of competent jurisdiction.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/CS/HB 1033 (ch. 2016-138, L.O.F.) – Information Technology Security

By: State Affairs Committee; Government Operations Appropriations Subcommittee; Government Operations Subcommittee; Artes and others

Tied Bills: HB 1035; CS/CS/HB 1037

Companion Bills: CS/SB 7050

Committee(s) of Reference: Government Operations Subcommittee; Government Operations Appropriations Subcommittee; State Affairs Committee

Category: Government Operations

The bill authorizes the Agency for State Technology (AST), in collaboration with the Department of Management Services (DMS), to:

- establish an information technology (IT) policy for all IT-related state contracts;
- evaluate vendor responses for state term contract solicitations and invitations to negotiate;
- answer vendor questions on state term contract solicitations; and
- ensure that the established IT policy is included in all solicitations and contracts administratively executed by DMS.

The bill requires cybersecurity to be addressed in the standards and processes for IT security established by the AST and provides that the AST is responsible for adopting rules that mitigate risks. Additionally, it requires the AST to develop and publish guidelines and processes for an IT security framework that include:

- establishing agency computer security incident response teams and describing their responsibilities;
- establishing an IT security incident reporting process that includes procedures and tiered reporting timeframes for notifying the AST and the Florida Department of Law Enforcement of IT security incidents; and
- incorporating information obtained through detection and response activities into the state agency's IT security incident response plans.

The bill requires the AST, in collaboration with the Cybercrime Office of the Department of Law Enforcement, to provide training annually for state agency information security managers and computer security incident response team members. It requires each state agency head to establish an agency computer security incident response team to respond to an IT security incident and to conduct IT security and cybersecurity awareness training for new employees within their first 30 days of employment.

The bill requires one of the Governor's appointments to the Technology Advisory Council established within the AST to be a cybersecurity expert.

The bill became law on March 25, 2016, chapter 2016-138, Laws of Florida, and becomes effective July 1, 2016.

SB 7002 (ch. 2016-47, L.O.F.) – OGSR/Audit Report and Certain Records/Local Government

By: Community Affairs

Tied Bills: None

Companion Bills: HB 7037

Committee(s) of Reference: Governmental Oversight and Accountability; Rules

Category: Government in the Sunshine, Local Government

The bill saves from repeal the public record exemption for the following reports and information prepared for or on behalf of a local government:

- An audit report of an internal auditor and the audit workpapers and notes related to the audit
- Investigative reports of the inspector general and any information received, produced, or derived from an investigation

The exemption no longer applies when the audit or investigation is final or the investigation is no longer active.

The bill became law on March 10, 2016, chapter 2016-47, Laws of Florida, and becomes effective October 1, 2016.

SB 7020 (ch. 2016-75, L.O.F.) – OGSR/Florida Health Choices Program/Florida Health Choices, Inc.

By: Health Policy

Tied Bills: None

Companion Bills: HB 7093

Committee(s) of Reference: Governmental Oversight and Accountability; Rules

Category: Government in the Sunshine, Health, Insurance

The bill saves from repeal the public record exemption for the following information relating to the Florida Health Choices Program:

- Personal identifying information of an enrollee or participant who has applied for or participates in the Florida Health Choices Program
- Client and customer lists of a buyer's representative held by the Florida Health Choices Corporation
- Proprietary confidential business information held by the Florida Health Choices Corporation

The bill became law on March 23, 2016, chapter 2016-75, Laws of Florida, and becomes effective October 1, 2016.

CS/SB 7024 (ch. 2016-48, L.O.F.) – OGSR/Information Held by the Florida Center for Brain Tumor Research

By: Governmental Oversight and Accountability; Health Policy

Tied Bills: None

Companion Bills: HB 7041

Committee(s) of Reference: Governmental Oversight and Accountability; Rules

Category: Government in the Sunshine, Health

The bill saves from repeal the public record exemption for the following information held by the Florida Center for Brain Tumor Research within the University of Florida:

- Personal identifying information of a donor to the central repository for brain tumor biopsies or the brain tumor registry
- Any information received from an individual from another state or nation or the Federal Government that is otherwise confidential or exempt pursuant to the laws of that state or nation or pursuant to federal law

The bill became law on March 10, 2016, chapter 2016-48, Laws of Florida, and becomes effective July 1, 2016.

SB 7028 – State Board of Administration

By: Governmental Oversight and Accountability; Sobel

Tied Bills: None

Companion Bills: HB 4049; includes SB 1428

Committee(s) of Reference: Appropriations Subcommittee on General Government; Appropriations

Category: Government Operations, Retirement

The bill clarifies the State Board of Administration's (SBA) duties relating to the divestment of certain Florida Retirement System investments in companies with prohibited business operations in Sudan and Iran, known as "scrutinized companies."

The bill requires the SBA to monitor events that may trigger expiration of the statutory provisions relating to divestment of scrutinized companies doing business in Iran and report on the status of such events at each quarterly meeting of its trustees.

The bill also repeals a provision requiring the SBA to cease scrutinizing and divesting of companies with certain business operations in Iran upon the occurrence of Congress or the President affirmatively and unambiguously declaring, by means including, but not limited to, legislation, executive order, or written certification from the President to Congress, that such mandatory divestment interferes with the conduct of U.S. foreign policy.

The bill encourages the SBA to take actions in support of the MacBride Principles, which are specific objectives for U.S. companies operating in Northern Ireland to follow to provide fair employment opportunities to individuals from underrepresented religious groups in the workforce.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

SB 7030 (ch. 2016-49, L.O.F.) – OGSR/Competitive Solicitation or Negotiation Strategies

By: Governmental Oversight and Accountability

Tied Bills: None

Companion Bills: HB 7067

Committee(s) of Reference: Rules

Category: Government in the Sunshine, Government Operations

The bill saves from repeal:

- the public record exemption for sealed bids, proposals, or replies received by an agency pursuant to a competitive solicitation;
- the public meeting exemption for any portion of a meeting at which a vendor participates in a negotiation, makes an oral presentation, or answers questions as part of a competitive solicitation or at which negotiation strategies are discussed; and
- the public record exemption for the recording of, and any records presented at, exempt meetings.

The bill became law on March 10, 2016, chapter 2016-49, Laws of Florida, and becomes effective on October 1, 2016.

HB 7033 (ch. 2016-27, L.O.F.) – OGSR/Emergency Notification Information

By: Government Operations Subcommittee; Taylor

Tied Bills: None

Companion Bills: CS/SB 7004

Committee(s) of Reference: State Affairs Committee

Category: Emergency Management, Government in the Sunshine

The bill saves from repeal the public record exemption for any information furnished by a person to an agency for the purpose of being provided with emergency notification by the agency.

The bill became law on March 8, 2016, chapter 2016-27, Laws of Florida, and becomes effective October 1, 2016.

HB 7035 (ch. 2016-28, L.O.F.) – OGSR/Office of Financial Regulation

By: Government Operations Subcommittee; Fant

Tied Bills: None

Companion Bills: SB 7032

Committee(s) of Reference: State Affairs Committee

Category: Financial Services, Government in the Sunshine

The bill saves from repeal the public record exemption for the following information held by the Office of Financial Regulation:

- Information received from another state or federal regulatory, administrative, or criminal justice agency that is otherwise confidential or exempt pursuant to the laws of that state or pursuant to federal law
- Information that is received or developed by the Office of Financial Regulation as part of a joint or multiagency examination or investigation with another state or federal regulatory, administrative, or criminal justice agency

The bill became law on March 8, 2016, chapter 2016-28, Laws of Florida, and becomes effective October 1, 2016.

SB 7048 – OGSR/Client Records and Donor Information Collected by Regional Autism Centers

By: Children, Families, and Elder Affairs

Tied Bills: None

Companion Bills: HB 7069

Committee(s) of Reference: Governmental Oversight and Accountability; Rules

Category: Government in the Sunshine, Health Care Facilities

The bill saves from repeal the public record exemption for the following information relating to regional autism centers (center):

- All records that relate to a client of a center who receives the services of a center or participates in center activities, and all records that relate to the client's family
- Personal identifying information of a donor or prospective donor to a center who desires to remain anonymous

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

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SB 1392	HB 7061	Economic Affairs Committee
SB 1392	HB 7027	Economic Affairs Committee
SB 1394	HB 7061	Economic Affairs Committee
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SB 1412	SB 1412	Judiciary Committee
SB 1416	SB 1416	Regulatory Affairs Committee
SB 1420	HB 1125	Health & Human Services Committee
SB 1422	SB 1422	Regulatory Affairs Committee
SB 1428	SB 7028	State Affairs Committee
HB 1431	HB 423	Health & Human Services Committee
SB 1432	SB 1432	Judiciary Committee
SB 1442	HB 221	Regulatory Affairs Committee
SB 1454	HB 703	Economic Affairs Committee
SB 1462	HB 1147	Education Committee
SB 1470	SB 1470	State Affairs Committee
SB 1490	HB 1233	Regulatory Affairs Committee
SB 1496	HB 1175	Select Committee on Affordable Healthcare Access
SB 1498	HB 1205	State Affairs Committee
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SB 1508	SB 1508	Economic Affairs Committee
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SB 1686	HB 7087	Select Committee on Affordable Healthcare Access
SB 1692	HB 821	Judiciary Committee

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HB 4009	HB 4009	Judiciary Committee
HB 4029	SB 396	Judiciary Committee
HB 4033	HB 545	Judiciary Committee
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HB 4049	SB 7028	State Affairs Committee
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HB 5003	HB 5003	Appropriations Committee
HB 5005	HB 5005	Appropriations Committee
HB 5007	HB 5007	Appropriations Committee
HB 5101	HB 5101	Appropriations Committee
HB 5103	HB 941	Appropriations Committee
HB 5103	HB 5103	Appropriations Committee
SB 7002	SB 7002	State Affairs Committee
HB 7003	HB 7003	State Affairs Committee
SB 7004	HB 7033	State Affairs Committee
HB 7005	SB 552	State Affairs Committee
HB 7007	HB 7007	State Affairs Committee
SB 7010	HB 7003	State Affairs Committee
HB 7011	SB 672	Appropriations Committee
SB 7012	SB 7012	State Affairs Committee
HB 7013	HB 7013	State Affairs Committee
SB 7016	SB 7016	Appropriations Committee
HB 7019	HB 7019	Education Committee
SB 7020	SB 7020	State Affairs Committee
SB 7022	SB 7022	State Affairs Committee
HB 7023	HB 7023	Finance & Tax Committee
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HB 7027	HB 7061	Economic Affairs Committee
HB 7027	HB 7027	Economic Affairs Committee
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HB 7029	HB 7029	Education Committee
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HB 7035	HB 7035	State Affairs Committee
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HB 7037	SB 7002	State Affairs Committee
SB 7040	SB 7040	Economic Affairs Committee
HB 7041	SB 7024	State Affairs Committee
SB 7042	HB 5005	Appropriations Committee
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HB 7047	SB 1040	Rules, Calendar & Ethics Committee
SB 7048	SB 7048	State Affairs Committee
HB 7049	SB 1038	Rules, Calendar & Ethics Committee
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HB 7051	SB 1032	Rules, Calendar & Ethics Committee
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SB 7054	HB 7003	Health & Human Services Committee
SB 7054	HB 1083	Health & Human Services Committee
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HB 7061	HB 7027	Economic Affairs Committee
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HB 7073	SB 1402	Rules, Calendar & Ethics Committee
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SB 7076	SB 7076	Appropriations Committee
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