2015
FLORIDA LEGISLATIVE
POST-SESSION REPORT

CARLTON FIELDS
JORDEN BURT

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2015
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Post-Session Report

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How to Use This Report

This is a summary of significant legislation that passed during the 2015 Regular Session of the Florida Legislature.

Please note that this report does not summarize every piece of legislation enacted, nor is it meant to be an exhaustive section-by-section analysis of those bills included. The goal of this report is to provide a general overview of legislative actions that are likely to be of interest to our clients, attorneys, and consultants.

Unlike earlier years, as of this writing, all of the bills in this report have been reviewed by the Governor and have survived his veto authority (but see pages 109 to 112 for those that did not make it).

This report comes with an index by bill number at the end and by general category listed in the Table of Contents. It is also searchable by selecting Ctrl F, then your word or phrase for searching. If you have questions or need a staff report, contact Nancy G. Linnan or Shelly Cartwright.

This report was compiled in substantial part using public records data from the Florida Senate and the Florida House of Representatives. We have added Chapter Laws and effective dates for each.

The Carlton Fields Jorden Burt Florida Legislative Team

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Table of Contents

Government Law and Consulting Practice Group

Every individual or business entity is touched by, regulated, or otherwise shaped to some degree by government. The right to petition government and participate in the process of law-making is as old and vital to democracy as is the U.S. Bill of Rights that guarantees it.

The lawyers and government consultants of Carlton Fields Jorden Burt's Government Law and Consulting Practice Group are highly experienced in dealing with all levels of state and local government on behalf of our clients. We have a thorough understanding of government's inner workings -- and an extensive network of personal and professional relationships within government -- to effectively address a wide variety of legislative, administrative, procedural, and political issues.

Individual group member practices are as diverse as the wide range of professions and industries collectively represented. Client services are effectively delivered by lawyers and government consultants operating within specialized subgroups to enable the quick composition of cross-disciplinary teams as are necessary to negotiate, litigate, lobby, and advocate in the areas of:

Administrative Litigation

We monitor agency activity, rulemaking, and advocate challenges to existing and proposed rules to include agency statements that meet the definition of a rule but have not been formally adopted. Our experience in this area ranges across a wide array of subjects, including building code criteria, professional and business licensure, environmental permitting, state tax, and insurance. We also represent clients in administrative litigation proceedings involving challenges to licenses, permits, and comprehensive plan amendments, along with administrative bid protests and government agency divisions. We also provide advice on non-rule policy issues.

Affordable Housing

We are familiar with all of the state, local and federal housing agencies involved in provisions or funding of affordable housing and we represent a variety of clients in the planning and development of affordable housing projects throughout the state. We prepare, review and advocate applications for funding before the Florida Housing Finance Corporation, including Low Income Housing Tax Credit Applications and State Apartment Incentive Loan Applications. Lawyers and government consultants within the firm's Real Estate Development, Land Use, Planning, and Environmental Regulation areas give depth to our work in affordable housing.

▪ *Education*

We have experience in all aspects of education law. We represent numerous school districts across the state, charter schools, and private entities doing business before local school districts and at the state level. We practice before the State Board of Education and have significant experience assisting clients with matters at the Florida Department of Education. We are experienced in school construction, litigation (including appellate), personnel matters, lobbying, contractual issues, procurement, and environmental issues including mold remediation, asbestos abatement, and permitting issues, and funding.

▪ *Energy & Environmental Law*

We provide a wide range of services to businesses and energy-related companies, both public and private, including oil exploration, electric and natural gas entities. We counsel and advocate positions before state and federal agencies, state and federal courts and arbitration panels. Our services involve:

- Utility Regulatory Proceedings and Strategy
- Litigation, Arbitration, and Alternative Dispute Resolution
- Legislative and Executive Branch Lobbying and Government Relations
- Local Government Relations
- Siting, Permitting and Obtaining State Leases For Linear Facilities Contract Negotiations
- Tax, Corporate, and Securities
- Real Estate, Land Use, and Environmental issues such as wetlands, listed species, contaminations, coastal construction, water law and mining.

- Renewables and Alternative Energy Sources
- Eminent Domain

We are experienced in the area of environmental law and advocate on behalf of clients in a diverse range of industries. We regularly represent clients before the state's regulatory agencies on issues relating to liability, litigation, permits, clean air and water compliance, groundwater, waste disposal, Brownfield sites, Superfund, wetlands, listed species and water rights and supply. We also represent clients before the Governor and Cabinet in uplands and submerged land lease and regulations.

- ***Ethics and Elections***

We guide clients and candidates through the requirements necessary to qualify to run for public office and the campaign finance reporting requirements and advise on political giving. We are well-versed in the state's constitutional amendment petition process, third party voter registration procedures, and redistricting. We also represent clients before the Florida Ethics Commission and counsel companies and individuals in this.

- ***Government Contracts***

We have extensive experience advising and representing client vendors and contractors who seek to do business with governments at state and local levels. We protect the client's legal interests in contract negotiations to include the mitigation of exposure under public records laws. We guide clients through all phases of the public procurement process, from providing information to government entities during the development of procurement solicitation documents, assisting public contractor clients in the preparation of their responses to competitive procurements, defending and challenging awards through both administrative and judicial proceedings, participating in the negotiation of contract terms, and providing advice and representation of clients in matters regarding contract compliance. We both represent certain public entities in defending award decisions and provide legal advice regarding the implementation of procurement policies and procedures designed to minimize the likelihood of future procurement litigation.

- ***Land-Use and Economic Development***

We have years of on-the-ground experience in comprehensive plans and plan amendments that include preparation and processing, and litigation of compliance and consistency challenges and have taken a leadership role in the Legislature in this policy area. In combination with our certified in-house planning staff, we have very deep capabilities in preparing and handling rezoning applications, site plan review, variances, special use permits, impact fees, transportation planning and financing, expert witness testimony, due diligence research for real estate transactions, comprehensive planning and preparing and processing DRI, FQD, and sector plan applications and changes.

We prepare impact analyses for any type of development, having coordinated and/or assisted clients in preparing and presenting over 220 DRIs, FQDs, and four sector plan applications in many local governments in all areas of Florida. We are successful in supervising and shepherding comprehensive plan amendments that support DRI, FQD, and sector plan applications through the local and state approval process. We also deal extensively with aggregation issues and binding and clearance letters as well as other issues regarding vesting of development rights.

Our lawyers and government consultants are experienced in establishing Community Development Districts (CDD) and in representing CDDs or others in all phases of their activities. Additionally, we are very familiar with other aspects of special district laws.

- ***Licensing & Compliance***

We routinely guide clients through the often complex requirements necessary to obtain professional or business licensure in Florida. These include construction, medical and health care professionals and facilities, engineering, architecture, real estate, condominium, insurance, and the alcoholic beverage industry. We often resolve issues by working at the highest levels within the state agencies regulating these professions and businesses. We are also experienced at representing clientele in the defense of government-initiated

disciplinary actions based on alleged regulatory violations.

- ***Lobbying***

We use a comprehensive approach to lobbying that includes advocacy efforts to help pass or defeat legislative and policy proposals consistent with client positions. We work closely with clients to identify, track, analyze, and summarize legislative proposals and political and policy considerations, assessing their impact on client operations. We draft legislation and amendments to legislation, and use our extensive political relationships to advocate client positions before local governments, executive agencies, the Legislature and the Florida Cabinet. We are fully engaged in local and statewide elections and regularly counsel clients about political contributions to candidates. In addition to Florida, we now can cover a number of agency and legislative matters in California.

- ***Government Law and Consulting Practice Group Members***

Biographical information is located at www.CFJBLaw.com.

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**Non-lawyer; ^Lobbyist*

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Corporate, Business & Professional Regulation

Corporate

- ***HB 275***
  Intrastate Crowdfunding

Crowdfunding describes an evolving method of raising funds for a variety of innovative projects, artistic endeavors, and non-profit political and charitable causes, typically through small individual contributions from a large number of people through the Internet. Most crowdfunding projects are donation-based or rewards-based, where the donor does not receive anything or may receive a free token of gratitude for funding the project. Under this model, the donation is akin to a gift, not a security.

In recent years, there has been a growing interest in the use of equity crowdfunding to provide start-up or seed capital for small businesses and other ventures that are promoted on the basis of a potential economic return to the donors. Equity crowdfunding implicates state and federal securities laws, which require registration of securities and market participants by the U.S. Securities & Exchange Commission and state securities regulators, unless an applicable exemption applies. These laws also contain disclosure requirements and civil remedies for investors.

In 2012, Congress enacted the Jumpstart Our Business Startups (JOBS) Act in an effort to ease regulatory burdens faced by startups and small businesses in connection with capital formation, especially for relatively small-dollar amounts. Title III of the JOBS Act created a new registration exemption from federal securities law to permit the issuance, offer, and sale of up to $1 million of crowdfunding securities per year, subject to specified requirements for issuers and intermediaries, and is not limited to accredited investors. However, national equity crowdfunding under Title III is not permitted until the SEC implements Title III by final rule, which has not yet been completed. In response to the delay, a number of states have recently enacted intrastate crowdfunding exemptions, which combine some elements of Title III of JOBS with §3(a)(11) of the 1933 Act, which exempts issuers from federal registration if the issuer, purchaser, and securities offering are all contained within the same state.

The bill creates an intrastate crowdfunding exemption within the Florida Securities and Investor Protection Act, ch. 517, F.S., which is administered by the Florida Office of Financial Regulation (OFR). The issuer, intermediary, investor, and transaction must all be in Florida in accordance with the federal intrastate exemption. Like Title III of JOBS, the bill exempts an issuer and the offering for a 12-month online offering up to $1 million of securities, requires registration for the intermediary, and mirrors the federal law's investment limitations for investors.

It requires issuer notice-filings and intermediary registrations with OFR, initial and periodic disclosures to investors, an escrow agreement for investor funds, a right of rescission, and financial reporting to investors and to the OFR. The bill also gives authority to the Financial Services Commission to adopt rules relating to matters including notice-filing and registration forms and procedures, and certain recordkeeping and financial reporting requirements.

This bill was signed into law on June 16, 2015 as Chapter No. 2015-171, Laws of Florida and becomes effective October 1, 2015.

Business Regulation

- ***CS/CS/SB 186***
  Alcoholic Beverages

CS/CS/SB 186 revises the Beverage Laws related to malt beverages. For vendor-licensed brewers the bill:

- Authorizes the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation to issue a vendor's license to a manufacturer of malt beverages for the sale of alcoholic beverages on property consisting

of a single complex that includes a brewery (vendor-licensed brewer);

- Repeals the requirement that the licensed property include "other structures which promote the brewery and tourism industry of the state" in order to be eligible as a vendor-licensed brewer;
- Limits the amount of malt beverages that can be transferred between breweries owned by the same brewer to an amount equal to 100 percent of the yearly production of the receiving brewery.
- Limits the number of vendor's licenses that can be issued to a manufacturer of malt beverages to nine;
- Requires all malt beverages and other alcoholic beverages that are not manufactured at a brewery owned by the brewer to be obtained through a distributor, an importer, a sales agent, or a broker; and
- Prohibits vendor-licensed brewers from making deliveries.

Related to malt beverage tastings, the bill:

- Permits malt beverage tastings on certain premises: if the licensed premises of any vendor authorized to sell alcoholic beverages by the drink for consumption on-premises; or the licensed premises of any vendor authorized to sell alcoholic beverages only in sealed containers for consumption off-premises if the licensed premises has at least 10,000 square feet of interior floor space exclusive of storage space; or the licensed premises is a package store licensed under s. 565.02(1)(a), F.S.
- Requires malt beverage tastings to be limited to and directed to members of the general public of the age of legal consumption; and
- Clarifies that vendors may conduct malt beverage tastings on their licensed premises with beverages from their own inventory.

Related to malt beverage containers, the bill:

- Creates s. 563.0614, F.S., to permit the filling of malt beverages in individual containers of 32, 64, or 128 ounces if the container is filled at the point of sale by any of following licensees:
  - Vendor-licensed brewers;
  - Vendors holding a quota license to sell alcoholic beverages only in sealed containers for consumption off-premises; and
  - Vendors holding a license under which authorizes consumption of malt beverages on-premises, unless such license restricts consumption to on the premises only.

Except for quota licenses under ss. 561.20(1) and 565.02(1)(a), vendors licensed to sell beverages only for off-premises consumption would not be authorized to sell growlers.

Under the bill, a violation of the requirements to fill containers will result in a first degree misdemeanor and the revocation or suspension of the licensee.

The bill requires that containers must identify or be imprinted or labeled with information specifying:

- The brand of the malt beverage; and
- The anticipated percentage of alcohol by volume.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-12, Laws of Florida and became effective July 1, 2015.

***See also CS/CS/ SB 596 - Relating to Craft Distilleries*.**

▪ *HB 239*
Medication and Testing of Race Animals

The Division of Pari-mutuel Wagering (division) within the Department of Business and Professional Regulation (Department) regulates the business of pari-mutuel wagering.

The bill:

- Modifies the current regulation of prohibited medications, drugs and naturally occurring substances in racing animals - both horses and greyhounds;
- Makes it a violation for a racing animal to merely test positive for a prohibited substance and allows the prosecution of licensees without requiring evidence that the licensee administered the prohibited substance;
- Allows an owner or trainer to request analysis by an independent laboratory after a positive test result from the division. No further administrative action may be taken if the test results are not confirmed by the independent laboratory. If there is an insufficient quantity of the sample from a racing greyhound to confirm the results by an independent laboratory, the owner or trainer may still be prosecuted. If a racehorse's results cannot be confirmed by an independent laboratory because there is insufficient quantity to confirm, the owner or trainer may not be prosecuted, and any suspended licensee must be reinstated.
- Changes the maximum fine for violations from $5,000 to $10,000 or the amount of the purse, whichever is greater. Administrative prosecutions must be started within 90 days of the violation, which was reduced from the current 2 year standard.
- Requires the division to adopt the Association of Racing Commissioners International (ARCI) rules regarding the medications, drugs, and naturally occurring substances given to racing animals, including a classification system for drugs that incorporates ARCI's Penalty Guidelines for drug violations, and updates current methodologies used in testing procedures. The bill requires that conditions and limitations be set for the use of furosemide, a diuretic used to treat exercise-induced pulmonary hemorrhage;
- Requires an outside quality assurance program for the annual assessment of the ability of all laboratories approved by the division to analyze samples for the presence of medications, drugs, and prohibited substances. The findings must be reported to the division and the Department of Agriculture and Consumer Services.

This bill was signed into law on June 2, 2015 as Chapter No. 2015-88, Laws of Florida and became effective July 1, 2015.

▪ *HB 401*
Public Lodging & Public Food Service Establishment

The Division of Hotels and Restaurants ("Division") within the Department of Business and Professional Regulation ("Department"), enforces the provisions of chapter 509, F.S., and all other applicable laws relating to the license, inspection and regulation of public lodging establishments and public food service establishments.

Under current law, public food service establishments are inspected one to four times per year, based on a risk-based inspection frequency. Establishments' inspection frequency is determined annually. This bill enables the Division to reassess a public food service establishment's inspection frequency more than once annually.

Currently, the Department is required to provide each inspected establishment operator and event sponsor of proposed temporary food service events with the food-recovery brochure. The bill requires the Department only to notify the inspected establishment or temporary event sponsor of the food-recovery brochure.

Public food service establishments holding current licenses from the Division may operate at temporary food service events without obtaining a separate license only if the event is three days or less in duration.

The bill:

- Allows public food service establishments holding current licenses to operate at all temporary food service events without a separate license, regardless of the duration of the event.
- Allows the Division to deliver electronic copies of lodging and food service establishment inspection reports to operators. Also, the bill requires operators to make copies of inspection reports available to the Division at the time of inspection. Thus, according to the Department, the bill allows operators to maintain the inspection report in any format, including electronic, on the premises, so long as the inspection report can be readily retrieved upon public request or inspection by the Division.
- Sets a flat rate delinquent license renewal fee of $50 for all license renewals within 60 days after expiration.

This bill was signed into law on June 11, 2015 as Chapter 2015-142, Laws of Florida and became effective July 1, 2015.

▪ *SB 456*
Labor Pools

The bill allows labor pools to offer additional methods to compensate day laborers for services performed. These new methods include an electronic fund transfer to the financial institution designated by the day laborer and a payroll debit card, which does not charge a fee for withdrawal of its contents. The labor pool must notify the day laborer of the payment method it intends to use and provide the day laborer the option to be paid by another authorized method. The bill authorizes the labor pool to provide a wage statement electronically upon written request of the day laborer.

Approved by Governor May 14, 2015, Chapter No. 2015-20; these provisions took effect July 1, 2015.

▪ *CS/CS/SB 596*
Craft Distilleries

CS/CS/SB 596 increases the number of factory-sealed containers of spirits a craft distillery may sell directly to consumers, allowing for the sale of no more than two of each branded product or up to four individual containers, whichever is greater A branded product is defined as a distilled spirit product manufactured on site and in accordance with federal requirements.

The bill repeals a craft distillery's ability to ship its distilled spirits, providing that it may only sell and deliver distilled spirits to consumers within the state in a face-to-face transaction at the distillery property.

The bill allows a craft distillery's ownership to be affiliated with another distillery that produces 75,000 or fewer gallons on each of its premises in this state or in another state, territory, or country.

Upon request of a craft distillery, the Florida Department of Transportation must install directional signs for the craft distillery on the rights-of-way of interstate highways and primary and secondary roads. The craft distillery is responsible for all costs associated with the signs.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-52, Laws of Florida and became effective July 1, 2015.

▪ *HB 641*
Amusement Games or Machines

The bill creates s. 546.10, F. S., the "Family Amusement Games Act," to provide for the use and activation of amusement games and machines, the award of points, coupons, prizes, and replays, limits on prize values, and locations authorized for the operation of certain amusement games and machines.

It provides that, in addition to the use of a coin, an amusement game may be activated by currency, card, coupon, slug, token, or similar device and may be played if the person playing or operating the game or machine controls the

outcome of the game by application of skill. It also defines "card," as used in this section, as excluding a credit card or debit card.

It excludes certain games and devices from the definition of "amusement game or machine," and specifically does not authorize certain types of games, such as video poker and other casino style games. It also defines a "material element of chance inherent in a game or machine," and prohibits such in an amusement game or machine.

The bill authorizes the person playing the game or machine to receive free replay, points or coupons that may be redeemed for onsite merchandise under certain conditions, and direct merchandise from certain machines, like "claw" machines.

The bill categorizes amusement games and machines into three types – Type A (free replay), B (points and coupons), and C (direct merchandise). It only authorizes Type B and C amusement games or machines at certain locations. Type B machines are more limited than Type C machines. For example, Type B machines can only be located at arcade amusement centers or truck stops (as currently authorized), and, in addition, can be located at certain bowling centers, hotels, restaurants, and facilities under the control of a timeshare plan. Type C machines can also be located at retailers and federally chartered veterans' service organizations.

The bill increases the maximum redemption value of points or coupons a player may receive for a single game played from 75 cents to $5.25 and increases the maximum wholesale value of merchandise dispensed directly to 10 times that amount ($52.50). It also sets a cap on the wholesale cost of merchandise at 100 times the maximum value of $5.25, which may be received by a player who redeems accumulated coupons or points. The caps will be adjusted annually, based on changes in the consumer price index.

The bill adds criminal penalties for violation, which are consistent with current penalties under ch. 849, F.S. and repeals s. 849.161, F.S., relating to amusement games or machines.

This bill was signed into law on June 2, 2015 as Chapter No. 2015-93, Laws of Florida and became effective July 1, 2015.

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

CS/CS/SB 806 makes the following changes to the regulation of financial institutions by the Office of Financial Regulation (OFR):

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

- Specifies the date by which an international banking corporation must provide its annual certification of capital accounts to the OFR.

This bill was signed into law on May 2, 2015 as Chapter No. 2015-64, Laws of Florida and becomes effective October 1, 2015.

▪ *2506A*
Florida Business Information Portal

The bill creates s. 20.166, F.S., which establishes the Florida Business Information Portal (portal) within the Department of Business and Professional Regulation (department). By June 30, 2017, the department must implement the portal that provides the information needed to start and operate a business in Florida, including information on licenses, permits, or registrations that are issued by state agencies. The bill authorizes the department to contract for services to develop the portal.

The portal is required, but not limited, to include:

- A downloadable guide to starting and operating a business in Florida.
- A list of business typed and an associated checklist for starting each type of business.
- Information regarding business tax registration and filing.
- Information regarding registering with the Department of State.

It specifies the state agencies directed to cooperate with the department in the development, implementation, and continued content management of the portal. The specified agencies include, but are not limited to the:

- Agency for Health Care Administration;
- Department of Agriculture and Consumer Services;
- Department of Economic Opportunity;
- Department of Environmental Protection;
- Department of Financial Services;
- Office of Financial Regulation;
- Office of Insurance Regulation;
- Department of Health;
- Department of Highway Safety and Motor Vehicles;
- Department of Lottery;
- Department of Management Services;
- Department of Revenue;
- Department of State; and
- Fish and Wildlife Conservation Commission.

The bill repeal s. 215.1995, F.S., and terminate the One-Stop Business Registration Portal Clearing Trust Fund within the Department of Revenue. The bill directs the Chief Financial Officer to remove the fund from the various state accounting systems.

Finally, the bill repeals s. 288.109, F.S., which directs the Department of Revenue to establish and implement the One-Stop Business Registration Portal.

This bill was signed into law on June 23, 2015 as Chapter No. 2015-224, Laws of Florida and became effective July 1, 2015.

Professional Regulation

▪ *HB 373*
Public Accounting

Certified Public Accountants (CPA) and firms who perform accounting services are licensed in Florida and regulated by the Board of Accountancy within the Department of Business and Professional Regulation.

The bill amends the definition of licensed firm or public accounting firm to mean a sole proprietor, partnership, corporation, limited liability company, firm, or other legal entity licensed under s. 473.3101, F.S. The bill further clarifies the practice requirements for partnerships, corporations, limited liability

companies, and other business entities practicing public accounting.

The bill amends s. 473.3101, F.S., to clarify who must hold a license under this section:

- Any firm with an office in this state which performs services as defined in s. 473.302(8)(a), F.S.
- Any firm with an office in this state which uses the title “CPA,” “CPA firm,” or any other title, designation, words, letters, abbreviations, or device tending to indicate that it is a CPA firm. The board shall define by rule what constitutes a CPA firm.
- Any firm that does not have an office in this state but performs the services described in s. 473.3141(4), F.S., for a client having its home office in this state. The board shall define by rule what constitutes an office.

The bill provides that an applicant for licensure under this section must file an application for licensure with the department and supply the information the board requires. An application must be made upon the affidavit of a sole proprietor, general partner, shareholder, or member who is a certified public accountant.

The bill also amends the definition of “quality review” to clearly reference and include a “peer review,” which is defined in s. 473.3125, F.S.

This bill was signed into law on June 16, 2015 as Chapter No. 2015-174, Laws of Florida and became effective July 1, 2015.

Education & Workforce Development

Education & Workforce Development

- ***HB 461***
  Independent Nonprofit Higher Education Facilities Financing

The Higher Educational Facilities Financing Authority (authority) is a public corporation which assists eligible institutions of higher education in financing and refinancing educational facilities construction.

Among other things, the authority may issue tax-exempt or taxable revenue bonds, which are privately financed and not secured by full faith and credit of the state. Financing acquired through the authority may be used for such construction projects as dormitories, parking and student service facilities, administration and academic buildings, libraries, and loans made in anticipation of tuition revenues.

Independent nonprofit colleges or universities which: are located in and chartered by the state of Florida; are accredited by the Southern Association of Colleges and Schools (SACS); grant baccalaureate degrees; and are not a state university or community college may participate in educational facilities construction financing through the authority. This includes all 31 institutions belonging to the Independent Colleges and Universities of Florida (ICUF).

The bill expands the types of projects that the authority may finance by adding:

- Costs for construction of dining halls, student unions, laboratories, research facilities, classrooms, athletic facilities, health care facilities, maintenance, storage, or utility facilities, and related facilities or structures required or useful for the instruction of students, research, or the operation of an educational institution (e.g., parking); and
- Certain purchases of equipment and machinery.
- Books, fuel, supplies, or other items which are customarily deemed to be operating costs may not be financed.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-113, Laws of Florida. These provisions took effect July 1, 2015.

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

CS/SB 954 requires notification for involuntary examinations of minors. Specifically, the bill:

- Requires a public or charter school principal or the principal's designee to immediately notify the parent of the student who is removed from school, school transportation, or a school-sponsored activity and transported to a receiving facility for involuntary examination.
- Requires each local school health services plan, district school board, and charter school governing board to develop policy and procedures for such notification.
- Expands the definition of "emergency health needs" to include onsite evaluation of a student for illness or injury and release of the student to a law enforcement officer.
- Provides the following notification requirements for receiving facilities that hold minor patients for involuntary examination:
  - Immediate notice to the patient's parent, guardian, or guardian advocate in person or by telephone or other electronic communication.
  - Repeated and documented attempts of notification until receiving confirmation by the parent, guardian, or guardian advocate.
- Permits a school principal, or his or her designee, and the receiving facility to delay notification no more than 24 hours if it has been deemed to be in the student's or minor patient's best interest and after a report of known or suspected abuse, abandonment, or

neglect is submitted to the Department of Children and Families' (DCF) Central Abuse Hotline.

- Specifies a receiving facility's notification of a patient's whereabouts for adults or emancipated minors being held involuntarily for an examination can occur in person or by telephonic or other electronic communication.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-67, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 7019 Workforce Services*

The bill relates to Florida's workforce development system and contains the following provisions:

- changes the name of Workforce Florida, Inc., to CareerSource Florida, Inc.; and
- creates a task force to develop the state's plan for implementing the federal Workforce Innovation and Opportunity Act 2014 (WIOA).

This bill was signed into law on June 2, 2015 as Chapter No. 2015-98, Laws of Florida. These provisions took effect June 2, 2015.

▪ *SB 7028 Educational Opportunities for Veterans*

SB 7028 amends the Congressman C.W. "Bill" Young Veteran Tuition Waiver Program to allow additional persons to be eligible for the out-of-state tuition fee waiver currently afforded to honorably discharged veterans residing in Florida and enrolled in a state university, Florida College System institution, career center operated by a school district, or charter technical career center. The bill requires a state university, Florida College System institution, career center operated by a school district, or charter technical career center to waive out-of-state fees for any person who is receiving educational assistance through the U.S. Department of Veterans Affairs and who physically resides in Florida while enrolled in the institution. This addition allows individuals, such as a spouse or child of a veteran or servicemember using GI Bill benefits, to qualify for in-state tuition rates.

In August 2014, the U.S. Congress enacted the Veterans Access, Choice, and Accountability Act of 2014. This Act requires the U.S. Department of Veterans Affairs (USDVA) to disapprove programs of education for payment of benefits under the Post-9/11 GI Bill and the Montgomery GI Bill-AD at public institutions if the schools charge qualifying veterans and dependents tuition and fees in excess of the rate for resident students. Public institutions must offer in-state tuition rates to certain veterans and their dependents by July 1, 2015, in order for the institution to be eligible to receive payments under the Post-9/11 GI Bill and the Montgomery GI Bill-Active Duty programs.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-76, Laws of Florida and took effect on that date.

▪ *HB 7069 Education Accountability*

The bill reduces state and local assessment requirements, including those commonly associated with progress monitoring (i.e. testing). In addition, the bill grants districts greater flexibility in measuring student performance in courses not associated with statewide, standardized assessments and in evaluating instructional personnel and school administrators. Specifically, the bill:

- Allows school districts to start school as early as August 10 each year.
- Eliminates prescriptive remediation and progress monitoring requirements for low-performing students and provides for targeted instructional support in reading for K-3 students.
- Eliminates the 11th grade English Language Arts (ELA) assessment and eliminates required administration of the Postsecondary Education Readiness Test (PERT).

- Allows districts to choose how to measure student performance in courses not associated with state assessments and prohibits final exams in addition to state end-of-course assessments.
- Limits administration of state and local assessments to no more than 5% of a student's total school hours and requires written parental consent for local assessments that exceed the cap.
- Allows teacher assistants and other district employees to administer state assessments.
- Requires the Department of Education, school districts, and public schools to publish a uniform assessment calendar and specifies information to be included in the calendar.
- Reduces student performance to one third of a teacher's or administrator's evaluation.
- Specifies professional development activities for teachers rated less than "effective."
- Requires districts to provide local assessment results to teachers and parents within 30 days.
- Requires future state testing contracts to provide assessment results by the end of the school year.
- Requires the state board to publish a comparison of district evaluation and state performance results.
- Requires the department to distribute any liquidated damages resulting from spring 2015 assessments.
- assessment to be identified as "at risk of retention" and to be provided intensive instruction and support until the assessment's validity is confirmed
- Requires 3rd grade students who score in the bottom quintile on the 2014-2015 ELA assessment to be identified as "at risk of retention" and to be provided intensive instruction and support until the assessment's validity is confirmed.
- Suspends issuance of school grades and teacher evaluations for the 2014-2015 school year until an independent entity, selected by a panel, confirms the validity of first-time state assessments.

The bill has a cost savings of $750,000 to the Student Loan Operating Trust Fund due to the PERT being made optional. There are potential savings to districts due to the possible elimination of local assessments.

This bill was signed into law on April 14, 2015 as Chapter No. 2015-6, Laws of Florida and took effect on that date.

See also CS/CS/HB 41, Hazardous Walking Conditions in Growth Management, page 53.

General Government and Public Meetings

General Government

- ***HB 27***
  Driver Licenses & Identification Cards

The bill provides for the Department of Highway Safety and Motor Vehicles (DHSMV) to accept a military personnel identification card as proof of a social security card number during the application process to acquire a driver license or identification card.

The bill further authorizes DHSMV to replace the veteran designation "V" with the word "Veteran" exhibited on the driver license or identification card of a veteran who qualifies and chooses to have such designation. The replacement of the "V" with the word "Veteran" will apply upon implementation of new designs for the driver license and identification card by DHSMV.

This bill was signed into law on June 2, 2015 as Chapter No. 2015-85, Laws of Florida. These provisions took effect July 1, 2015.

- ***HB 71***
  Service Animals

Florida law provides that an individual with a disability, defined as a person who is deaf, hard of hearing, blind, visually impaired, or otherwise physically disabled, is entitled to equal access to public accommodations, public employment, and housing accommodations. The individual may be accompanied by a trained service animal in all areas of public accommodations that the public is normally allowed to occupy. Any person who denies or interferes with the right of a person with a disability or a service animal trainer to access a place of public accommodation commits a second degree misdemeanor.

The bill revises the definition of the term "individual with a disability" to add an individual with a physical or mental impairment that substantially limits one or more major life activities. A "physical or mental impairment" is defined, in part, as a physiological disorder or condition that affects at least one bodily function or a mental or psychological disorder as specified by the Diagnostic and Statistical Manual of Mental Disorders. The term "major life activity" is defined as a function such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. The bill expands the definition of the term "public accommodation" to include a timeshare that is a transient public lodging establishment and exempts air carriers covered by the Air Carrier Access Act of 1986 under the definition of "public accommodation".

The bill requires a public accommodation to modify its policies to permit the use of a service animal by an individual with a disability. The bill further specifies that a public accommodation may not ask about the nature or extent of an individual's disability in order to determine if an animal is a service animal or pet. However, a public accommodation may ask if the animal is a service animal required because of a disability and what work the animal has been trained to perform. Additionally, the bill requires a service animal to be kept under the control of its handler. The bill authorizes a public accommodation to remove the animal if the animal is not under the handler's control, is not housebroken, or poses a serious threat to others. The criminal penalty for interference with the right of a disabled individual or service animal trainer to use a place of public accommodation is modified to include the requirement that a person also perform 30 hours of community service for an organization that serves individuals with disabilities or for another entity, at the discretion of the court.

Finally, the bill provides that knowingly and willfully misrepresenting oneself as being qualified to use a service animal or being a trainer of a service animal is a second degree misdemeanor. It also requires the person to perform 30 hours of community service for an organization that serves individuals with disabilities, or for another entity, at the discretion of the court.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-130, Laws of Florida. These provisions took effect July 1, 2015.

- ***CS/HB 79***
  Crisis Stabilization Services

CS/HB 79 amends s. 394.9082, F.S., to create the Crisis Stabilization Services Utilization Database. The bill requires the Department of Children and Families (DCF) to develop, implement, and maintain standards under which a behavioral health managing entity must collect utilization data from public receiving facilities located within its geographic service area. DCF must also develop standards and protocols to be used by managing entities and public receiving facilities for the collection, storage, transmittal, and analysis of data. The standards and protocols must allow for compatibility of data and data transmittal between public receiving facilities, managing entities, and DCF. Managing entities must comply with these requirements by August 1, 2015.

The bill requires public receiving facilities to submit specified utilization data to managing entities in real time or at least daily. Managing entities must perform reconciliations monthly and annually to ensure data accuracy. After ensuring data accuracy, managing entities must submit data to DCF on a monthly and annual basis. The bill requires DCF to use the reconciled data to develop a statewide database for the purpose of analyzing payments to and use of state-funded crisis stabilization services. The database must allow for analysis on both a statewide and individual public receiving facility basis.

The bill requires DCF to adopt rules and submit a report by January 31, 2016, and annually thereafter, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must contain details on the bill's implementation, including the status of the data collection process, and an analysis of the data collected.

The bill provides DCF with a nonrecurring appropriation of $175,000 to implement these provisions.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-102, Laws of Florida and took effect on that date.

- ***SB 132***
  Disabled Parking Permits

The bill amends s. 320.0848, F.S., to allow a permanently and totally disabled veteran, as determined by the USDVA or any branch of the United States Armed Forces, to provide a VAFL 27-333 issued within the last 12 months in lieu of the certificate of disability in order to renew or replace a disabled parking permit.

Currently, when applying for a disabled parking permit all applicants must provide a certificate of disability. The bill repeals s. 320.0848(2)(d), F.S., which reiterates that a disabled veteran must also provide a certificate of disability when applying for a disabled parking permit.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-11, Laws of Florida. These provisions took effect July 1, 2015.

- ***CS/HB 145***
  Commercial Motor Vehicle Review Board

The Commercial Motor Vehicle Review Board (Board) is the state entity created in statute that functions to consider protested commercial vehicle citations. The Board may review, sustain, modify, cancel, or revoke any penalty imposed on any vehicle or person under the provisions of chapter 316, F.S., relating to weights imposed on the highways by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations. Any person may, upon payment of his or her penalty, apply to the Board for a modification, cancellation, or revocation of a penalty for violations of certain commercial vehicle regulations. The Board is part of the Florida Department of Transportation (FDOT), and has three permanent members who are

the Secretary of the Department of Transportation, the Executive Director of the Department of Highway Safety and Motor Vehicles (DHSMV), and the Commissioner of Agriculture, or their authorized representatives.

This bill revises the membership of the Board by adding four appointed members who have private sector experience in the state of Florida. The Governor will appoint three of the members from the private sector: one from the road construction industry, one from the trucking industry, and one with a general business or legal background. The Commissioner of Agriculture will appoint the final member of the Board from the agriculture industry. Appointments must be made by September 1, 2015, for terms beginning October 1, 2015.

It provides that the Governor may remove appointed members of the Board for misconduct, malfeasance, misfeasance, or nonfeasance in office. Each member must take an oath of office pledging to honestly, faithfully, and impartially perform his or her duties before beginning official action on the Board. Official action may be taken by a quorum of the Board. Four members will constitute a quorum.

This bill also provides that whenever a driver is issued a citation for exceeding weight limits established by s. 316.535, F.S., by means of a portable scale, the driver may request to proceed to the next weigh station or certified public scale for verification of weight. The officer who issued the citation must escort the driver at all times and must attend the reweighing. If the vehicle is found to be in compliance with the weight requirements at the fixed scale then the citation is void.

Further, it provides that as an alternative to physical appearance, the FDOT shall provide space and video conference capability at each district office to allow a person who requested a hearing to appear before the board remotely.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-103, Laws of Florida and became effective July 1, 2015.

- ***CS/SB 160***
  Rural Letter Carriers

This bill exempts a United States Postal Service rural letter carrier from mandatory seat belt usage requirements while performing duties in the course of his or her employment on a designated postal route.

The bill creates a new paragraph (e) to s. 316.614(6), F.S., which exempts a rural letter carrier employed by the USPS from mandatory seat belt usage requirements while performing duties in the course of his or her employment on a designated postal route.

This bill was signed into law on May 22, 2015 as Chapter No. 2015-81, Laws of Florida and became effective on that date.

- ***CS/SB 172***
  Local Government Pension Reform

CS/SB 172 substantially amends provisions specifying how insurance premium tax revenues must be used in police and firefighter pension plans. Historically, insurance premium tax revenues equal to the amount received in 1997 by a particular plan were used to fund the minimum benefits specified in chs. 175 or 185, F.S., and other retirement benefits. Any insurance premium tax revenues received by a plan in excess of the 1997 threshold were to fund minimum benefits, additional retirement benefits, and defined contribution plans under certain specified situations. The bill authorizes deviation from the historical use of insurance premium tax revenues, including accumulations of additional tax revenues which have not been applied to fund benefits in excess of the defined minimum benefits, by mutual consent of collective bargaining representatives or majority consent of plan members and consent of the municipality or special fire control district.

It increases the minimum annual benefit accrual rate from 2.0 percent to 2.75 percent, subject to certain exceptions.

The bill grandfathers changes to a plan that are based on that particular plan's reliance on an interpretation by the Department of Management Services (DMS) of the existing statute, as evidenced by correspondence with the DMS between August 14, 2012, and March 3, 2015.

The bill also clarifies that a maximum of 300 hours of overtime may be included for purposes of calculating municipal police pension plan benefits.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-39, Laws of Florida and became effective July 1, 2015.

▪ *SB 184 Federal Write-in Absentee Ballot*

SB 184 eliminates the restriction that Federal Write-in Absentee Ballot's can only be used for state and local elections involving two or more candidates. This allows absent uniformed services and overseas voters (voter) to use a FWAB as a "back-up" ballot for all federal, state, and local elections.

The bill allows a voter in a state or local election to vote on any ballot measure in the election by identifying the ballot measure on which he or she wants to vote and specifying his or her vote on the measure. The bill specifies that a vote cast in judicial retention elections be treated in the same manner as ballot measures requiring a "yes" or "no" vote.

The bill also provides that any abbreviation, misspelling, or other minor variation in a ballot measure does not affect the validity of the ballot. The bill requires the Department of State to:

- adopt rules to specify the Appropriate lines or spaces for ballot measures; and
- Use of marks, symbols or language, such as arrows, quotation marks, or the word "same" or "ditto" to indicate the voter's approval or disapproval of all listed ballot measures.

It delays the canvassing of a FWAB until 10 days after the presidential preference primary or general election, so that the voter's official absentee ballot can be canvassed (in lieu of the FWAB) if it is received during that 10-day window. This should allow for the canvassing board to better determine the voter's intent and more accurately canvass the votes.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-40, Laws of Florida. These provisions took effect July 1, 2015.

▪ *HB 197 Tracking Devices or Tracking Applications*

Chapter 934, F.S., governs the security of electronic and telephonic communications and the procedural requirements for searching and monitoring such communications. Florida law does not currently prohibit a person from installing a tracking device or tracking application on another person's property without the other person's consent.

The bill prohibits a person from installing a tracking device or tracking application on another person's property without the other person's consent. A violation of this prohibition is a second degree misdemeanor. This prohibition does not apply to:

- a law enforcement officer or law enforcement agency that lawfully installs a tracking device or tracking application on another person's property as part of a criminal investigation;
- a parent or legal guardian of a minor child that installs a tracking device or tracking application on the minor child's property if:
- the parents or legal guardians are lawfully married to each other and are not separated or otherwise living apart, and either parent or legal guardian consents to the installation of the tracking device or tracking application;
- the parent or legal guardian is the sole surviving parent or legal guardian of the minor child;

- the parent or legal guardian has sole custody of the minor child; or
- the parents or legal guardians are divorced, separated, or otherwise living apart and both consent to the installation of the tracking device or tracking application;
- a caregiver of an elderly person or disabled adult, if the elderly person or disabled adult's treating physician certifies that such installation is necessary to ensure the safety of the elderly person or disabled adult;
- a person who is not engaged in private investigation, and is acting in good faith on behalf of a business entity for a legitimate business purpose; or
- an owner or lessee of a motor vehicle, in specified circumstances.

The bill provides for administrative disciplinary action against persons engaged in private investigation, security, or repossession, who install tracking devices or tracking applications in violation of the provisions of the bill.

Finally, it creates a new second degree misdemeanor, which is punishable by up to 60 days in county jail and a $500 fine.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-136, Laws of Florida. These provisions took effect October 1, 2015.

▪ *HB 213*
Property Appraisers

Current law provides that property appraisers are to submit a proposed budget for the operation of the appraiser's office to the Department of Revenue (DOR). The DOR may amend the initial budget submission. After reviewing further information that may be submitted by the property appraiser and appropriate board of county commissioners (board), the DOR issues a final budget determination. The property appraiser or board may appeal the DOR's final budget to the Governor and Cabinet sitting as the Administration Commission. The Administration Commission has discretion as to whether to accept the appeal or not. The DOR-approved budget request, as amended by the Administration Commission, shall be the budget for the property appraiser in the ensuing local fiscal year.

The bill provides that boards of county commissioners must fund property appraisers according to the amount determined by the DOR in its final budget determination, and must fund the department-approved budget during the pendency of an ongoing appeal to the Administration Commission. A county's obligation to fund the property appraiser's office at the level set by the DOR is not affected merely by the filing of an appeal to the Administration Commission. Only if the Commission chooses to amend the budget will the county's obligation change.

This bill was signed into law on June 2, 2015 as Chapter No. 2015-87, Laws of Florida. These provisions took effect July 1, 2015.

▪ *HB 225*
All-American Flag Act

Current law requires the display of the United States and state flags in certain venues, but does not specify any requirements for the manufacturing or source of materials for United States or state flags purchased by the state or local governments.

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

This bill was signed into law on June 11, 2015 as Chapter 2015-137, Laws of Florida. These provisions took effect July 1, 2015.

▪ *CS/CS/SB 228*
Online Voter Application

CS/CS/SB 228 directs the Division of Elections in the Department of State to develop an

operational, online voter registration system by October 1, 2017.

The Division of Elections is tasked with establishing the secure Internet website and developing security measures to prevent unauthorized tampering with a voter's registration information, including the use of a unique identifier for each applicant. The system must also comply with certain federal laws to ensure equal access to voters with disabilities. The Division of Elections is required to submit a report to the President of the Senate and the Speaker of the House of Representatives regarding the implementation of online voter registration applications no later than January 1, 2016.

This bill was signed into law on May 15, 2015 as Chapter No. 2015-36, Laws of Florida. These provisions took effect July 1, 2015.

▪ *HB 243 Vital Statistics*

In 2012, the Department of Health's (DOH) Bureau of Vital Statistics fully implemented an Electronic Death Registration System (EDRS). The EDRS enables death certificates to be completed and submitted electronically. HB 243 updates ch. 382, F.S., the Vital Statistics Act (Act), to include DOH's EDRS processes and authorizes DOH to perform certain tasks related to death registration and final disposition of deceased persons. In addition, the bill updates the Act to reflect the use of the EDRS to generate burial-transit permits and report deaths. It:

- Authorizes funeral directors to generate burial-transit permits through EDRS or produce them manually and removes certain application processes for paper permits;
- Specifies that a subregistrar produce and maintain a paper death certificate or burial-transit permit;
- Removes the requirement that a person in charge of the premises where a final disposition takes place submit a burial-transit permit to the local registrar;
- Removes the requirement that a local registrar keep the burial-transit permit on file for 3 years;
- Authorizes the use of the EDRS to electronically register a death or fetal death certificate;
- Allows a burial-transit permit on file to satisfy certain record keeping requirements;
- Requires a funeral director, who buries a dead body in a cemetery where no one is in charge to keep the burial-transit permit on file for 3 years instead of filing it with the local registrar;
- Requires the use of the EDRS for electronic notification of deaths to the Social Security Administration; and
- Removes a provision that allows alias information to be reported on the back of a paper death certificate.

The bill also makes additional changes related to death certificate registrations and final dispositions by:

- Defining from whom personal information about the decedent may be obtained, for the purpose of completing a death certificate;
- Including entombment in the definition of final disposition; and
- Defining burial-transit permit.

The bill provides DOH with rulemaking authority.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-105, Laws of Florida. These provisions took effect July 1, 2015.

▪ *CS/SB 264 Traffic Enforcement Agencies and Traffic Citations*

CS/SB 264 prohibits a traffic enforcement agency from establishing a traffic citation quota, and creates a reporting requirement for counties and municipalities under certain circumstances.

It explicitly prohibits a traffic enforcement agency from establishing traffic citation quotas. It

clarifies that any state, county, or municipal agency or governmental entity vested with the powers to enforce traffic laws is a traffic enforcement agency.

It also requires a county or municipality to submit a report to the Joint Legislative Auditing Committee if the county or municipality's total revenue from traffic citations exceeds 33 percent of the expense to operate the county's or municipality's law enforcement agency in the same fiscal year. If required, the report must be submitted within six months after the end of the fiscal year and must detail:

- The total revenue from traffic citations of the county or municipality; and
- The total expenses for law enforcement of the county or municipality.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-15, Laws of Florida. These provisions took effect July 1, 2015.

▪ *HB 277*
Public Lodging Establishments

With parental consent, an individual may join one of the United States Armed Forces upon reaching the age of 17. Florida has 20 major military installations throughout the state and over 61,000 active duty military personnel stationed in Florida.

While being employed by the military, or when traveling for military and personal purposes, these individuals will sometimes be required to procure accommodations at a public lodging establishment in the State of Florida. In some cases, public lodging establishments in Florida restrict renting to individuals over a certain age, with restrictions in place as high as 25 years of age.

The bill requires a public lodging establishment classified as a hotel, motel, or bed and breakfast inn to waive any minimum age policy it may have that restricts accommodations to individuals based on age for individuals who are currently on active duty as a member of the United States Armed Forces, the National Guard, Reserve Forces, or Coast Guard and who present a valid military identification card.

Duplication of the presented military identification card is prohibited by this bill.

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

This bill was signed into law on June 11, 2015 as Chapter No. 2015-15, Laws of Florida. These provisions took effect July 1, 2015.

▪ *CS/SB 290*
Carrying a Concealed Weapon or a Concealed Firearm During Mandatory Evacuation

CS/SB 290 creates an exception to s. 790.01, F.S., which prohibits carrying a concealed weapon or firearm unless a person is licensed to do so or if the weapon is a self-defense chemical spray or nonlethal stun gun or similar device designed for defensive purposes.

The exception provided in the bill allows a person to carry a concealed weapon or firearm while in the act of complying with a mandatory evacuation order issued during a state of emergency declared by the Governor pursuant to ch. 252, F.S., or declared by a local authority pursuant to ch. 870, F.S., regardless of the person's licensure status, so long as he or she may otherwise lawfully possess a firearm.

The bill provides a definition for "in the act of evacuating." It also sets forth a 48-hour period within which the exception to s. 790.01, F.S., is applicable, which may be extended by executive order.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-44, Laws of Florida. These provisions took effect July 1, 2015.

▪ *HB 371*
Agency Inspectors General

The Office of Inspector General (OIG) is established in each agency to provide a central point for the coordination and responsibility for activities that promote accountability, integrity, and efficiency in government. Inspectors general

under the jurisdiction of the Cabinet or the Governor and Cabinet are appointed by the agency head and may only be removed by the agency head. Inspectors general under the jurisdiction of the Governor are appointed

by the Chief Inspector General (CIG) and may only be removed by the CIG. The CIG within the Executive Office of the Governor provides oversight and monitors the activities of the agency inspectors general under the Governor's jurisdiction.

The bill amends provisions related to inspectors general and the CIG. Specifically, the bill:

- Requires a national search for an inspector general to be initiated within 60 days after a vacancy or anticipated vacancy of a position of inspector general.
- Prohibits a former or current elected official from being appointed as an inspector general within five years after the end of his or her term of office, but provides exceptions.
- Adds additional qualifications for the position of inspector general for agencies under the jurisdiction of the Governor, which include certification, education, and experience requirements.
- Prohibits an inspector general, or an officer or employee of an OIG, from holding or running for elective office with the state, county, or other political subdivision or holding office in a political party or committee.
- Requires other agency, district, or commission personnel to cooperate with an inspector general.
- Beginning July 1, 2015, requires a statement in each contract or program for every state officer, employee, agency, special district, board, commission, contractor, and subcontractor to require cooperation with the inspector general.
- Authorizes the CIG to hire or retain legal counsel.
- Authorizes the CIG to issue and enforce subpoenas relating to agencies under the jurisdiction of the Governor.

This bill was signed into law on June 16, 2015 as Chapter No. 2015-173, Laws of Florida and became effective July 1, 2015.

▪ *CS/CS/SB 420 Animal Control*

CS/CS/SB 420 provides a procedure for adopting or humanely disposing of impounded livestock (excluding cattle) as an alternative to sale or auction. Notice of the impounded livestock must be provided in specified methods by county sheriffs or animal control centers. The bill requires the sheriff or animal control center to establish fees and be responsible for damages caused while impounding the livestock. The bill grants municipalities with certified animal control officers the same powers as counties and societies or associations for investigating animal cruelty cases. Finally, the bill provides additional, supplemental, and alternative laws for enforcing county or municipal codes or ordinances, but clarifies that it does not prohibit a county or municipality from enforcing its own codes or ordinances by any other means.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-18, Laws of Florida and became effective July 1, 2015.

▪ *HB 439 Department of Legal Affairs*

HB 439 makes several changes to a variety of statutes affecting the Department of Legal Affairs led by the Attorney General. For example, the bill:

- Expands the jurisdiction of the Office of Statewide Prosecution to include violations of ch. 787, F.S. (kidnapping, false imprisonment, and human trafficking), that were facilitated by or connected to the use of the Internet;
- Allows funds currently awarded to persons who report Medicaid fraud to also be used to

fund the Department's Medicaid Fraud Control Unit;

- Expands the definition of the term "crime" for purposes of victim assistance awards;
- Prohibits victim assistance awards for "catastrophic injury" from being reduced;
- Authorizes the Department to award a lifetime maximum of $1,000 on all victim assistance claims relating to elderly persons and disabled adults who suffer a property loss that causes a substantial diminution in their quality of life; and
- Creates s. 960.196, F.S., that addresses relocation assistance for victims of human trafficking.

This bill was signed into law on June 2, 2015 as Chapter No. 2015-92, Laws of Florida. These provisions took effect July 1, 2015.

▪ *SB 466*
Low-voltage Alarm Systems

This bill amends the definition of Low-voltage Alarm Systems, reduces the maximum permit fee for those systems, and eliminates permit requirements for wireless burglar alarms and smoke detectors. Any electrical device or signaling device used to signal or detect a burglary, fire, robbery, or medical emergency is an alarm system. A system that is hardwired and operates at low voltage (with or without home-automation equipment, thermostats, and video cameras) is a low-voltage alarm system. The bill excludes wireless alarm systems (burglar alarms and smoke detectors) from all permitting requirements of any local enforcement agency with jurisdiction over building inspections and code enforcement, such as a local government, school board, community college, or university.

In addition to providing that permits may not be required in order to install, maintain, inspect, replace or service wireless alarm systems, the bill reduces the maximum charge for a uniform basic permit for a hardwired, low-voltage alarm system from $55 to $40. The bill deletes permit fee provisions that expired on January 1, 2015.

The bill prohibits a local enforcement agency from requiring the payment of any additional amount associated with the installation or replacement of a hardwire, low-voltage alarm system. The bill authorizes local enforcement agencies to coordinate inspections with the owner or customer of low-voltage alarm system projects to ensure compliance with applicable codes and standards. However, the obligation to take corrective action if a project fails an inspection remains with the alarm system contractor.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-50, Laws of Florida and become effective July 1, 2015.

▪ *HB 471*
Disabled Parking

The bill exempts a vehicle displaying a Disabled Veteran "DV" license plate issued under s. 320.084, F.S., from paying parking fees charged by a county, municipality, or any agency thereof, in a facility or lot that provides timed parking spaces outside of certain conditions.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-114, Laws of Florida and the provisions took effect July 1, 2015.

▪ *SB 522*
Division of Bond Finance

SB 522 repeals the requirement that the Division of Bond Finance housed within the State Board of Administration publish a subscription based newsletter to various stakeholders regarding local and state bonds. Due to the lack of subscribers, the last issue of the newsletter was published by the Division in the fall of 2000.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-22, Laws of Florida. These provisions took effect July 1, 2015.

▪ *CS/SB 526*
Public Notaries

CS/SB 526 allows a law enforcement officer engaged in the performance of official duties to

remotely administer an oath either through reliable electronic means, or in the physical presence of a person who swears to an affidavit. Currently, a law enforcement officer may only administer an oath in the physical presence of an affiant.

Additionally, the bill allows law enforcement officers to verify documents pursuant to ss. 92.50 and 92.525, F.S.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-23, Laws of Florida. These provisions took effect July 1, 2015.

▪ *CS/HB 565 Retirement*

The Florida Retirement System (FRS) is a multiple-employer, contributory plan that provides retirement income benefits to 622,089 active members, 363,034 retired members and beneficiaries, and 38,058 members of the Deferred Retirement Option Program. It is the primary retirement plan for employees of the state and county government agencies, district school boards, community colleges, and universities. The FRS also serves as the retirement plan for participating employees of the 187 cities and 268 independent hospital districts and special districts that have elected to join the system.

The membership of the FRS is divided into five membership classes, including the Senior Management Service Class (SMSC), which is less than 2 percent of the total membership of the FRS. Once a position has been designated as a SMSC position, it is not removed from the class unless the duties and responsibilities of the position change substantially and it therefore no longer meets the requirements for participation in the class. In 1997, a 6-month window was provided to local governments to allow them to reassess positions previously designated as SMSC, and to request removal from the class of any such positions that it deems appropriate.

The bill provides a similar 6-month window to allow local agency employers to reassess positions previously designated as SMSC positions and to request removal from the class of any such positions that it deems appropriate. After the initial window provided in 2015, the bill allows for subsequent reviews and reclassifications every five years.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-149, Laws of Florida. These provisions took effect July 1, 2015.

▪ *CS/SB 604 Consumer Protection*

CS/SB 604 creates the True Origin of Digital Goods Act, which requires owners or operators of websites that disseminate commercial recordings or audiovisual works to Florida consumers to clearly post on the website and make readily accessible to a consumer using or visiting the website the true name of the operator or owner, the physical address, and the telephone number or e-mail address. The bill creates an injunctive remedy for parties aggrieved by a website's failure to clearly post its owner's or operator's identifying information. In order to be subject to this disclosure requirement, the owner or operator of the website must electronically disseminate commercial recordings or audiovisual works to Florida consumers. The owner, assignee, authorized agent, or licensee of a commercial recording or audio visual work that is electronically disseminated by a website that does not publish required identifying information may enjoin the violating website to require compliance with the bill and recover necessary expenses and reasonable attorney fees.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-53, Laws of Florida. These provisions took effect on that date.

▪ *CS/CS/SB 608 Real Estate Brokers and Appraisers*

CS/CS/SB 608 authorizes the Florida Real Estate Commission (commission) within the Department of Business and Professional Regulation (department) to adopt rules to permit a real estate brokerage to register a broker on a

temporary, emergency basis if a sole broker of a brokerage dies or is unexpectedly unable to remain a broker.

The bill exempts persons who hold a higher degree in real estate, such as a Master's or Doctorate Degree, from the pre-licensure and post-licensure education requirements.

Further, it allows the commission to reinstate a license that has become void if it is determined that the individual failed to comply because of illness or economic hardship, as defined by rule.

To conform to federal standards the bill:

- Requires the documents that appraisers and appraisal management companies retain are the same as required by the Uniform Standards of Professional Appraisal Practice.
- Allows the department to inspect or copy the records of an appraisal management company at any time; and
- Repeals the ability of the Florida Real Estate Appraisal Board to enter into written agreements for reciprocal licensing of out-of-state appraisers.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-54, Laws of Florida. These provisions took effect July 1, 2015.

▪ *CS/SB 642 Individuals with Disabilities*

CS/SB 642 creates the Florida Achieving a Better Life Experience (ABLE) program, which would assist individuals with disabilities in saving money without losing their eligibility for state and federal benefits, and thereby providing a pathway for economic independence and a better quality of life. ABLE accounts resemble in some respects the federal 529-college savings plan that are tax-advantaged savings accounts. The federal ABLE Act of 2014 ("ABLE Act"), authorizes states to establish ABLE programs as an agency or instrumentality of the state or contract with other states to administer such accounts if certain conditions are met.

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

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

This bill was signed into law on May 21, 2015 as Chapter No. 2015-56, Laws of Florida and took effect on that date.

▪ *SB 676 Voluntary Contributions to end Breast Cancer*

SB 676 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to collect, for the Florida Breast Cancer Coalition Research Foundation, Inc., a voluntary contribution of $1 or more per applicant to through the motor vehicle registration, driver license, and identification card application forms.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-60, Laws of Florida. These provisions took effect July 1, 2015.

▪ *SB 984*
Exemption from Legislative Lobbying Requirements

SB 984 clarifies that the use of a public facility or public property provided from a governmental entity to a legislator for a public purpose is not an expenditure for purposes of the "legislative expenditure ban" in s. 11.045, F.S., regardless of whether the governmental entity is a principal or employer of lobbyists. Unlike the current Rules of the Florida Senate and the Administrative Policy Manual of the Florida House of Representatives, this statutory exception does not include any requirement for approval by the presiding officers prior to the expenditure being made between the governmental entity and the legislator.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-28, Laws of Florida. These provisions took effect July 1, 2015.

▪ *HB 985*
Maintenance of Agency Final Orders

All agencies covered by Florida's Administrative Procedure Act must maintain most final agency orders and a subject matter index of them, allowing orders to be publicly accessed for research or copying, or else maintain an electronic database of final orders allowing public users to research and retrieve the orders using common logical search terms. If an electronic database is not used, an agency may satisfy its public access requirement by designating an official reporter to index and publish its final orders. Thus, agency final orders in Florida may be indexed and maintained for retrieval on microfilm in agency offices, published by a reporter, or available online in a searchable electronic database.

Such orders must be maintained as permanent agency records. Implicitly, public access is required indefinitely.

Since 2008, agencies have been permitted to satisfy the requirement for public access by electronically transmitting a copy of its final orders to the Division of Administrative Hearings (DOAH) for access through DOAH's website. A number of large agencies have used the DOAH alternative with satisfaction. DOAH has no legal obligation to maintain its website.

The bill requires all agencies to use the DOAH website for publication of final orders that must be maintained for public access. Other methods of maintaining and accessing pre-existing orders will continue indefinitely. The bill also provides expanded rulemaking authority to the Department of State to coordinate and set standards on transmittal of certified copies of final orders and to assure integrity of the online documents and satisfactory operation of storage and retrieval functions assigned to DOAH.

The bill will ensure that all final agency orders entered after implementation of the bill will be available online in an easily searchable database.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-155, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 1055*
Child Protection

A child protection team (CPT) is a medically directed, multidisciplinary team that works with local sheriffs' offices and the Department of Children and Families (DCF) in cases of child abuse and neglect to supplement investigation activities. Child protection teams provide expertise in evaluating alleged child abuse and neglect, assessing risk and protective factors, and providing recommendations for interventions to protect children.

The bill:

- Amends s. 39.303, F.S., to require the Statewide Medical Director for Child Protection and district CPT medical directors to hold certain licenses and certifications.

- Adds “a member of a child protection team, as defined in s. 39.01, when carrying out his or her duties as a team member” to the definition of “Officer, employee, or agent” for the purposes of sovereign immunity.
- Requires the inclusion of a child protection team medical director on any Critical Incident Rapid Response Team initiated by DCF to conduct investigations of certain child deaths or other serious incidents.

The bill also adds child abuse and neglect cases as an authorized use of the “expert witness certificate” for physicians and osteopathic physicians.

This bill was signed into law on June 16, 2015 as Chapter No. 2015-177, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 7021*
Fish and Wildlife Conservation Commission

Florida law defers to U.S. Coast Guard (USCG) approved life jackets, specified by type, as the authorized safety equipment on Florida waters. The USCG is in the process of eliminating the classification of life jackets by “type,” classifying them instead based on their buoyancy, size, and intended use to make it easier for the public to understand. This bill removes language specifying the labeled “type codes” and replaces it with the phrase “and used in accordance with the USCG approval label.”

Currently, the Fish and Wildlife Conservation Commission (FWC) may not provide funds to citizen support organizations (CSOs) unless authorized by the Legislature. The bill authorizes FWC to reimburse CSOs that, by contract, provide fiscal and administrative services to the commission for a grant or program that directly benefits FWC.

In 2013, FWC modified its rules through its constitutional authority to restrict tarpon to a catch-and-release only fishery unless an angler is pursuing an International Game Fish Association (IGFA) record. The bill eliminates angler reporting requirements for the tarpon tag because FWC may obtain the same information from the IGFA. In addition, the bill modifies the effective and expiration dates of tarpon tags so that each tag is valid for a full calendar year.

Current law requires a commercial saltwater fisher to obtain a free restricted species (RS) endorsement to commercially harvest and sell the 32 groups of species designated as “restricted” by FWC. In June 2014, the same RS endorsement regulations were adopted into rule by FWC pursuant to its constitutional authority. The bill removes RS endorsement regulations from statute, but does not remove the requirement to obtain a RS endorsement.

It provides certain exemptions from alligator trapping and alligator trapping agent licenses and exempts certain individuals from paying the fee for an alligator trapping license and trapping agent license. The bill also repeals sections of statutes that have been incorporated into FWC’s rules or that are obsolete, and clarifies a funding transfer to the Department of Agriculture and Consumer Services for marketing and education services for alligator products.

The bill modifies statutory penalties for violating wildlife feeding rules. Under current law, it is a second degree misdemeanor for the first violation of FWC rules governing feeding of fish or wildlife species. However, wildlife officers are generally hesitant to issue a criminal citation to a first time offender for feeding animals illegally, so they usually just issue a warning. The bill reduces the first time offender penalty to a non-criminal infraction with a $100 mandatory fine, but makes a second violation a second degree misdemeanor, and imposes more serious criminal penalties up to a third degree felony for repeat offenders who feed bears and alligators/crocodilia.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-161, Laws of Florida and took effect on that date.

- ***HB 7023***
  Administrative Procedures

Agencies must review their existing rules to identify and correct deficiencies, improve efficiencies, reduce paperwork and costs, clarify and simplify text, and revise or delete rules that become obsolete, unnecessary, or are redundant of statute. Biennially, each agency head is required to file a report with the Speaker of the House of Representatives, President of the Senate, and the Legislature's Joint Administrative Procedures Committee (JAPC) summarizing the results of this review and revision, suggesting certain legislative changes, and addressing the economic impact of the rules on small business. In 2011, the Legislature suspended biennial reporting for that year and required all agencies to review and report on the economic effect of all then-existing rules by the end of 2013. In the same act, the Legislature required agencies to file a separate annual "regulatory plan" outlining all rulemaking the agency intended to implement in the next fiscal year, except emergency rulemaking.

When a newly-enacted law requires an agency to adopt new or amend current administrative rules for proper implementation, current law requires the agency charged with enforcing that law to formally propose such rules within 180 days of the effective date of the law. While agencies generally comply with this deadline, there are numerous examples of agencies failing to act within 180 days or interpreting the new law as not requiring rulemaking for proper implementation. In some instances this delay or inaction persists for several years.

The bill replaces the current reporting with an expanded, annual regulatory plan requiring each agency to determine whether new laws will require new or amended agency rules. If so, the agency must initiate rulemaking by a specific time. If not, the agency must state concisely why the law may be implemented without additional rulemaking. The regulatory plan also must state each existing law on which the agency will initiate rulemaking in the current fiscal year. The plan must be certified by the agency head and general counsel and published on the agency's internet website, with a copy of the certification filed with JAPC. The existing 180-day requirement is revised to coincide with the specific publishing requirements.

The bill requires agencies to respond in writing within 15 days to any request from JAPC or any legislative committee chair seeking an explanation when the agency fails to comply with the new planning and rulemaking requirements. The bill also rescinds any rulemaking sanctions inadvertently resulting from a recently repealed rule study and repeals a law pertaining to an online regulatory survey. Finally, the bill exempts educational units from the new requirements.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-162, Laws of Florida. The effective date of the bill was July 1, 2015.

- ***SB 7024***
  State Board of Administration

SB 7024 repeals the current limitation on the authority of the State Board of Administration to invest the funds of the Florida Retirement System Trust Fund in institutions doing business in or with Northern Ireland.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-75, Laws of Florida and these provisions took effect July 1, 2015.

- ***HB 7055***
  Highway Safety and Motor Vehicles

The bill makes various changes to current law related to The Department of Highway Safety and Motor Vehicles (DHSMV). The bill provides the following:

- Authorizes the employing agency to pay up to $5,000 directly to a venue to cover funeral and burial expenses of a law enforcement officer killed in the line of duty.
- Allows for the use of golf carts on a two-lane county road located within the jurisdiction of a municipality designated by that municipality for use by golf carts.

- Requires an 18 inch square, red flag on all loads that extend four feet or more beyond a vehicle's perimeter.
- Authorizes the Department of Transportation to permit transport of multiple sections or single units on an overlength trailer of no more than 80 feet.
- Increases the fine from $100 to $500 for a violation of unlawfully displaying vehicles for sale, hire, or rental.
- Extends the Rebuilt Inspection Pilot Program until 2018 and includes additional requirements.
- Allows for the titling of a residential manufactured building when located on a mobile home lot.
- Directs DHSMV to include language permitting a voluntary contribution of $1 or more on a motor vehicle registration and driver license application listed as "End Breast Cancer." Such contributions will be distributed by the department to the Florida Breast Cancer Foundation.
- Removes requirements for establishing a specialty license plate that were declared unconstitutional in 2011 by the U.S. Middle District Court in Orlando, Florida.
- Removes provisions for the issuance of the Corrections Foundation license plate, the Children First license plate, and the Veterans of Foreign Wars license plate which are no longer in circulation.
- Provides for Major League Soccer to be included as part of Florida's professional sports team for specialty license plate purposes.
- Revises the identification of a motor vehicles ancient and antique status to model year instead of manufactured year and discontinues verification of the age of the engine.
- Requires the DHSMV, and their authorized agents, to provide each applicant for a motor vehicle registration or driver license the option to register emergency contact information and the option to be contacted with information about state and federal benefits available as a result of military service.
- Expands existing public record exemption for personal injury protection and property damage liability insurance policies to allow the DHSMV to provide personal injury protection and property damage liability insurance policy numbers to department approved third parties that provide data collection services to an insurer of any person involved in such accident.
- Provides that certified emergency medical technicians with proper training can administer emergency allergy treatment.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-163, Laws of Florida. The effective date of the bill is October 1, 2015.

▪ *CS/SB 7078 Child Welfare*

CS/SB 7078 addresses issues related to the child welfare system. Specifically, the bill:

- Clarifies the roles of the state and local review committees within the Child Abuse Death Review (CADR) process and imposes specific reporting requirements to address the increased volume of cases reviewed through the CADR process and better align it with the newly created Critical Incident Rapid Response Team (CIRRT) process;
- Permits the Secretary of Department of Children and Families (DCF) to deploy CIRRTs in response to other child deaths in addition to those with verified abuse and neglect in the last 12 months;
- Requires more frequent reviews and reports by the CIRRT advisory committee;
- Requires a multi-agency staffing to be convened for cases of alleged medical neglect, clarifying that the staffing shall be convened only if medical neglect is substantiated by the child protection team;
- Permits specialty plans to continue to serve children in custody of the DCF under certain conditions; and

- Implements Florida Institute for Child Welfare (FICW) interim report recommendations by clarifying legislative intent to prioritize evidence-based and trauma-informed services.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-79, Laws of Florida and the provision took effect July 1, 2015.

▪ *HB 7109*
Florida Public Service Commission

This bill:

- Establishes term limits for persons appointed to serve on the Public Service Commission (PSC);
- Requires a person who lobbies the Public Service Commission Nominating Council to register as a legislative lobbyist pursuant to s. 11.045, F.S., and comply with the provisions of that section;
- Requires PSC commissioners to annually complete four hours of ethics training;
- Expands the prohibition on ex parte communications to communications in a proceeding affecting substantial interests which a commissioner knows or reasonably expects will be filed within 180 days after the date of the communication;
- Expands the prohibition on ex parte communications to include certain communications at scheduled and noticed open public meetings of educational programs and conferences of regulatory agency associations;
- Authorizes the Governor to remove from office a commissioner found by the Commission on Ethics to have willfully and knowingly violated the law with respect to ex parte communications, and requires removal from office after a second such finding;
- Requires the PSC to provide live streaming on the Internet of each PSC meeting attended by two or more commissioners and at which a decision is made concerning the rights or obligations of any person;
- Requires the PSC to place on its website a recording of each meeting, workshop, hearing, or proceeding;
- Prohibits a regulated electric utility from charging a higher rate under a tiered rate structure due to an increase in usage attributable to a billing cycle extension;
- Establishes limits on the deposit amount that a regulated electric utility may require from a customer;
- Requires a regulated electric utility to notify each customer of all available rates and to provide good faith assistance to the customer in selecting the best rate;
- Requires new and amended tariffs of regulated electric utilities to be approved by vote of the PSC, except for administrative changes, unless otherwise provided by law;
- Specifies that moneys received for implementation of measures to encourage demand-side renewable energy systems must be used solely for that purpose, including administrative costs of such measures;
- Creates a financing mechanism by which an investor-owned electric utility, subject to the terms of a PSC order approving the use of such mechanism, may recover certain costs associated with the premature retirement of a nuclear power plant if the PSC finds that the utility's use of the financing mechanism will avoid or significantly mitigate rate impacts to customers as compared with traditional methods of recovery for such costs.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-129, Laws of Florida and the provisions took effect July 1, 2015.

- ***HB 7035***
  Presidential Preference Primary

The presidential preference primary (primary) is an election for Florida's major political parties to determine which party candidates should be nominated at the parties' national conventions to be their presidential candidates in the November general election. Current Florida law requires the primary to be held on the first Tuesday that the rules of the major political parties provide for state delegations to be allocated without penalty.

The bill requires the primary to be held on the third Tuesday in March in each presidential election year, which is later than it has been.

This bill was signed into law on March 19, 2015 as Chapter No. 2015-5, Laws of Florida and the provisions took effect on that date.

Public Records & Public Meetings

- ***HB 7***
  Public Records/Claim Settlement on Behalf of Minor or Ward

Litigation settlement agreements in guardianship cases routinely include a provision that the terms will be held in confidence by all parties. Because an adult may settle a lawsuit without court approval, those confidentiality clauses are effective and enforceable. However, a minor cannot settle a case valued in excess of $15,000 without court approval. The court approval process requires a petition setting forth the terms of the settlement. An order is eventually entered that may also contain the terms of settlement, or may refer to the petition. The petition and the order are part of a court file, and therefore are a matter of public record and open for inspection under current law.

The bill amends the guardianship law to provide that the petition requesting permission for settlement of a claim, the order on the petition, and any document associated with the settlement are confidential and exempt from public records requirements. The court may order partial or full disclosure of the confidential and exempt record upon a showing of good cause.

It provides a statement of public necessity as required by the State Constitution and provides that the exemption will took effect on the same date as House Bill 5 or similar legislation if such legislation is adopted in the same legislative session, or an extension thereof, and becomes law.

This bill was signed into law on June 2, 2015 as Chapter No. 2015-84, Laws of Florida and the provision took effect on that date.

- ***SB 144***
  Public Records/Impaired Practitioner Consultants (IPC)

The bill creates a new public records exemption for the identification and location information of current or former IPC who are retained by an agency, current or former employees of an IPC whose duties result in a determination of a person's skill and safety to practice, and the spouses and children of both. Currently, the contracted IPC are corporate entities.

The bill makes the following information exempt from public records requirements:

- The home addresses, telephone numbers, dates of birth, and photographs of current and former IPC and their employees;
- The names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children such IPC or their employees; and
- The names and locations of schools and day care facilities attended by the children of such IPC or their employees.

The bill provides that the exemption may be maintained only if the IPC or employee has made reasonable efforts to protect such information from being accessible through other means available to the public.

The exemption is subject to an existing general requirement that if exempt information is held by an agency that is not the employer of the protected agency personnel, then the protected agency personnel must submit to that agency a written request to maintain the public records exemption.

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

This bill was signed into law on May 21, 2015 as Chapter No. 2015-37, Laws of Florida and the provision took effect on that date.

▪ *HB 185 Public Records/Active Duty Servicemembers and Families*

Current law provides a public records exemption for certain identification and location information of certain federal attorneys, judges, and magistrates, and their spouses and children. It does not provide a public records exemption for active duty servicemembers of the United States Armed Forces, Reserve Forces, or National Guard.

The bill creates a public records exemption for the identification and location information of current or former active duty servicemembers of the U.S. Armed Forces, Reserve Forces, or National Guard who served after September 11, 2001, and their spouses and dependents. In order for the exemption to apply, the current or former servicemember must submit to the custodial agency a written request and a written statement that reasonable efforts had been made to protect the identification and location information from being accessible through other means available to the public.

It defines the term "identification and location information" to mean the:

- Home address, telephone number, and date of birth of a servicemember, and the telephone number associated with a servicemember's personal communication device;
- Home address, telephone number, date of birth, and place of employment of the spouse or dependent of such servicemember, and the telephone number associated with such spouse's or dependent's personal communication device; and
- Name and location of the school attended by the spouse, or the school or day care facility attended by the dependent of such servicemember.

The bill provides for retroactive application of the public records exemption. The bill takes effect upon becoming law.

This bill was signed into law on June 2, 2015 as Chapter No. 2015-86, Laws of Florida and the provision took effect on that date.

▪ *CS/SB 200 Public Records/E-mail Addresses/Tax Notices*

CS/SB 200 creates an exemption from the public records laws for e-mail addresses of taxpayers held by tax collectors for the purposes of e-mailing tax notices or obtaining permission from the taxpayer to do so. Current law does not provide an exemption for e-mail addresses held for such purposes.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-13, Laws of Florida and the provision took effect July 1, 2015.

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

The bill creates s. 119.071(2)(l), F.S., which creates a public records exemption for a body camera recording made by a law enforcement officer. As defined in the bill a "body camera" is a portable electronic recording device that is worn on a law enforcement officer's body and that records audio and video data in the course of the officer performing his or her official duties and responsibilities.

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

- Within the interior of a private residence;
- Within the interior of a facility that offers health care, mental health care, or social services;
- At the scene of a medical emergency involving a death or involving an injury that requires transport to a medical facility; or
- In a place that a reasonable person would expect to be private.

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

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

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

The bill provides that, in addition to any other grounds the court may consider in determining whether to order that a body camera recording be disclosed, the court must consider whether:

- Disclosure is necessary to advance a compelling interest;
- The recording contains information that is otherwise exempt or confidential and exempt under the law;
- The person requesting disclosure is seeking to obtain evidence to determine legal issues in a case in which the person is a party;
- Disclosure would reveal information regarding a person that is of a highly sensitive personal nature;
- Disclosure may cause reputational harm or jeopardize the safety of a person depicted in the recording;
- Confidentiality is necessary to prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice;
- The recording could be redacted to protect privacy interests; and
- There is good cause to disclose all or portions of a recording.

In any proceeding regarding the disclosure of a body camera recording, the law enforcement agency that made the recording must be given reasonable notice of hearings and an opportunity to participate.

A law enforcement agency must retain a body camera recording for at least 90 days. Generally, records retained by law enforcement agencies are governed by statutes and rules promulgated by the Department of State, Division of Library Services. Currently, public records may be destroyed in accordance with the retention schedules established by the Division of Library Services. This language will require law enforcement to retain these recordings for a minimum amount of time but does not otherwise supersede the retention and destruction schedule established by the Division of Library Services.

The exemption applies retroactively. It does not supersede any other exemption existing prior to or created after the effective date of this exemption. Those portions of a body camera recording that are protected from disclosure by another exemption continue to be exempt or confidential and exempt.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-41, Laws of Florida and the provision took effect July 1, 2015.

▪ *HB 467 Public Records/Human Trafficking Victims*

Currently, s. 119.071(2)(h), F.S., makes specified criminal intelligence information or criminal investigative information confidential and exempt from public records requirements. Similarly, s. 943.0583, F.S., provides a public records exemption for criminal history records of a human trafficking victim that have been ordered expunged.

This bill, which is linked to the passage of HB 465, amends s. 119.071(2)(h), F.S., to expand the types of criminal intelligence and criminal investigative information that are confidential and exempt from public records requirements to include:

- Any information that reveals the identity of a person under the age of 18 who is the victim of a crime of human trafficking for labor or services proscribed in s. 787.06(3)(a), F.S.;
- Any information that may reveal the identity of a person who is the victim of a crime of human trafficking for commercial sexual activity proscribed in s. 787.06(3)(b), (d), (f), or (g), F.S.; and
- A photograph, videotape, or image of any part of the body of a victim of a crime of human trafficking involving commercial sexual activity proscribed in s. 787.06(3)(b), (d), (f), or (g), F.S.

The bill also amends s. 943.0583, F.S., making the above-described criminal intelligence and criminal investigative information confidential and exempt from public records requirements under the section providing expunction for human trafficking victims.

The bill authorizes release of the confidential and exempt information by a law enforcement agency in certain instances. It also provides for retroactive application of the public records exemptions.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-145, Laws of Florida and the provisions took effect July 1, 2015.

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

This bill, which is linked to the passage of HB 465, creates public record exemptions for information about the location of safe houses, safe foster homes, other residential facilities serving child victims of sexual exploitation, and residential facilities serving adult victims of human trafficking involving commercial sexual activity. Specifically, the bill provides that the information regarding the location of these facilities that is held by an agency is confidential and exempt from public record requirements. However, the bill allows this information to be provided to any agency in order to maintain health and safety standards and to address emergency situations.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-147, Laws of Florida and the provisions took effect July 1, 2015.

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

CS/CS/SB 646 creates a public records exemption for specified personal financial and health information of a consumer relating to an ABLE account or a participation agreement or any information that would identify a consumer held by the Florida Prepaid College Board, Florida ABLE Inc., Florida ABLE program, or an

agent or service provider of these entities. The bill defines a consumer as a party to a participation agreement, which would be under the Florida ABLE Program.

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

This bill was signed into law on May 21, 2015 as Chapter No. 2015-58, Laws of Florida and the provisions took effect on that date.

- ***CS/CS/SB 716***
  Public Records/Animal Medical Records

CS/CS/SB 716 makes animal medical records held by any state college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education confidential and exempt from public inspection and copying.

In addition, the bill makes medical records that are transferred by a records owner in connection with official business by any accredited state college of veterinary medicine confidential and exempt from disclosure. Confidential and exempt animal medical records may be disclosed to another governmental entity in the performance of its duties and responsibilities and as provided by current law governing veterinary medical records.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-62, Laws of Florida and the provision took effect July 1, 2015.

- ***HB 7005***
  OGSR/Commission for Independent Education

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

The Commission for Independent Education (commission) is created within the Department of Education. It approves applications submitted by independent postsecondary education institutions for licensure to operate in the state and to award diplomas and degrees. The commission is authorized to deny, revoke, or place on probation any license that it has granted and to investigate any suspected violation of chapter 1005, F.S., or commission rules. The results of an investigation are reported to a probable cause panel.

Current law provides a public record exemption for certain commission investigatory records. Specifically, investigatory records held by the commission in conjunction with an investigation are exempt from public record requirements for a period not to exceed 10 days after the panel makes a determination regarding probable cause. Those portions of a meeting of a probable cause panel at which exempt investigatory records are discussed are exempt from the public meeting requirements. In addition, the recording of a closed portion of a meeting and the minutes and findings of such meeting are exempt from public record requirements for a period not to exceed 10 days after the panel makes a determination of probable cause.

The bill reenacts the public record and public meeting exemptions, which will repeal on October 2, 2015, if this bill does not become law.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-159, Laws of Florida and the effective date of the bill is October 1, 2015.

- ***SB 7008***
  OGSR/Licensure Examination Questions/Board of funeral, Cemetery and Consumer Services

SB 7008 is the result of an Open Government Sunset Review (OGSR) by the Banking and Insurance Committee of the public-meeting

exemption for portions of meetings of the Board of Funeral, Cemetery, and Consumer Services ("board") at which licensure examination questions or answers are discussed. The exemption also includes the recording of the portion of the meeting that is closed for discussion of licensure examination questions or answers.

Current law provides that those portions of meetings of the board at which licensure examination questions or answers are discussed are exempt from public meetings requirements. The closed meeting must be recorded, and no portion of the closed meeting may be off the record. The recording shall be maintained by the board. The recording of a closed portion of a meeting is exempt from public record requirements. These exemptions will expire on October 2, 2015, unless reenacted. This bill repeals the scheduled expiration of the public meetings exemption and takes effect on October 1, 2015.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-71, Laws of Florida and the provisions take effect October 1, 2015.

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

SB 7010 is the result of an Open Government Sunset Review (OGSR) by the Banking and Insurance Committee of a public records exemption in s. 517.2016, F.S., for certain information held by the Office of Financial Regulation (OFR).

In 2010, the Florida Legislature enacted s. 517.2016, F.S., to create a public records exemption relating to the regulation of Securities. The Florida Securities and Investor Protection Act (Act) governs the regulation of securities transactions in Florida. The State's Office of Financial Regulation (OFR) is designated as the regulator to enforce the Act in Florida. The OFR may make investigations and examinations within or outside of Florida as it deems necessary. Section 517.2016, F.S., protects information that would reveal examination techniques or procedures used by the OFR pursuant to the Act. Such Information may be provided by the OFR to another overnmental entity having oversight or regulatory or law enforcement authority.

The exemption is scheduled to expire on October 2, 2015, unless reenacted by the Legislature. This bill continues the exemption by repealing the scheduled expiration.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-72, Laws of Florida and the provisions take effect October 1, 2015.

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

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

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

The bill reenacts the public record exemption, which will repeal on October 2, 2015, if this bill does not become law. It also transfers the public record exemption to the Florida Public Transit Act.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-160, Laws of Florida and the effective date of the bill is October 1, 2015.

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

SB 7012 is the result of an Open Government Sunset Review (OGSR) by the Banking and Insurance Committee of a public records exemption that makes credit history information and credit scores held by the Office of Financial Regulation (OFR) confidential and exempt from public-records requirements. The OFR licenses and regulates loan originators (non-depository mortgage brokers and mortgage lenders). Applicants for initial licensure or renewal of a license must meet minimum requirements in order to demonstrate character, financial responsibility, and general fitness, as required by the federal SAFE Mortgage Licensing Act of 2008. As part of this licensure process, an applicant must authorize the release of an independent credit report and credit score to the OFR.

Pursuant to the Open Government Sunset Review Act, the exemption will repeal on October 2, 2015, unless reenacted by the Legislature. This bill continues the exemption.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-73, Laws of Florida. This act shall take effect October 1, 2015.

- ***SB 7016***
  OGSR/Minor Identifying Information

SB 7016 continues an existing public record exemption. The exemption makes confidential and exempt information that might be used to identify a minor petitioning for a judicial waiver of parental notice under the Parental Notice of Abortion Act. The exemption protects from disclosure any identifying information held by the office of criminal conflict and civil regional counsel or the Justice Administrative Commission. These offices are in possession of the information when either the office of criminal conflict and civil regional counsel represents the minor in a court proceeding. The Justice Administrative Commission may possess this information as a result of it processing payments for a court-appointed private attorney who represents the minor.

The original exemption was enacted in 2010 and is scheduled for repeal on October 2, 2015, unless continued by the Legislature.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-74, Laws of Florida. This act shall took effect October 1, 2015.

- ***SB 7032***
  Public Records/Reports of a Deceased Child

SB 7032 continues and amends the current public records and public meetings exemptions for certain identifying information held by the State Child Abuse Death Review Committee or a local child abuse death review committee to reflect changes to the child welfare laws enacted during the 2014 Session.

Specifically, the bill extends the exemption to cases where the death was determined not to be the result of abuse or neglect and limits the exemption for cases involving verified abuse or neglect. Identifying information related to deaths from verified abuse or neglect, with the exception of surviving siblings, is now posted on the Child Fatality Prevention Website of the Department of Children and Families. As such, confidentiality under s. 383.412, F.S., is no longer warranted for other family members or others living in the home. The bill also authorizes release of confidential information to a governmental agency in furtherance of its duties or a person or entity for research or statistical purposes.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2020, unless reviewed and reenacted by the Legislature.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-77, Laws of Florida and the act took effect on that date.

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

CS/SB 7034 is the result of an Open Government Sunset Review conducted by the Ethics and Elections Committee. It continues the "voter stalking exemption" that the Legislature adopted in 2010, exempting from public records disclosure the names, addresses, and telephone numbers of voters and voter registrants who participate in the Attorney General's Address Confidentiality Program for Victims of Domestic Violence.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-78, Laws of Florida. This act shall take effect October 1, 2015.

- ***CS/CS/SB 7040***
  Public Records/E-mail Addresses/Department of Highway Safety and Motor Vehicles

CS/CS/SB 7040 creates a new exemption from the public records inspection and access requirements of Art. I, s. 24(a) of the State Constitution and s. 119.07(1), F.S., for certain customer e-mail addresses held by the Department of Highway Safety and Motor Vehicles (DHSMV). Specifically, the bill creates an exemption for e-mail addresses collected by the DHSMV for conducting driver license and motor vehicle record transactions.

The bill provides for repeal of the exemption on October 2, 2020, unless reviewed and reenacted by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2020, unless reviewed and reenacted by the Legislature.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-32, Laws of Florida. This act shall take effect July 1, 2015.

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

The bill creates a public records exemption related to investigations of violations of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act. Information held by an investigative agency during an investigation of RICO Act violations is generally confidential and exempt from a public records request.

The bill provides that the exemption will took effect on the same date as HB 7059 or similar legislation if such legislation is adopted in the same legislative session, or an extension thereof, and becomes law.

This bill was signed into law on June 2, 2015 as Chapter No. 2015-99, Laws of Florida. This act took effect July 1, 2015.

2015
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Post-Session Report

Construction, Environment, Growth Management & Real Property

Construction

- ***HB 87***
  Construction Defect Claims

The bill updates the current procedure for filing a notice of construction defect claim.

It also:

- includes a "temporary" certificate of occupancy in the definition of "completion of a building or improvement" in ch. 558, F.S., relating to construction defects, in ch.718, F.S., relating to warranties for condominiums, and in ch. 719, F.S., relating to warranties for cooperatives;
- requires that the notice of claim identify the location of each construction defect, based upon at least a visual inspection, sufficiently to enable the responding party to locate the alleged defect without undue burden. A claimant is not required to perform destructive or other testing before providing a notice of claim;
- requires that the contractor's response to a notice of claim indicate whether he or she is willing to make repairs, settle the claim with a monetary offer, or both, whether the contractor disputes the claim and whether the contractor's insurer will cover the claim;
- clarifies that providing a copy of the notice of claim to an insurance company does not constitute a claim for insurance purposes unless provided for under the terms of the contractor's insurance policy; and
- adds "maintenance records" and other documents to those records to be exchanged by the claimant with the contractor related to the defect claim. However, a party does not have to disclose privileged documents or records.

This bill was signed into law on June 16, 2015 as Chapter 2015-165, Laws of Florida and the provisions take effect October 1, 2015.

CS/CS/SB 766
Surveillance by a Drone

CS/CS/SB 766 generally prohibits a person, state agency, or political subdivision from using a drone to record an image of privately owned real property of the owner, tenant, occupant, invitee, or licensee of such property with the intent to conduct surveillance on the individual or property, if reasonable expectations of privacy exist without that individual's written consent. The bill provides a definition of the term surveillance.

However, the bill also allows limited exceptions to the prohibition. A person or entity engaged in a business or profession licensed by the state, may use a drone to perform reasonable tasks within the scope of his or her license. Additionally, tax collectors may use drones for assessing property for ad valorem taxes. Lastly, a drone may be used to capture images by or for an electric, water, or natural gas utility.

The bill authorizes an aggrieved party to initiate a civil action and obtain compensatory damages or injunctive relief against a person, state agency, or political subdivision that violates the bill's prohibitions on using drones. This remedy may result in monetary damages, which may have an indeterminate negative fiscal impact on state and local governments.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-26, Laws of Florida and the provisions took effect July 1, 2015.

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

CS/CS/SB 778 prohibits any local laws that give preference to a local contractor in circumstances involving a competitive solicitation for construction services in which 50 percent or more of the cost will be paid from state-appropriated funds. The bill requires a state agency or subdivision subject to this law to disclose whether payment will be made from state-appropriated funds and the percentage of such funds compared to the total cost, if known.

The bill does not prohibit the application of a local preference in a competitive solicitation for construction services in which less than 50 percent of the cost will be paid from state-appropriated funds.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-63, Laws of Florida. This act took effect July 1, 2015.

- ***HB 1151***
  Residential Master Building Permit Programs

The bill creates s. 553.794, F.S., which provides that if a local building code administrator licensed pursuant to ch. 468, Part XII, F.S., receives a written request from a general, building, or residential contractor licensed pursuant to ch. 489, F.S., requesting the creation of a master building permit program, the local government that employs the recipient building code administrator shall create a residential master building permit program within 6 months of receipt of the written request. The program is designed to achieve standardization and reduce the time spent by local building departments during the site-specific building permit application process.

In order to obtain a master building permit, builders must submit certain documents, including a general construction plan, to the local building department for review and approval. The local building department must review the general construction plan to determine compliance with the building code and approve or deny the master building permit application within 120 days after receiving a complete application.

If the master building permit application is approved, the builder shall receive a master building permit and permit number. To build one of the buildings approved under the master building permit, the builder must apply for a site-specific building permit and include the master building permit number with the application. The builder may submit the master building permit number an unlimited number of times with the site-specific building permit applications so long as the builder uses the model design contained in the master building permit and the permit is valid. Approved master building permits are valid until the Florida Building Code is updated as provided in s. 553.73, F.S.

The governing bodies of local governments shall set fees pursuant to s. 553.80(7), F.S.

A builder or design professional who willfully violates this provision shall be fined $10,000 for each dwelling or townhome built under the master building permit that does not conform to the master building permit on file with the local building department.

The bill permits local government to adopt procedures to provide master building permit program guidelines and requirements.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-156, Laws of Florida and the provisions took effect July 1, 2015.

Environment

- ***HB 787***
  Recycled and Recovered Materials

Under current law, the following persons can be held liable for all costs of removal or remedial action incurred by the Department of Environmental Protection (DEP) and damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from the release or threatened release of a hazardous substance:

- Owners and operators of a facility;
- Persons who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substance was disposed of;
- Any person who by contract arranged for the disposal of a hazardous substance; and
- Any person who accepts or has accepted any hazardous substances for transport to disposal or treatment facilities or sites.

- These persons may only use the defenses available in the statutes. To avoid liability persons must plead and prove the occurrence was solely the result of an act of war, act of government, act of God, or an act or omission of a third party.

The bill:

- Provides that a person who sells, transfers, or arranges for the transfer of recycled and recovered materials to a facility owned or operated by another person for the purpose of reclamation, recycling, manufacturing, or reuse of such materials is relieved from liability for hazardous substances released or threatened to be released from the receiving facility;
- Creates an exception or limitation to the relief from liability if the person arranging for the transfer of the recycled material fails to exercise reasonable care with respect to the management and handling of the material, or if the recycling of such materials was not expected to be "legitimate" based on the information generally available to the person at the time of the arrangement;
- Defines "recycled and recovered materials" to include scrap paper; scrap plastic; scrap glass; scrap textiles; scrap rubber, other than whole tires; scrap metal; or spent lead-acid or nickel-cadmium batteries or other spent batteries; and
- States that the newly created defense applies to causes of action accruing on or after July 1, 2015, and applies retroactively to causes of action accruing before July 1, 2015, for which a lawsuit has not been filed.

This bill was signed into law on June 11, 2015 as Chapter 2015-150, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 7081 Ratification of Rules/Minimum Flows & Levels and Recovery & Prevention*

The Department of Environmental Protection (DEP) or the five water management districts (WMDs) are required to establish minimum flows for surface watercourses and minimum levels for groundwater and surface waters within each district. "Minimum flow" is the limit at which further water withdrawals from a given watercourse would significantly harm the water resources or ecology of the area. "Minimum level" is the level of groundwater in an aquifer or the level of a surface waterbody at which further withdrawals will significantly harm the water resources of the area.

For waterbodies that are below their minimum flows and levels (MFLs) or are projected to fall below them within 20 years, the WMDs are required to implement a recovery or prevention strategy, which includes the development of additional water supplies and other actions to achieve recovery to the established MFL as soon as practicable or prevent the existing MFL from falling below the established MFL. The recovery or prevention strategy must include phasing or a timetable that will allow for the provision of sufficient water supplies for all existing and projected reasonable-beneficial uses, including development of additional water supplies and implementation of conservation and other efficiency measures concurrent with, to the extent practical, and to offset, reductions in permitted withdrawals.

In June 2013, the Suwannee River Water Management District (SRWMD) governing board requested that DEP adopt MFLs it proposed for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs. The decision was based on the technical work conducted for the proposed MFLs by SRWMD staff, and the potential for cross-basin impacts originating outside of the SRWMD. SRWMD staff had also assessed the streamflows observed in the recent historical record and recent trends in the flow regime, and determined that a recovery strategy was required.

On March 7, 2014, DEP proposed rule 62-42.300, F.A.C., establishing MFLs for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs, as well as regulatory

flow recovery provisions. The proposed rule was estimated to have an economic impact in excess of $1 million over 5 years. If an agency rule meets that economic threshold, current law requires legislative ratification of the rule before it can took effect. However, an agency rule may not be ratified by the Legislature until it has been adopted by the agency. On April 8, 2014, the DEP filed a Notice of Change modifying the proposed rule. A challenge to the proposed rule was filed in the Department of Administrative Hearings, suspending rule adoption until after adjournment of the 2014 Regular Session of the Legislature. Because it was critical, according to DEP, for the rule to took effect as soon as possible, the Legislature passed HB 7171 (2014) which exempted the proposed rule from the ratification requirement.

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.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-128, Laws of Florida. The rule has an effective date upon becoming law.

HB 7083
Ratification of Rules/Construction & Demolition Debris Disposal and Recycling/DEP

On January 26, 2015, the Florida Department of Environmental Protection (FDEP) filed for adoption amendments to Rule 62-701.730, F.A.C., "Construction and Demolition Debris Disposal and Recycling." The solid waste rule requires liners and leachate collection systems for new or expanding construction and demolition debris facilities that are not able to demonstrate a liner is not needed. FDEP adopted these amendments to conform to changes made by the Legislature in 2010 to the solid waste permitting statute.

A rule meeting that threshold cannot become effective unless ratified by the Legislature.

The bill ratifies Rule 62-701.730, authorizing the rule to go into effect. The scope of the bill is limited to this rulemaking condition and does not adopt the substance of any rule into the statutes.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-164, Laws of Florida and the provisions took effect July 1, 2015.

Growth Management

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

CS/CS/HB 41 relates to identifying, inspecting, and correcting hazardous walking conditions on roads students walk along or cross in order to walk to school. The current statute applies to elementary school students through grade 6 living within a 2 mile radius of a school. Currently, the law states the intent is for the condition to be corrected within a reasonable time, but does not require entities with jurisdiction over a road with an identified hazardous walking condition to correct the condition. The bill:

- Requires district school boards and other governmental entities to cooperate to identify hazardous walking conditions;
- Requires the entity with jurisdiction over the road to correct the hazardous condition within a reasonable time;
- Requires the entity with jurisdiction over the road to include correction of a hazardous condition in its next annual 5-year capital improvements program or provide a statement of the factors justifying why a correction is not so included;
- Revises the criteria identifying hazardous walking conditions for walkways parallel to the road;
- Creates a new hazardous walking condition category, "crossings over the road";
- Requires additional parties to participate with the representatives of the school district

and entity with jurisdiction over the road in inspecting the walking condition and determining whether it is hazardous;

- Provides the district school board, after notice, may initiate a declaratory judgment proceeding if the local governmental entities cannot agree whether the condition is hazardous;
- Provides a hazardous walking condition determination may not be used as evidence in a civil action for damages against a governmental entity; and
- Provides that interlocal agreements may be used to identify and correct hazardous walking conditions.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-101, Laws of Florida. These provisions took effect July 1, 2015.

▪ *HB 257*
Freight Logistics Zones

The bill creates s. 311.103, F.S., defining a freight logistics zone as a grouping of activities and infrastructure associated with freight transportation and related services within a defined area, and allows a county, or two or more contiguous counties to designate a freight logistics zone, which must include a strategic plan. Projects within freight logistics zones, which are consistent with the Department of Transportation's (DOT) Freight Mobility and Trade Plan, may be eligible for priority in state funding and certain incentive programs. Currently, freight logistics zones are not defined or designated.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-106, Laws of Florida and the provisions took effect July 1, 2015.

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

CS/CS/SB 278 authorizes a municipality with a population of more than 400,000 within a county defined in s. 125.011(1), F.S., to levy an ad valorem tax on all real and personal property in a downtown development district of up to 0.475 mill. The 0.475 mill is included within the municipality's regular ad valorem taxes and special assessments. In total, the municipality's millage may not exceed the 10 mills allowed under the Florida Constitution for municipal purposes.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-43, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 383*
Private Property Rights

The bill creates a cause of action to recover damages for landowners where local and state governmental entities impose conditions that rise to the level of prohibited, and therefore unconstitutional, exactions. Plaintiffs under the cause of action will be required to provide pre-suit notice to the governmental entity to allow an opportunity to explain or correct the prohibited exaction without need for further litigation. If the suit is necessary, the bill requires the governmental entity to prove the exaction complies with the standards set by the U.S. Supreme Court while the property owner must prove damages from the prohibited exaction.

The bill clarifies the measure of damages recoverable under the cause of action and provides for injunctive relief, and it allows recovery of costs and attorney fees. Governmental entities may recover attorney fees and costs if they prevail. Finally, impact fees and non-ad valorem assessments are exempt from the bill, and sovereign immunity is waived to the extent of damages assessed under the new cause of action.

The bill also amends the Bert J. Harris, Jr., Private Property Rights Protection Act to provide that only those property owners whose real property is the subject of and directly impacted by the action of a governmental entity may bring suit under the Act, and it provides that the Act's safe harbor provisions for settlement agreements between a property owner and governmental entity apply regardless of when the settlement agreement was entered. In

addition, actions taken by counties to adopt Federal Emergency Management Agency flood maps for the purpose of participating in the National Flood Insurance Program are not subject to claims under the Act, with certain exceptions.

The fiscal impact of the bill on state and local governments is indeterminate.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-141, Laws of Florida. The effective date of the bill is October 1, 2015.

▪ *HB 359*
Miami-Dade County Lake Belt Area

The Miami-Dade County Lake Belt Area (Lake Belt) encompasses 77.5 square miles of environmentally sensitive land at the western edge of the Miami-Dade County urban area. The Lake Belt contains deposits of limestone and sand suitable for production of construction aggregates, cement, and road base materials. Rock mined from the Lake Belt supplies one half of the limestone used annually in Florida.

Under current law, the mining companies operating in the Lake Belt must pay a combination of fees based on the number of tons of limestone or sand extracted from the area. The fees are used to conduct wetland mitigation activities, fund seepage mitigation projects, and fund water treatment plant upgrades.

The bill includes the following revisions to the Lake Belt statutes:

- Requires amendments to local zoning and subdivision regulations so that properties located within one mile of the Lake Belt are compatible with limestone mining activities. Further, the bill prohibits amendments to local zoning and subdivision regulations that would result in an increase in residential density in certain parts of the Lake Belt until active mining operations cease within two miles of the property.
- Reduces the mitigation fees from 45 cents per ton to 25 cents per ton beginning January 1, 2016, to 15 cents per ton beginning January 1, 2017, and to 5 cents per ton beginning January 1, 2018. The reason for the mitigation fee reduction is because there are sufficient funds in the Lake Belt Mitigation Trust Fund to cover the cost of projected mitigation requirements.
- Requires proceeds from the mitigation fee to be used to conduct water quality monitoring to ensure the protection of water resources within the Lake Belt.
- Removes the requirement that the South Florida Water Management District use the water treatment plant upgrade fee to pay for seepage mitigation projects, and returns the proceeds collected from the fee to Miami-Dade County.
- Reduces the water treatment upgrade fee from 15 cents to 6 cents per ton of limerock and sand sold. This fee will expire on July 1, 2018. The Department of Revenue must transfer 2 cents per ton of this fee, not to exceed $300,000, to fund a study by the State Fire Marshall to review the established statewide ground vibration limits for construction materials mining activities and to review any legitimate claims paid for damages caused by such mining activities.
- Requires Miami-Dade County to provide the House and Senate:
- A detailed accounting of the water treatment plant upgrade fees collected and all expenditures of those fees; and
- A detailed report on all pathogen data collection and analyses related to the Northwest Wellfield and the planning and engineering studies undertaken to upgrade any water treatment plant to provide treatment for pathogens in water from the Northwest Wellfield.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-140, Laws of Florida. The effective date of this bill is July 1, 2015.

▪ *SB 408*
Areas for Skateboarding, Inline Skating, Paintball, or Freestyle or Mountain and Off-roading Bicycling

SB 408 eliminates the requirement that a governmental entity obtain a consent form from the parent of a child who utilizes a public skate park or area set aside for skateboarding, inline skating, or freestyle bicycling as a condition of limiting the governmental entity's liability for damages or injuries. However, under the bill and current law, the governmental entity can be liable for gross negligence or for failing to guard against or warn of dangerous conditions that are not apparent, regardless of whether a parental consent form is obtained.

The bill preserves immunity for governmental entities by eliminating the requirement for governmental entities to collect written parental consent forms prior to allowing a child under 17 years of age to utilize a designated area for skateboarding, inline skating, and freestyle bicycling.

It does not change the existing requirement for immunity that governmental entities collect written parental consent forms prior to allowing a child under 17 to utilize an area designated for paintball and mountain or off-road bicycling.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-48, Laws of Florida and the bill took effect July 1, 2015.

▪ *CS/CS/SB 1216*
Community Development

Sinkholes

The bill amends s. 163.08, F.S., to allow supplemental authority for financing sinkhole-related improvements to real property. The bill establishes a finding of a compelling state interest in providing local government assistance that enables property owners to finance qualified improvements to property damaged by sinkhole activity. It expands the definition of "qualifying improvement" to include stabilization or other repairs to property damaged by sinkhole activity. It also provides that a sinkhole-related qualifying improvement is deemed affixed to a building or facility; and provides that a disclosure statement to that effect be given to a prospective purchaser of the property.

The bill amends s. 163.340, F.S., to add certain sinkhole activity to the list of factors that define a "blighted area." Specifically, the definition is expanded to account for land that has a "substantial number or percentage of properties" that have been damaged by sinkhole activity and have not been adequately repaired or stabilized. Thus, the bill would enable a CRA focused on redeveloping land with properties damaged by sinkholes to establish a community redevelopment trust fund that is funded through TIF.

Military Bases

The bill repeals s. 163.3175(9), F.S., requiring a local government and certain other parties to enter into mediation if the local government does not address the compatibility of lands adjacent to military installations in its future land use plans. All local governments adjacent to military installations have already completed this task.

DRI's

It amends s. 163.3184, F.S., to require a comprehensive plan amendment related to a development that qualifies as a DRI pursuant to s. 380.06, F.S., to be reviewed under the State Coordinated Review Process (the long-form process) and not have to go through the DRI process.

The bill amends s. 380.06, F.S., to provide that new developments will not be subject to the DRI review requirements provided by s. 380.06, F.S. However, already existing developments of regional impact will continue to be governed by s. 380.06, F.S. and repeals the requirement that an RPC notify a local government if it does not receive a biennial report from a developer related to a DRI.

Sector Plans

The bill amends s. 163.3245, F.S., to update the sector plan law. The bill clarifies that the

planning standards of s. 163.3245(3)(a), F.S., concerning long-term master plans, supersede generally applicable planning standards elsewhere in ch. 163, F.S.

The bill also clarifies that the planning standards of s. 163.3245(3)(b), F.S., concerning DSAPs, supersede generally applicable planning standards elsewhere in ch. 163, F.S.

The bill allows conservation easements associated with a long-term master plan or a DSAP to be based on digital orthophotography prepared by a surveyor and mapper licensed under ch. 472, F.S., and may include a right of adjustment authorizing the developer, with the consent of the local government, to modify portions of the area protected by the easement to substitute other lands by recording an amendment to the conservation easement. The bill requires that those substitute lands:

- Contain no less gross acreage than the lands to be removed;
- Have equivalent values in the proportion and quality of wetlands, uplands, and wildlife habitat; and
- Be contiguous to other lands protected by the easement.

The bill requires the applicant for a DSAP to transmit copies of the application to the reviewing agencies specified in s. 163.3184(1)(c), F.S., or their successor agencies,104 for review and comment as to whether the DSAP would be consistent with the comprehensive plan and the long-term master plan. Any comments from those reviewing agencies must be submitted in writing to the host local government within 30 days after the applicant's transmittal of the application.

It authorizes the DEP, the Fish and Wildlife Conservation Commission, or the WMD to accept wetland or upland preservation lands previously designated as conservation lands in relation to the development of a sector plan for the purposes of compensatory mitigation related to permitting under chs. 373 or 379, F.S., without considering that those lands are already encumbered by a previously recorded conservation easement.

The bill clarifies that neither a long-term master plan nor a DSAP limits the right to establish new agricultural or silvicultural uses that are consistent with the sector plan.

It authorizes an applicant with an approved master development order to request that the applicable WMD issue a CUP for the same period of time as the approved master development order.

The bill states that the more specific provisions of s. 163.3245, F.S., shall supersede the generally applicable provisions of ch. 163, F.S., which would otherwise apply. However, the bill clarifies that the sector plan law does not preclude a local government from requiring data and analysis beyond the minimum criteria it establishes.

The bill amends s. 373.236, F.S., to authorize a WMD to issue a permit to an applicant for the same time period as the applicant's approved master development order if the order was issued subject to the following requirements:

- It was issued by a county which, at the time the order was issued, was designated as an RAO pursuant to s. 288.0656, F.S.;
- It was not located in an area encompassed by a regional water supply plan as set forth in s. 373.709(1), F.S.; and
- It was not located within the BMAP of a first magnitude spring.

In reviewing the permit application, the WMD must apply the permitting criteria in s. 373.223, F.S., based on the projected population and approved densities and intensities of use and their distribution in the master development order. However, the WMD may phase in the water allocation over the duration of the permit to correspond to actual projected needs. This subsection does not supersede the public interest test established in s. 373.223, F.S.

Pasco Connected-City Corridor Pilot Project

The bill amends s. 163.3246, F.S., to provide legislative intent to:

- Encourage the creation of connected-city corridors that facilitate the growth of high-technology industry and innovation through partnerships that support research, marketing, workforce and entrepreneurship.
- Provide for a locally controlled, comprehensive plan amendment process for such projects that are designed to:
    - Achieve a cleaner, healthier environment;
    - Limit urban sprawl by promoting diverse but interconnected communities;
    - Provide a range of intergenerational housing types;
    - Protect wildlife and natural areas;
    - Assure the efficient use of land and other resources;
    - Create quality communities of a design that promotes alternative transportation networks and travel by multiple transportation modes; and
    - Enhance the prospects for the creation of jobs.

It includes a legislative finding and declaration that this state's connected-city corridors require a reduced level of state and regional oversight because of their high degree of urbanization and the planning capabilities and resources of the local government.

The bill creates a 10-year pilot project in Pasco County for connected-city corridor plan amendments. Plan amendments may be based on a longer than normal planning period and are not required to demonstrate need based on projected population growth or any other basis.

The DEO must certify the pilot program, including the boundary of the connected-city corridor certification area, by July 15, 2015. Pasco County is required to submit an annual or biennial monitoring report to the DEO. The report must include at a minimum:

- The number of amendments to the comprehensive plan adopted by Pasco County;
- The number of plan amendments challenged by an affected person; and
- The disposition of the challenges.

If Pasco County adopts a long-term transportation network plan and financial feasibility plan then projects within the connected-city corridor are deemed to have satisfied all concurrency and transportation mitigation requirements. Projects located within the Pasco connected-city corridor are exempt from DRI review requirements.

The bill amends s. 190.005, F.S., to provide that the exclusive method of establishing a CDD of 2,000 acres or less within a connected-city corridor is by adoption of an ordinance by the county commission. The bill also exempts CDDs within both a connected-city corridor and the jurisdiction of more than one city from a requirement that the petition establishing the district be filed with the Florida Land and Water Adjudicatory Commission.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) is directed to submit a report to the Governor and Legislature by December 1, 2024, regarding the pilot project and provide recommendations for change and other local governments that should be certified to participate.

<u>Regional Planning Councils</u>

The bill repeals requirements related to an application for development approval filed by a developer proposing a project that would have been subject to review pursuant to s. 380.06, F.S., if the local government with jurisdiction over the project had not been certified to review such projects pursuant to s. 163.3246, F.S. Current law requires the developer to notify the RPC of submitting such an application to the local government. The RPC is required to coordinate with the developer and the local government to ensure that all concurrency and environmental permit requirements are met. The

bill repeals these requirements because certification program participants are few and these provisions have had little effect, according to the Florida Regional Council Association (FRCA).105

It amends s. 163.3248(4), F.S., to remove a statutory reference to RPCs related to rural land stewardship areas. The reference is unnecessary because the action it purports to authorize can be performed with or without the reference.

It amends s. 163.524, F.S., to conform a cross-reference and repeals s. 186.0201, F.S., requiring electric utilities to provide RPCs with advisory reports on their plans for electric utility substation development over the next 5 years.

It amends s. 186.505(22), F.S., to delete the duty of RPCs to establish and conduct a cross-acceptance negotiation process with local governments. According to FRCA, no council has ever been requested to perform this duty.

It creates s. 186.512, F.S., to designate 10 RPCs and their constituent counties. The Withlacoochee Regional Planning Council is dissolved and the 5 counties currently within the boundaries of that council are incorporated into 3 existing councils:

- Levy and Marion counties – North Central Florida Regional Planning Council;
- Sumter County – East Central Florida Regional Planning Council; and
- Citrus and Hernando counties – Tampa Bay Regional Planning Council.

It also provides that beginning January 1, 2016, the Governor may review and update the district boundaries of the RPCs. The bill states that, for purposes of transition from one RPC to another, the successor RPC shall apply the prior strategic regional policy plan to a local government until such time as the successor RPC amends its plan to include the affected local government within the new region.

It amends s. 186.513, F.S., to repeal the requirement that RPCs make a joint report and recommendations to the appropriate legislative committees. However, the RPCs must still make individual reports to the state land planning agency.

It amends s. 253.7828, F.S., to repeal the specific mandate that RPCs, among other state agencies, recognize the special character of the Cross Florida Greenways State Recreation and Conservation Area. This mandate is unnecessary, according to the FRCA.

It repeals s. 260.018, F.S., requiring all local governments, state agencies, and RPCs to recognize the special character of the state's greenways and trails, because this statute does not appear to be necessary.

The bill amends s. 339.135(4), F.S., to repeal language related to the 2014-2015 transportation work program that is set to expire on July 1, 2015.

It amends s. 339.155(4), F.S., to repeal the requirement that RPCs review urbanized area transportation plans and any other planning products stipulated in s. 339.175, F.S., and provide written recommendations. It also repeals the requirement that RPCs directly assist local governments that are not part of a metropolitan area transportation planning process in the development of the transportation element of their comprehensive plans. These duties can be performed without the statutory reference, making it unnecessary.

It amends s. 403.50663(2) and (3), F.S., to repeal the statutory option that an RPC hold an informational public meeting if a local government elects not to do so. The bill amends the statute to state that it is the legislative intent that local governments hold such a meeting, rather than local governments or RPCs hold the meeting.

The bill repeals s. 403.507(2)(a)5., F.S., requiring that an RPC prepare a report regarding the impacts of a proposed electrical power plant and its consistency with the strategic regional policy plan. According to the FRCA, the statutory mandate is duplicative and unnecessary.

The bill amends s. 403.508(3)(a) and (4)(a), F.S., to repeal the requirement that RPCs participate in land use and certification hearings regarding a proposed power plant facility. Several other state agencies are still required to participate.

It amends s. 403.5115(5), F.S., to repeal the requirement that an RPC publish a notice of an informational public hearing. Local governments holding a hearing are still required to publish a notice of the hearing.

The bill repeals s. 403.526(2)(a)6., F.S., requiring that RPCs prepare a report on the impacts of a proposed electrical transmission line or corridor and its consistency with the strategic regional policy plan, because the requirement is duplicative and unnecessary.

It amends s. 403.527(2)(a) and (3)(a), F.S., to repeal the requirement that RPCs participate in land use and certification hearings regarding a proposed electrical transmission line or corridor. A number of state agencies are still required to participate.

It amends s. 403.5272(2) and (3), F.S., to repeal the option that an RPC hold an informational public meeting if a local government elects not to do so. The bill amends the statute to state that it is the legislative intent that local governments hold such a meeting, rather than local governments or RPCs hold the meeting.

The bill repeals s. 403.7264(4), F.S., requiring RPCs to assist the DEP in site selection, public awareness, and program coordination related to amnesty days for purging small quantities of hazardous wastes. According to FRCA, the DEP has never asked for this assistance and the statutory direction is unnecessary.

It repeals s. 403.941(2)(a)6., F.S., requiring RPCs to present a report on the impacts of a proposed natural gas transmission pipeline or corridor and the pipeline or corridor's consistency with the strategic regional policy plan because the requirement is duplicative and unnecessary.

It amends s. 403.9411(4)(a) and (6), F.S., to repeal the requirement that RPCs participate in a certification hearing regarding siting of natural gas transmission pipeline corridors.

The bill amends s. 419.001(6), F.S., to repeal statutory authorization for a community residential home and a local government to utilize dispute resolution procedures provided by an RPC. According to FRCA, this provision has never been utilized and a community residential home and a local government could utilize the RPC for dispute resolution regardless of whether this statutory provision exists.

And finally, the bill amends s. 985.682(4), F.S., to repeal statutory authorization for the Department of Juvenile Justice and local governments to utilize dispute resolution procedures provided by an RPC. According to FRCA, this provision has never been utilized and is unnecessary to allow the department to utilize the RPC for dispute resolution services.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-30, Laws of Florida and took effect on that date.

▪ *CS/CS/CS/SB 1094 Peril of Flood/Growth Management and Insurance*

CS/CS/CS/SB 1094 requires coastal management plans to include the reduction of flood risks and losses, creates new requirements related to flood elevation certificates, and revises requirements related to flood insurance.

The bill requires local governments to include development and redevelopment principles, strategies, and engineering solutions that reduce flood risks and losses within coastal areas in their comprehensive coastal management plan.

It requires surveyors or mappers that complete an elevation certificate to submit a copy of the certificate to the Division of Emergency Management within 30 days of its completion.

The bill allows insurers to sell flexible flood insurance coverage which is defined as

coverage for the peril of flood that may include water intrusion coverage and differs from standard or preferred coverage by:

- Being in an agreed upon amount between the insurer and policyholder.
- Including a deductible as authorized in s. 627.701, F.S.
- Being adjusted in accordance with s. 627.7011(3), F.S., or adjusted only on the basis of the actual cash value of the property.
- Covering only the principal building, as defined in the policy.
- Including or excluding coverage for additional living expenses.
- Excluding coverage for personal property or contents.

The bill removes current law prohibiting a supplemental flood insurance policy from being used for excess coverage over any other insurance policy covering the peril of flood. The bill clarifies that the declarations page or face page of a flood insurance policy must prominently note the deductibles and coverage limits of the policy.

It also allows an insurer to request from the Office of Insurance Regulation a certification that acknowledges that the insurer provides a flood policy, contract, or endorsement that equals or exceeds flood coverage by the National Flood Insurance Program.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-69, Laws of Florida and the provisions took effect July 1, 2015.

▪ *CS/SB 1312*
Strategic Lawsuits Against Public Participation

CS/SB 1312 does two things:

- It adds protection of "free speech in connection with public issues" to the statute prohibiting certain strategic lawsuits against public participation (SLAPP), defining the term "free speech in connection with public issues" as any written or oral statement that is protected under applicable law and is made:
  - Before a governmental entity in connection with an issue under consideration or review by a governmental entity, or
  - In connection with the publication of a play, movie broadcast, or other similar work of art.
- It includes a person (very broad definition under Florida Law) in the prohibition against bringing a SLAPP suit and in the provisions for expedited resolution of a lawsuit claimed to be a SLAPP suit.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-70, Laws of Florida and the provisions took effect July 1, 2015.

Real Property

▪ *HB 305*
Unlawful Detention by a Transient Occupant

Florida residential property owners commonly allow relatives, friends, or acquaintances to temporarily reside in their home as guests. These residencies are often terminated when the guest voluntarily vacates the property at the time agreed or, when the guest is no longer welcome, at the direction of the property owner. However, the process of removing an unwanted guest who refuses to leave can be frustrating and costly for property owners. In the absence of a crime, where a person has established even a temporary residence in residential property, law enforcement frequently will not force the person to surrender possession of the premises without a court order.

The bill authorizes law enforcement officers to direct certain guests to surrender possession of residential property without a court order upon the filing of a sworn affidavit by the person entitled to possession of the property. Failing to

surrender possession at the direction of law enforcement constitutes a criminal trespass.

This bill was signed into law on June 2, 2015 as Chapter No. 2015-89, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 307*
Mobile Homes

The Florida Mobile Home Act (Act) regulates residential tenancies in which a mobile home is placed on a rented or leased lot in a mobile home park with 10 or more lots. The Division of Florida Condominiums, Timeshares, and Mobile Homes within the Department of Business and Professional Regulation (division) enforces the act. The bill incorporates some provisions of the Condominium Act and the Cooperative Act into the Florida Mobile Home Act and makes changes to the Mobile Home Act to address the unique tenancy aspects of mobile home ownership.

Specifically, the bill makes the following changes to the Act:

- The division is required to provide training and educational programs for board members of mobile homeowners' associations and mobile home owners;
- A mobile homeowner must comply with all building permit and construction requirements and is responsible for fines imposed for violating any local codes;
- A mobile homeowner's right to notice of a lot rental increase or reduction in services or utilities may not be waived;
- A homeowners' committee must make a written request for a meeting with the park owner to discuss a proposed lot rental increase or decrease in services or utilities or rule changes;
- A homeowner's spouse may assume an automatically renewable lease; however, this right of assumption may only be exercised once during the term of the lease;
- A member of the board of directors of the Florida Mobile Home Relocation Corporation must be removed immediately upon written request for removal from the association that originally nominated that member;
- Bylaws of a homeowners' association must include specific provisions related to meetings, voting requirements, proxies, amending the articles of incorporation and bylaws, duties of officers and directors, vacancies on the board, and recall of members on the board of directors;
- A board member must either certify that they have read the homeowners' association's organizing documents, rules, and regulations and that they will faithfully discharge their fiduciary responsibility, or complete the division's educational program within one year of taking office; and
- A homeowners' association is required to retain and make available certain specified official records.

This bill was signed into law on June 2, 2015 as Chapter No. 2015-90, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 453*
Timeshares

The Florida Vacation Plan and Timesharing Act (Act) establishes requirements for the creation, sale, exchange, promotion, and operation of timeshare plans, including requirements for full and fair disclosure to purchasers. Authority to implement these regulations has been granted to the Division of Florida Condominiums, Timeshares and Mobile Homes (Division) within the Department of Business and Professional Regulation. The bill makes the following changes to the Florida Vacation Plan and Timesharing Act:

- Provides that an ownership interest in a condominium or cooperative unit or a beneficial interest in a timeshare trust is required for such interests to qualify as timeshare estates;

- Expands the definitions of nonspecific and specific multisite timeshare plans provide that the plans may include interests other than timeshare licenses or personal property timeshare interests;
- Limits the required disclosure of public offering statements and amendments to timeshare instruments for component sites located in this state;
- Expands the limitation on liability for developers who, in good faith, attempt to and substantially comply with all the provisions of the Act;
- Requires the disclosure of unexpired lease terms in timeshare trusts;
- Repeals the requirement for judicial approval of transactions involving timeshare trust property;
- Creates a procedure for the extension or termination of certain timeshare plans;
- Creates new procedure for the transfer of reservation system and owner data when a managing entity is terminated;
- Requires all multisite timeshare plans to disclose the term of each component site plan and prominently disclose the term of component sites that are shorter than the term of the plan;
- Excludes component site common expenses and ad valorem expenses from the cap on annual increases in common expense assessments;
- Allows for substitute and replacement accommodations that are better than the existing accommodations; and
- Revises the limitations on substitute accommodations.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-143, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 643*
Termination of a Condominium Association

A condominium may be terminated at any time if the termination is approved by 80 percent of the condominium's voting interests and no more than 10 percent of the voting interests reject the termination.

It further provides that if at least 80 percent of the voting interests are owned by a bulk owner, the termination must include the following:

- Unit owners must be allowed to lease their units if the units will be offered for lease after termination;
- Any unit owner whose unit was granted homestead exemption must be paid a relocation payment;
- Unit owners must be paid at least 100 percent of the fair market value of their units;
- Dissenting or objecting owners must be paid at least the original purchase price paid for their units;
- The outstanding first mortgages of all unit owners must be satisfied in full;
- A notice identifying any person or entity that owns 50 percent or more of the units and the purchase and sale history of any bulk owners; and
- Approval by a board with at least one-third of the members elected by unit owners other than a bulk owner.

The bill also makes changes to condominium termination proceedings that are not specific to those owned by bulk owners, including:

- If 10 percent or more of the voting interests of a condominium reject a plan of termination a termination may not proceed and another termination may not be considered for 18 months;
- A condominium formed by a conversion cannot be terminated for five years, unless there are no objections to the termination;

- A plan of termination may be withdrawn under certain circumstances;
- A termination trustee may reduce termination proceeds to a unit for unpaid fines, costs, and expenses;
- Unit owners may only contest the fairness and reasonableness of the apportionment of the proceeds from the sale, that the first mortgages of unit owners will not be fully satisfied, or that the required vote was not obtained;
- An arbitrator may void a plan of termination if it determines that the plan did not apportion the sales proceeds fairly and reasonably, that the plan was not properly approved, or that the procedures to adopt the plan were not properly followed.

This bill was signed into law on June 16, 2015 as Chapter No. 2015-175, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 779 Rental Agreements*

Tenants are often unaware that they are renting a home in foreclosure, sometimes first discovering the foreclosure when facing a 24-hour notice of eviction. From 2009 through 2014, a federal law required the purchaser at a foreclosure sale to give a bona fide tenant at least 90 days' notice of eviction from a foreclosed home.

This bill provides that a bona fide tenant must be given at least 30 days' notice of eviction from a foreclosed home, provides a form for such notice, prohibits the purchaser at a foreclosure sale from violating the prohibited practices applicable to residential landlords, and allows the purchaser at the foreclosure sale to assume the prior lease.

This bill was signed into law on June 2, 2015 as Chapter No. 2015-96, Laws of Florida and was effective on that date.

▪ *HB 791 Residential Properties/HOA's and Condos*

The bill amends the statutes relating to various forms of residential properties, including condominiums, cooperatives, and homeowners' associations. Specifically, the bill:

- Amends the definition of "developer" to exclude certain owners who own small numbers of condominium units and certain timeshare trustees;
- Regulates the order of application of payments received by a condominium or cooperative association for past due assessments;
- Revises provisions related to fines and penalties assessed by associations;
- Provides that a homeowners' association may only levy fines up to $100, unless otherwise provided in the association's governing documents;
- Provides that a homeowners' association member that fails to pay a fine may be suspended from the board of directors or barred from running for the board;
- Provides that a homeowners' association's failure to provide notice of the recording of an amendment does not affect the validity or enforceability of the amendment;
- Authorizes non-profit corporation proxy voting based on a reproduction of the original proxy;
- Updates the definition of "governing documents" for homeowners' associations to include the rules and regulations that have been adopted by the association; and
- Extends the time limitation for classification as bulk assignee or bulk buyer under the Distressed Condominium Relief Act until July 1, 2018 from July 1, 2016.

This bill was signed into law on June 2, 2015 as Chapter No. 2015-97, Laws of Florida and the provisions took effect July 1, 2015.

Health Care & Health Insurance

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Health Care & Health Insurance

- ***CS/CS/HB 21***
  Substance Abuse Services

CS/CS/HB 21 establishes voluntary certification programs for recovery residences and recovery residence administrators. The bill prohibits licensed substance providers from referring patients to recovery residences which are not certified or not owned and operated by a licensed substance abuse provider.

The bill creates ss. 397.487 and 397.4871, F.S., to establish a voluntary certification programs for recovery residences and recovery residence administrators. It requires DCF to select a credentialing entity to issue certificates of compliance for each program by December 1, 2015, and establishes the criteria for selecting the entity. The bill requires the credentialing entity to inspect recovery residences prior to the initial certification and during every subsequent renewal period and to automatically terminate certification if it is not renewed within one year of the issuance date. The bill requires certified recovery residences to be actively managed by a certified recovery residence administrator. The bill sets application, inspection and renewal fees for the certification programs. The bill requires all owners, directors and chief financial officers of a recovery residence, as well as individuals seeking certification as an administrator, to pass a Level 2 background screening. It requires the credentialing agency to deny, suspend or revoke certification, if a recovery residence or a recovery residence administrator fails to meet and maintain certain criteria.

It also creates s. 397.4872, F.S., to allow DCF to exempt an individual from the disqualifying offenses of a Level 2 background screening if the individual meets certain criteria and the recovery residence attests that it is in the best interest of the program. It also requires DCF to publish a list of all recovery residences and recovery residences administrators on its website.

The bill creates a first degree misdemeanor for any entity or person who advertises as a "certified recovery residence" or "certified recovery residence administrator", respectively, unless the entity or person has obtained certification under this section.

The bill amends s. 397.407, F.S., to prohibit, effective July 1, 2016, licensed service providers from referring patients to a recovery residence unless the recovery residence holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator or is owned and operated by a licensed service provider or a licensed service provider's wholly owned subsidiary.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-100, Laws of Florida and the provisions took effect July 1, 2015.

- ***HB 201***
  Diabetes Awareness Training for Law Enforcement Officers

The Criminal Justice Standards and Training Commission (CJSTC), housed within the Florida Department of Law Enforcement (FDLE), establishes uniform minimum standards for the employment and training of full-time, part-time, and auxiliary law enforcement officers (LEOs). Currently, every prospective LEO must meet the minimum qualifications outlined in s. 943.13, F.S., successfully complete a CJSTC-developed Basic Recruit Training Program, and pass a statewide certification examination in order to receive their certification.

In order to maintain their certification, LEOs must satisfy the continuing training and education requirements of s. 943.135, F.S. This statute requires LEOs, as a condition of continued employment, to receive periodic CJSTC-approved training or education at the rate of 40 hours every 4 years.

Florida law currently requires CJSTC to establish continued employment training related to specified topics (e.g., topics related to community policing, interpersonal skills relating to diverse populations, and juvenile sexual

offender investigations). This training counts toward the 40 hours of required instruction for continued employment.

Florida law does not currently require CJSTC to establish continued employment training related to diabetic emergencies.

The bill creates s. 943.1726, F.S., which requires FDLE to establish an on-line continued employment training component relating to diabetic emergencies. Instruction must include, but is not limited to, recognition of symptoms of such an emergency, distinguishing such an emergency from alcohol intoxication or drug overdose, and appropriate first aid for such an emergency. The bill specifies that completion of the training component may count toward the 40 hours of required instruction for continued employment or appointment as a LEO.

This bill was signed into law on June 16, 2015 as Chapter No. 2015-168, Laws of Florida and the provisions take effect October 1, 2015.

- ***HB 269***
  Experimental Treatments for Terminal Conditions/Right to Try

The Food and Drug Administration (FDA) has regulatory authority over what drugs are marketed and sold within the United States. Investigational or experimental drugs are new drugs that are not approved by the FDA and are in the process of being tested for safety and effectiveness. An investigational drug must go through a lengthy and expensive approval process requiring phased clinical trials. Approval of an investigational drug by the FDA can take as long as 11 years.

The FDA has a procedure to gain access to investigational drugs that have not yet been approved by the FDA, known as expanded access. Under the FDA's expanded access scheme, physicians can request an investigational drug for a single patient using an emergency use application. However, this process is considered burdensome, time-consuming, and confusing. In February of 2015, the FDA announced a draft application that removes many of the burdensome and time-consuming requirements of the old procedure.

The bill creates the "Right to Try Act," which establishes a framework in which a manufacturer may provide a post-phase 1 investigational drug, biological product, or device to an eligible patient with a terminal condition, bypassing the FDA's emergency use expanded access program. The bill defines an eligible patient and a terminal condition. The bill also requires certain information and attestations in a written informed consent document, which must be signed by the patient or the patient's parent, guardian, or health care surrogate and provided to the manufacturer, in order to receive a post-phase 1 investigational drug, biological product, or device.

The bill also protects the licenses of physicians who recommend investigational drugs, biological products, or devices from disciplinary action as a result of making the recommendation. The bill permits insurers to pay for investigational drugs, but does not require such payment. Lastly, the bill provides liability protection for manufacturers, persons, and entities involved in the use of the investigational drug, biological product, or device pursuant to the provisions of the bill.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-107, Laws of Florida and the provisions took effect July 1, 2015.

- ***HB 279***
  Pharmacy

Section 465.189, F.S., authorizes pharmacists to administer the influenza, pneumococcal, meningococcal, and shingles vaccines to adults within an established protocol with a supervising physician. Before administering a vaccine, a pharmacist must apply to the Board of Pharmacy (Board), under the Department of Health's (DOH) Division of Medical Quality Assurance, for immunization certification and pay a $55 fee. To obtain certification, a pharmacist must demonstrate that he or she has successfully completed a Board-approved 20-hour vaccine administration certification program

regarding the safe and effective administration of vaccines.

HB 279 adds the following vaccines to the list of vaccines a certified pharmacist may provide:

- Vaccines listed in the Centers for Disease Control and Prevention's (CDC) Adult Immunization Schedule (Schedule);
- Vaccines listed in the CDC's Health Information for International Travel; and
- Vaccines approved by the Board in response to a state of emergency declared by the Governor.

The bill authorizes pharmacy interns to administer vaccines upon completion of a 20-hour Board-approved vaccine administration certification program and payment of a $55 fee. A pharmacy intern who is authorized to administer vaccines must be under the supervision of a pharmacist who is certified to administer vaccines.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-43, Laws of Florida and the provisions took effect July 1, 2015.

▪ *CS/HB 309 Patient Admission Status Notification*

When a patient enters a hospital, a physician must decide whether or not to admit the individual for inpatient care. The term "observation status" means a hospital patient who is currently considered an outpatient, but is receiving observation services to determine if admission as an inpatient is necessary.

During an observation stay in a hospital, a treating physician may order a variety of outpatient services, including laboratory tests, medication, minor procedures, x-rays, and other imaging services. Observation stays can occur anywhere in the hospital.

A patient on "observation status" may experience higher costs than a patient on admission status for time spent in a hospital because Medicare covers inpatient and outpatient hospital services differently. Medicare Part A covers inpatient hospital services, which requires a one-time deductible covering all hospital services for the first 60 days a patient is in the hospital. A patient on "observation status" is covered under Medicare Part B, which covers outpatient hospital services and requires the patient to pay a copayment for each individual service.

In addition, observation status may affect Medicare coverage for care in a skilled nursing facility (SNF). A patient must have a qualifying inpatient hospital stay, defined as three consecutive days of inpatient care, to be covered by Medicare for SNF care. A patient who qualifies for Medicare and Medicaid will not be responsible for the copayment. A patient under "observation status" in a hospital does not meet the requirements for a qualifying inpatient hospital stay for Medicare coverage for SNF care.

In Florida, hospitals are not required to inform patients of their observation status under current law.

CS/HB 309 requires that if a hospital places a patient on "observation status" rather than inpatient status, the observation services shall be documented in the patient's discharge papers. The bill requires that notice be given to the patient or patient's proxy through the discharge papers, which may include brochures, signage, or other forms of communication.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-109, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 321 HIV Testing*

The bill defines "health care setting" and "nonhealth care setting" for the purpose of differentiating HIV testing requirements. The bill revises the HIV testing requirements for health care settings, and for programs within such settings, to eliminate the informed consent requirement and establish new notification requirements. The bill also provides that a

person's signature on a general consent form suffices as consent to an HIV test.

The bill retains the requirement to obtain informed consent from the HIV test subject in nonhealth care settings, and programs within such settings.

It makes several changes to the current exemption to the informed consent requirement related to "significant exposure" of medical and nonmedical personnel in emergency and non-emergency situations.

The bill requires a significant exposure to be reported in a medical personnel's employee record and the nonmedical personnel's medical record. The bill removes certain record keeping requirements related to the reporting of the HIV test in the event of a significant exposure in only the medical or nonmedical personnel's record.

The bill also removes two public records exemptions for HIV test results recorded when medical and nonmedical personnel significant exposure incidents.

The bill also updates the definition of "preliminary HIV test" to reflect advances in HIV testing.

The bill makes technical changes throughout s. 384.004, F.S., to clarify existing language and makes many conforming changes.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-110, Laws of Florida and the provisions took effect July 1, 2015.

- ***SB 332***
  Nursing Home Facility Pneumococcal Vaccination Requirements

The bill amends s. 400.141, F.S., to remove the requirement that nursing homes vaccinate eligible new admissions with the PPV and instead allows eligible new admissions to be vaccinated with any pneumococcal vaccination that is recommended by the CDC.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-16, Laws of Florida and the provisions took effect July 1, 2015.

- ***HB 335***
  Psychiatric Nurses

In 1971, the Legislature passed the Florida Mental Health Act (also known as "The Baker Act") to address mental health needs of individuals in the state.

The Baker Act authorizes involuntary examination of an individual who appears to have a mental illness and who, because of mental illness, presents a substantial threat of harm to themselves or others. Involuntary examination may be initiated by courts, law enforcement officers, physicians, clinical psychologists, psychiatric nurses, mental health counselors, marriage and family therapists, and clinical social workers. The individual is taken to a receiving facility and is examined by a physician or clinical psychologist. Upon the order of a physician, the individual may be given emergency treatment if it is determined that such treatment is necessary. To be released from the facility, the patient must have documented approval from a psychiatrist or clinical psychologist. If the receiving facility is a hospital, the release may be approved by an attending emergency department physician. Receiving facilities are prohibited from holding a patient for involuntary examination for longer than 72 hours.

A psychiatric nurse is a registered nurse licensed under ch. 464, F.S., who has a master's degree or a doctorate in psychiatric nursing and 2 years of post-master's clinical experience under the supervision of a physician.

The bill increases psychiatric nurse licensure requirements by requiring them to be certified as an advanced registered nurse practitioner instead of only being licensed as a registered nurse. The bill also requires a psychiatric nurse to hold a national advanced practice certification as a psychiatric mental health advanced practice nurse, and perform within the framework of an established protocol with a psychiatrist. The bill retains requirements for a psychiatric nurse to hold a master's or doctoral degree in psychiatric nursing, and complete 2 years of post-master's

clinical experience under a physician's supervision.

The bill authorizes a psychiatric nurse to:

- Examine a patient upon admission to a receiving facility; and
- Approve a patient to be discharged from a receiving facility if the facility is owned or operated by a hospital or health system.

The bill prohibits a psychiatric nurse from approving a patient to be discharged if an involuntary examination of the patient was initiated by a psychiatrist, unless the discharge is approved by that psychiatrist.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-111, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 441*
Regulation of Health Care Facilities and Services

A home health agency (HHA) is an organization that provides home health services and staffing services. Home health services provided by an HHA include health and medical services and medical equipment provided to an individual in his or her home, such as nursing care, physical and occupational therapy, and home health aide services. HHAs are regulated by the Agency for Health Care Administration (AHCA) pursuant to part III of chapter 400, F.S.

An HHA that is a Medicare or Medicaid provider, or shares a common controlling interest with a provider that is a Medicare or Medicaid provider, must submit a quarterly report to AHCA, within 15 days after the end of each calendar quarter. The report must include:

- The number of insulin dependent diabetic patients receiving insulin-injection services from the HHA;
- The number of patients receiving home health services from the HHA while also receiving hospice services;
- The number of patients receiving home health services; and
- The name and license number of each nurse who received remuneration from the HHA in excess of $25,000 during the calendar quarter.

An HHA that submits the report late is fined $200 per day until AHCA receives the report, but the total fine imposed may not exceed $5,000 per quarter.

HB 441 removes the quarterly reporting requirement, and associated fines for late submittal of the report, for HHAs. Instead, the bill requires all HHAs to submit the number of patients receiving home health services to AHCA during the licensure renewal process.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-33, Laws of Florida and the provisions took effect on that date.

▪ *SB 450*
Pain Management Clinics

The bill strikes the expiration date of January 1, 2016, from the regulation of pain management clinics under the Medical Practice Act in s. 458.3265, F.S., and under the Osteopathic Medical Practice Act in s. 459.0137, F.S.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-49, Laws of Florida and the provisions took effect on that date.

▪ *HB 541*
Athletic Trainers

Athletic trainers are regulated by the Department of Health (DOH), and the Board of Athletic Training (Board), within DOH. Athletic training is the recognition, prevention, and treatment of an injury sustained during an athletic activity which affects the athlete's ability to participate or perform.

Athletic trainers are required to practice within a written protocol established with a supervising physician. The written protocol must require the athletic trainer to notify the supervising physician of a new injury as soon as possible. Practicing athletic training without a license constitutes a misdemeanor of the first degree.

The bill revises the requirements to become licensed as an athletic trainer by removing the requirement that the applicant must be at least 21 years of age. An applicant who graduated college prior to 2004 must hold a current certification from the Board of Certification. The bill requires the college or university from which the applicant holds a degree to be accredited by the Commission on Accreditation of Athletic Training Education. The degree must be from a professional athletic training degree program. The bill requires an applicant, who applies on or after July 1, 2016, to undergo a criminal background check. Applicants must also be certified in both cardiopulmonary resuscitation and the use of an automated external defibrillator.

The bill removes the requirement for athletic trainers to practice within the written protocol of a physician, as determined by the Board. Instead, the bill requires athletic trainers to practice under the direction of a physician. The physician must communicate his or her direction through oral or written prescription or protocols as deemed appropriate by the physician, and the athletic trainer must provide service or care in the manner dictated by the physician. The bill authorizes the Board to adopt rules for mandatory requirements and guidelines for communication between the athletic trainer and a physician.

The bill adds certain acts committed by an athletic trainer to a list of punishable acts, which constitute misdemeanors of the first degree, and prohibits sexual misconduct in the practice of athletic training in accordance with current law under s. 456.063, F.S. The bill removes the DOH's disciplinary authority for certain advertising acts.

It clarifies that when an athletic training student is acting under the direct supervision of a licensed athletic trainer, the athletic trainer must be physically present.

The bill also states that nothing in the athletic training practice act prevents or restricts third party payors from reimbursing employers of athletic trainers for covered services rendered by a licensed athletic trainer.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-116, Laws of Florida and provides an effective date of January 1, 2016.

▪ *HB 633*
Informed Patient Consent/24-Hour Waiting Period for Abortion

Section 390.0111, F.S., currently requires a physician performing an abortion, or a referring physician, to obtain the woman's written and informed consent before performing the procedure. To obtain informed consent, the physician, or referring physician, must orally and in person, inform the woman of the nature and risks of undergoing or not undergoing the proposed procedure and the probable gestational age of the fetus.

HB 633 requires the physician performing the abortion, or the referring physician, to be present in the same room as the woman when providing information to obtain informed consent. The bill also requires this information to be provided to the woman at least 24 hours before the procedure is performed.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-118, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 655*
Clinical Laboratories

Clinical laboratories may be free-standing facilities, may be part of a hospital, or may be part of a private practitioner's office. A clinical laboratory license may only be issued to a laboratory to perform procedures and tests that are within the specialties or subspecialties in which the laboratory personnel are qualified to perform. There are 3,761 actively licensed clinical laboratories in Florida. Certain clinical laboratories are exempt from licensure, including clinical laboratories:

- Operated by the federal government;

- Operated and maintained exclusively for research and teaching purposes that do not involve patient or public health services; and
- Performing only "waived tests"

A clinical laboratory may only examine human specimens at the request of a licensed practitioner. Section 483.181(5), F.S., requires clinical laboratories to accept and examine human specimens submitted by certain practitioners if the specimen and test are typically performed by the laboratory. Specifically, clinical laboratories must accept and examine specimens submitted by a:

- Physician;
- Chiropractor;
- Podiatrist;
- Naturopath;
- Optometrist;
- Dentist; or an
- Advanced registered nurse practitioner.

A clinical laboratory may only refuse a specimen based upon a history of nonpayment for services by a practitioner. Clinical laboratories are prohibited from charging different prices for tests based upon the chapter under which a practitioner is licensed.

A clinical laboratory is subject to a fine, not to exceed $1,000, to be imposed by AHCA for each violation of any provision of part I of chapter 483, F.S. The AHCA must consider certain factors in determining the penalty for a violation, including:

- The severity of the violation, including the probability that death or serious harm to the health or safety of any person could occur as a result of the violation;
- Actions taken by the licensee to correct the violation or to remedy complaints; and
- The financial benefit to the licensee of committing or continuing the violation.

In addition to the imposition of fines, an individual may be subject to criminal penalties for a violation of any provision of part I of chapter 483, F.S. The AHCA must refer an individual who commits a violation to the local law enforcement agency and the individual may be subject to a misdemeanor of the second degree, punishable as provided in ss. 775.082 and 775.083, F.S. Additionally, AHCA may issue and deliver a notice to cease and desist from such act and may impose, by citation, an administrative penalty not to exceed $5,000 per act. Each day that unlicensed activity continues after issuance of a notice to cease and desist constitutes a separate act.

An application for licensure or re-licensure as a clinical laboratory may be denied or revoked by AHCA for any violation of part I of chapter 483, F.S.

Current law requires a clinical laboratory to accept a human specimen submitted for examination by certain practitioners if the specimen and test are the type performed by the clinical laboratory.

The bill requires a clinical laboratory to make its services available to specified licensed health care practitioners, instead of requiring the laboratory to accept a human specimen from such practitioners. The bill adds consultant pharmacists and doctors of pharmacy to the list of practitioners that a clinical laboratory must avail its services. The bill also deletes a provision in current law that authorizes a clinical laboratory to refuse a specimen only if there has been a history of nonpayment by the submitting practitioner.

The bill makes a conforming change by amending the definition of "licensed practitioner" as it is used in part I of chapter 483, F.S., to mean a consultant pharmacist or doctor of pharmacy licensed under chapter 465, F.S.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-119, Laws of Florida. The bill provides that the act will take effect on that date.

- ***CS/SB 682***

  Transitional Living Facilities

CS/SB 682 revises regulations for transitional living facilities (TLFs). The purpose of these facilities is to provide rehabilitative care in a small residential setting for persons with brain or spinal cord injuries and who need significant care and services to regain their independence. The bill provides admission criteria, client evaluations, and treatment plans. The bill establishes rights for clients in TLFs, screening requirements for facility employees, and penalties for violations.

The bill is not expected to have a fiscal impact on the Agency for Health Care Administration (AHCA) because regulation of TLFs is funded through existing fees and fines.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-25, Laws of Florida and the provisions took effect July 1, 2015.

- ***HB 697***
  Public Health Emergencies

The State Health Officer is responsible for declaring public health emergencies and issuing public health advisories. A public health emergency exists when there is an occurrence, or threat of an occurrence, whether natural or manmade, which results or may result in substantial injury or harm to the public health from infectious disease, chemical agents, nuclear agents, biological toxins, or situations involving mass casualties or natural disasters. The State Health Officer is authorized to take certain actions that are necessary to protect the public health after declaring a public health emergency, including ordering an individual to be examined, tested, vaccinated, treated, or quarantined for communicable diseases that have a significant risk of morbidity or mortality and present a severe danger to public health.

CS/HB 697 allows the State Health Officer to also isolate an individual who has a communicable disease that has a significant risk of morbidity or mortality and presents a severe danger to the public health. The bill defines "quarantine" and "isolation" to distinguish the two terms.

The bill also authorizes law enforcement officers to immediately enforce orders by the Department of Health (Department), which relate to the isolation or quarantine of persons, animals, and premises when controlling communicable diseases or providing protection from unsafe conditions that pose a threat to public health. The bill makes a violation of an isolation order a misdemeanor of the second degree. It also makes it a misdemeanor of the second degree for a person to falsely claim, willfully and with intent to defraud, that he or she has contracted a communicable disease to a health care provider or a law enforcement officer during a declared public health emergency.

The bill authorizes the Department to adopt rules to specify the conditions and procedures for imposing and lifting an order for isolation; rules related to the Department's access to persons in isolation or quarantine or the premises housing such persons; rules related to the disinfection of isolated animals, persons, or premises; and rules related to the methods of isolation.

The bill states that rules related to isolation and the Department's enforcement actions supersede all other agency rules and ordinances, and regulations enacted by political subdivisions of the state.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-120, Laws of Florida and the provisions took effect July 1, 2015.

- ***CS/HB 751***
  Emergency Treatment for Opioid Overdose

CS/HB 751 creates the Emergency Treatment and Recovery Act. Patients and caregivers are authorized to store and possess emergency

opioid antagonists. The bill authorizes patients and caregivers to administer an emergency opioid antagonist to a person believed in good faith to be experiencing an opioid overdose, regardless of whether that person has a prescription for an emergency opioid antagonist. This authorization only applies in an emergency situation when a physician is not immediately available. The bill authorizes healthcare practitioners to prescribe, and pharmacists to dispense, emergency opioid antagonists to patients and caregivers for this purpose.

The bill authorizes emergency responders to possess, store and administer emergency opioid antagonists.

The bill grants civil liability protections under the Good Samaritan Act for all individuals who administer emergency opioid antagonists in emergency situations. The bill also grants healthcare practitioners and pharmacists immunity from civil and criminal liability and professional discipline, related to prescribing and dispensing an opioid antagonist. The immunities provided by the bill do not limit any existing statutory immunities which are otherwise applicable.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-123, Laws of Florida and the bill took effect on that date.

▪ *HB 889*
Health Care Representatives

Current law provides several methods for a person to make health care decisions, and in some instances access health information, on behalf of another person. One such method is the designation by an adult person of another adult person to act as a health care surrogate. A health care surrogate is authorized to review confidential medical information and to make health care decisions in the place of the principal. Generally, a determination of incapacity of the principal is required before the health care surrogate may act.

Because a principal may regain capacity and in some instances, especially with the elderly, may vacillate in and out of capacity, a redetermination of incapacity is frequently necessary to provide ongoing authorization for the health care surrogate to act. This process can hinder effective and timely assistance and is cumbersome. Further, some competent persons desire the assistance of a health care surrogate with the sometimes complex task of understanding health care treatments and procedures and with making health care decisions.

This bill amends the health care surrogate law to allow a person to designate a health care surrogate, who may act at any time, including while an adult is still competent and able to make his or her own decisions.

This bill also creates a means for designating a health care surrogate for the benefit of a minor when the parents, legal custodian, or legal guardian of the minor cannot be timely contacted by a health care provider or are unable to provide consent for medical treatment.

The bill also creates sample forms that may be used to designate health care surrogates for adults and minors.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-153, Laws of Florida. These provisions take effect October 1, 2015.

▪ *HB 893*
Blanket Health Insurance Eligibility

A blanket health insurance policy and contract is issued to a policyholder, such as a school, business, or an organization, to provide coverage to a group of individuals or participants for an activity or event. This is in contrast to group health insurance coverage, in which a contract exists between the insurer and a policyholder, such as an employer, for individual employees and their dependents as a benefit. Coverage under a blanket health insurance policy normally expires at the conclusion of the activity or event.

The bill expands the list of existing groups and individuals in statute that are eligible policyholders of blanket health insurance coverage or eligible to be covered under a blanket health insurance policy. Specifically, the bill changes the existing policyholder groups as follows:

- A common carrier – adds any operator, owner or lessee of a means of transportation as an eligible policyholder.
- An employer – expands coverage to dependents or guests of an employee; the bill removes the reference to coverage for "exceptional hazards incident to such employment" and replaces it with "activity or activities or operations of the policyholder," which expands the types of activities for which blanket health coverage may be purchased by an employer.
- A School, school district, college, university, or other institution of learning – expands coverage to employees, and dependents and spouses of teachers or employees of a school, college, and university.
- A volunteer fire department, first aid group, or other such volunteer group – adds local emergency management groups and groups of first responders as eligible policyholders and expands coverage to any grouping of participants defined by reference to activities or operations sponsored or supervised by the policyholder. The bill removes other "volunteer groups."
- An organization or branch of the Boys Scouts of America, Future Farmers of America, religious or educational organizations, or similar organizations – adds instructive, charitable, recreational, and civic groups as eligible policyholders and expands coverage to any or all persons participating in the activities or operations sponsored or supervised by the policyholder.
- A newspaper – adds other publishers as eligible policyholders and expands coverage to delivery persons employed by such publications. It also clarifies what types of coverage may be provided, such as coverage only for accident or disability income coverage, limited-scope dental or vision, coverage only for a specified disease or illness, or hospital indemnity or other fixed indemnity insurance.
- A health care provider – adds an arranger of fertility medicine relationships as eligible policyholders and expands coverage to donors, recipients, and surrogates.

The bill also adds the following new eligible policyholder groups to statute:

- A sports team, camp, or sponsor of a team or camp – covering members, campers, participants, employees, officials or supervisors.
- A travel agency or other organization that provides travel related services – covering any and all persons receiving travel-related services.
- An association that has a constitution and bylaws, comprised of at least 25 members and having been organized and maintained in good faith for at least 1 year for purposes other than obtaining insurance – covering all members of the association.
- A financial institution or parent holding company, or the trustees or agents designated by such entities – covering accountholders, cardholders, debtors, or guarantors. It also clarifies what types of coverage may be provided, such as coverage only for accident or disability income coverage, limited-scope dental or vision, coverage only for a specified disease or illness, or hospital indemnity or other fixed indemnity insurance

This bill was signed into law on June 10, 2015 as Chapter No. 2015-124, Laws of Florida and the provisions took effect July 1, 2015.

▪ *CS/HB 897*
Controlled Substances

In recent years, synthetic drugs have become a problem in Florida. Synthetic drugs, such as cannabinoids and cathinones, are industrial grade chemicals mixed to produce a "high" similar to what would be experienced when using illegal drugs such as marijuana or methamphetamine.

Each year since 2011, the Florida Legislature has added numerous synthetic cannabinoids, cathinones, and phenethylamines to Schedule I of Florida's controlled substances schedules. Since the 2014 Legislative Session, new formulas of synthetic cannabinoids have been developed that are made up of chemicals not covered by current law.

The bill adds five new synthetic cannabinoids to Schedule I of Florida's controlled substance schedules. As a result, the criminal penalties relating to the possession, sale, manufacture, and delivery of controlled substances will apply to these synthetic substances.

The Criminal Justice Impact Conference met on March 11, 2015, and determined that the bill will have a positive insignificant prison bed impact on the Department of Corrections (i.e., an increase of less than 10 prison beds).The bill may also impact the Florida Department of Law Enforcement (FDLE) Crime Laboratory workload because the lab may see a rise in evidence submissions associated with the newly added substances. However, FDLE states the workload can be absorbed within existing resources.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-34, Laws of Florida and the provisions became effective on that date.

▪ *CS/SB 904*
Home Health Services

CS/SB 904 amends ss. 400.462 and 400.506, F.S. relating to home health agencies and nurse registries. Specifically the bill:

- Allows home health agencies to operate related offices inside of the main office's geographic service area without an additional license;
- Allows for the licensure of more than one nurse registry operational site with the same geographic service area;
- Authorizes licensed nurse registries to operate a satellite office;
- Requires a nurse registry operational site to keep all original records; and
- Requires a nurse registry to provide notice and certain evidence to the Agency for Health Care Administration (AHCA) before it relocates an operational site or opens a satellite office.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-66, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 951*
Home Health Services

Dietician/nutritionists (DNs) are regulated under Part X of Ch. 468, F.S., the Dietetics and Nutrition Practice Act (Act), and by the Board of Medicine under the Department of Health's (Department) Division of Medical Quality Assurance.

The bill expands the scope of practice for licensed DNs by authorizing DNs to order therapeutic diets. The bill also states that the Act does not preclude a licensed dietician or nutritionist from independently ordering a therapeutic diet if otherwise authorized to order such a diet in Florida.

Additionally, the bill allows DNs to become licensed without an examination when applicants for such licensure are:

- Registered with the Commission on Dietetic Registration (Commission) and are in compliance with all of the qualifications in ch. 468.509, F.S., related to the practice of dietetics and nutrition; or
- Certified as nutrition specialists by the Certification Board for Nutrition Specialists,

or are Diplomates of the American Clinical Board of Nutrition, and are in compliance with the qualifications under s. 468.509, F.S.

The bill provides title protection for certain qualified individuals. Specifically, the bill authorizes only individuals who are:

- Registered with the Commission as a DN to use the title "Registered ietician/Nutritionist" and the designation "R.D.N.";
- Certified by the Certification Board for Nutrition Specialists to use the title "Certified Nutrition Specialist" and the designation "CNS"; and
- Certified by the American Clinical Board of Nutrition to use the title "Diplomate of the American Clinical Board of Nutrition" and the designation of "DACBN."

This bill was signed into law on June 10, 2015 as Chapter No. 2015-125, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 1001 Assisted Living Facilities*

Assisted Living Facilities (ALFs) are regulated by the Agency for Health Care Administration (AHCA) under part I of ch. 429, F.S., and part II of ch. 408, F.S. CS/HB 1001 strengthens the regulation of ALFs and makes other regulatory changes to improve the quality of ALFs. Specifically, the bill:

- Clarifies who is responsible for assuring that mental health residents in an ALF receive necessary services;
- Requires ALFs to inform new residents upon admission that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right;
- Allows licensed registered nurses to practice to the full scope of their professional license in ALFs that have a Limited Nursing Services specialty license;
- Creates a provisional Extended Congregate Care (ECC) license for new ALFs and specifies when the Agency for Health Care Administration (AHCA) may deny or revoke a facility's ECC license;
- Requires facilities with one or more, rather than three or more, state-supported mental health residents to obtain a Limited Mental Health license;
- Specifies circumstances under which AHCA must impose an immediate moratorium on admissions to a facility;
- Requires AHCA to impose a $500 fine against a facility that does not comply with the background screening requirements of s. 408.809, F.S.;
- Allows AHCA to impose a $2,500 fine against a facility that does not show good cause for terminating the residency of an individual;
- Authorizes ALF staff to perform certain additional duties to assist with self-administration of medication and increases the applicable staff training requirements from 4 hours to 6 hours;
- Adds certain responsible parties and agency personnel to the list of people who must report abuse or neglect to the Department of Children and Families' central abuse hotline;
- Requires AHCA to conduct an additional inspection of a facility cited for certain serious violations.
- Requires new facility staff that have not previously completed core training to attend a 2-hour pre-service orientation before interacting with residents; and
- Requires AHCA to add certain content to its website by November 1, 2015, to assist consumers in selecting an ALF.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-126, Laws of Florida and the provisions took effect July 1, 2015.

- ***HB 1049***
  Practice of Pharmacy

Compounding is the practice in which a licensed pharmacist, or other legally permitted individual, combines, mixes, or alters ingredients of a drug to create a medication tailored to the needs of an individual patient when the health needs of that patient cannot be met by a medication approved by the U.S. Food and Drug Administration.

The practice of veterinary medicine, defined in the Veterinary Medical Practice Act, ch. 474, F.S., includes prescribing, dispensing, and administering drugs to treat animals.

The bill specifies that the Florida Pharmacy Act, ch. 465, F.S., and the rules adopted under it, do not prevent a veterinarian from administering a compounded drug to an animal that is a patient or dispensing a compounded drug to that animal's owner or caretaker. Additionally, the bill specifies that the provision allowing veterinarians to administer and dispense compounded drugs to their patients or caregivers does not affect the Florida Pharmacy Act.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-127, Laws of Florida and the provisions took effect July 1, 2015.

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Insurance & Financial Services

▪ *HB 165*
Property and Casualty Insurance

The bill contains changes for various types of property and casualty insurance. Issues addressed include:

- Certification in lieu of Rate Filing and Exemptions from Annual Base Rate Filings – currently, insurers are required to make certain certifications as part of a rate filing; the bill eliminates rate certifications where a rate filing is not also required; law requires an annual base rate filing for commercial non-residential insurance despite this line being subject to informational rate filings, only; the bill removes commercial non-residential multiperil insurance from required annual base rate filings;
- Nonrenewal Notice for Property Insurance – presently, personal lines or commercial lines residential property insurers must give policyholders a notice of cancellation, nonrenewal, or termination at least 100 days prior to the effective date of the action, except, for such actions during hurricane season (Jun 1-Nov1), notice must be given by June 1, also insureds who have been covered by the insurer for five years must receive 120 days' notice; the bill changes and makes uniform the due date for a notice of cancellation, nonrenewal, or termination – all will get at least a 120-day notice, however, with this change, some may receive such notice during hurricane season, instead of by June 1;
- Neutral Evaluation in Sinkhole Claims – currently, a notice of right to participate in the neutral evaluation program must be issued by the insurer upon receipt of the sinkhole testing report or when a claim denial is issued; the bill requires such notices to be issued only if there is sinkhole coverage under the policy and if the sinkhole claim was submitted timely;
- Personal Injury Protection (PIP) Insurance – reimbursements for medical services are currently made consistent with the Medicare fee schedule in effect on March 1 of the year the service is rendered and the schedule in effect on March 1 applies for the remainder of that year; it is unclear what period "remainder of that year" describes; the bill aligns the period in which services were rendered with the year the applicable fee schedule is in effect and states precisely the beginning and end of the year (March 1 through the end of the following February); and
- Preinsurance Inspection of Private Passenger Motor Vehicles – under current law, there are exemptions from required preinsurance inspections for "purchased" cars, if certain documents are provided; the bill adds leased vehicles to the exemptions; allows insurers to elect to receive the documents; revises the types of documents that insurers may require; and, limits claim reimbursement and property damage coverage suspension based on the timing of document delivery.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-134, Law of Florida and the provisions took effect July 1, 2015.

▪ *HB 189*
Insurance guaranty Associations

Florida operates five insurance guaranty funds to ensure policyholders of liquidated insurers are protected with respect to insurance premiums paid and settlement of outstanding claims, up to limits provided by law. A guaranty association generally is a not-for-profit corporation created by law directed to protect policyholders from financial losses and delays in claim payment and settlement due to the insolvency of an insurance company. A guaranty association accomplishes its mission by assuming responsibility for settling claims and refunding unearned premiums to policyholders. Insurers

are required by law to participate in guaranty associations as a condition of transacting business in Florida.

The bill makes changes to two of the five guaranty funds – the Florida Insurance Guaranty Association (FIGA), which is the guaranty association for property and casualty insurance, and the Florida Life and Health Insurance Guaranty Fund (FLAHIGA), which is the guaranty association for most health and life insurers.

The bill clarifies the accounting treatment of assessments levied by FIGA and mitigates the negative impact to insurers' net worth due to a 2011 change to statutory accounting principles relating to the treatment of assessments. The bill also clarifies FLAHIGA's statutory duty to review policies, contracts, and claims of insolvent life and health insurers following either domestic or foreign liquidations or rehabilitations.

This bill was signed into law on June 16, 2015 as Chapter No. 2015-167, Laws of Florida and the provisions took effect July 1, 2015.

▪ *CS/CS/CS/SB 252 Insurance*

CS/CS/CS/SB 252 provides that the absence of a countersignature does not affect the validity of a property, casualty, or surety insurance policy or contract. This could reduce the risk that an insured loses coverage due to events the insured cannot control. Current law provides that no property, casualty, or surety insurer shall assume direct liability unless the policy or contract of insurance is countersigned by a licensed agent.

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

This bill eliminates the requirement that each surplus lines agent, on or before the 45th day following each calendar quarter, file with the Florida Surplus Lines Service Office (FSLSO) an affidavit stating that all surplus lines insurance he or she transacted during that calendar year has been submitted to the FSLSO. The requirement is no longer needed because the FSLSO has implemented auditing procedures to confirm the information.

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

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

This bill was signed into law on May 21, 2015 as Chapter No. 2015-42, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 273 Insurer Notifications*

Section 627.421, F.S., requires every insurance policy to be mailed, delivered or electronically transmitted to the insured (policyholder) within 60 days after the insurance takes effect. The law also contains specific electronic delivery parameters for insurance covering commercial risks. Also, subject to certain conditions, property and casualty insurers are allowed to post policies on the insurer's website instead of mailing, delivering or electronically transmitting the policies to insureds.

For personal lines insurance, the bill allows insurers to deliver policy documents, including policies, endorsements, notices, or other documents, by electronic means in lieu of delivery by mail if the policyholder affirmatively elects electronic delivery.

Under current law, to make a change in the terms of a property and casualty insurance contract, the insurer must give the policyholder a written Notice of Change in Policy Terms with the policy renewal notice, and the policy renewal notice must be provided to the policyholder in accordance with current law, which requires insurers to give notice of renewal 45 days prior to the renewal date. A policyholder is deemed to

accept the policy term change if the renewal premium is paid. If the insurer does not provide the Notice of Change in Policy Terms to the policyholder, the terms of the insurance policy are not changed.

The bill allows an insurer to send a Notice of Change of Policy Terms separate from the renewal notice as long as the notice is sent within the policy nonrenewal time limits in current law. Generally, the nonrenewal time limits are notice at least 100 days prior to the effective date of the nonrenewal. For any nonrenewal that takes effect between June 1st and November 30th, at least 100 days written notice, or notice by June 1st, whichever is earlier, is required. Furthermore, policyholders with property insured by the same insurer for five years or more receive 120 days' notice of nonrenewal instead of 100 days' notice. Thus, the bill requires a Notice of Change of Policy Terms to be given sooner when it is not included with the renewal notice.

The bill also requires the insurer to provide the policyholder's insurance agent with a sample copy of the Notice of Change of Policy Terms before or at the same time as the Notice is provided to the policyholder.

If an insurer seeks to offer optional coverage (that increases the premium) as a part of a renewal policy, the bill prohibits the insurer from using the "Notice of Change in Policy Terms" to add the optional coverage to the policy unless the policyholder affirmatively approves.

This bill was signed into law on June 16, 2015 as Chapter No. 2015-170, Laws of Florida and the provisions took effect July 1, 2015.

▪ *SB 520*
Long-term Care Insurance

SB 520 allows an insurer to offer a nonforfeiture protection provision in a long-term care insurance policy that provides for the return of premium if the insured dies or the policy is completely surrendered or canceled. The bill is not expected to have a fiscal impact on the state.

Section 1 of the bill amends s. 627.94072(2), F.S. Current law requires insurers of long-term care policies to offer a nonforfeiture protection provision that provides for reduced paid-up insurance, an extended term, a shortened benefit period, or other approved benefits. This bill creates an additional nonforfeiture protection provision that the insurer can offer to the insured. The bill specifies that an insurer may offer a nonforfeiture provision in a long-term care insurance policy in the form of a return of premium in the event of the insured's death or upon complete surrender or cancellation of the policy.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-21, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 531*
Limited Liability Insurance

In 2013, the Legislature enacted the Florida Revised Limited Liability Company Act to replace its predecessor, the Florida Limited Liability Company Act. These acts regulate the formation and operation of limited liability companies (LLCs) in Florida. The Florida LLC Act was repealed effective January 1, 2015.

The bill deletes or replaces obsolete references to the Florida Limited Liability Company Act and makes technical, grammatical, and stylistic changes due to the repeal of the Florida Limited Liability Company Act.

The bill also makes the following changes to the Revised LLC Act:

- provides that a third-party does not have notice of a person's lack of authority to transfer real property on behalf of the LLC unless the limitation of authority is in certain public records of the real property transfer;
- allows for actions that require the vote or consent of members to be taken without a meeting subject to certain conditions;
- requires a member-managed LLC to respond to a member demand for certain information within 10 days;

- repeals a provision that resulted in confusion regarding which document—between an LLC's articles of organization and an LLC's operating agreement—is controlling if there is a conflict of language with respect to the LLC's management structure;
- repeals a provision that prohibits an LLC's operating agreement from varying the power of a person to dissociate from the LLC;
- repeals the exception to the limitation of remedies in appraisal events if the appraisal event is an interested transaction; and
- specifies information administratively dissolved LLCs (domestic and foreign) must include on their application when applying for reinstatement.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-148, Laws of Florida. The bill provides a retroactive effective date of January 1, 2015 for those provisions related to the repeal of the Florida LLC Act. The remaining provisions of the bill have an effective date of July 1, 2015.

▪ *HB 715 Eligibility for Coverage by Citizen Property Insurance Corporation*

Citizens Property Insurance Corporation (Citizens) is a state-created, not-for-profit, tax-exempt governmental entity whose public purpose is to provide property insurance coverage to those unable to find affordable coverage in the voluntary admitted market. It is not a private insurance company. Current law provides an eligibility restriction for insurance in Citizens based on the location of the property. The current restriction based on property location prevents a major structure that is newly-constructed or substantially-improved pursuant to a building permit applied for on or after July 1, 2015, from obtaining insurance in Citizens if the structure is located seaward of the coastal construction control line or within the Coastal Barrier Resources System. A substantial improvement generally encompasses any repair, reconstruction, rehabilitation, or improvement to a structure that costs 50% or more of the market value of the structure. A property owner who incurs a catastrophic loss likely would exceed the threshold in rebuilding the property.

The bill removes the prohibition on coverage for any major structure that is substantially improved pursuant to a building permit applied for on or after July 1, 2015, but retains the prohibition on new construction of a major structure. A major structure that is rebuilt, repaired, restored, or remodeled to increase the total square footage of finished area by more than 25 percent pursuant to a permit applied for after July 1, 2015 is also ineligible for coverage from Citizens.

Owners of major structures in certain coastal areas will be able to repair, remodel, or rebuild their properties and remain eligible for insurance through Citizens provided the square footage of finished area is not increased by 25% or more.

This bill was signed into law on June 2, 12015 as Chapter No. 2015-94, Laws of Florida and these provisions took effect July 1, 2015.

▪ *HB 731 Employee Health Care Plans*

The Employee Health Care Access Act (EHCAA) was enacted in Florida in 1992 to promote the availability of health insurance coverage to small employers with fifty or less employees, regardless of claims experience or employee health status. The EHCAA requires health insurers and health maintenance organizations (carriers) in the small group market to offer coverage to all small employers, including sole proprietors, on a guaranteed-issue basis. Carriers are required to offer a standard benefit plan, a basic health benefit plan, and a high deductible plan, which meets the requirements of health savings account plans, to any small employer who applies for coverage, regardless of the health status of the employees. The EHCAA establishes limitations on exclusions and mandates various other enrollment and reporting requirements to foster fairness and efficiency in the small group health insurance market.

The Patient Protection and Affordable Care Act (PPACA) made many fundamental changes to the health insurance industry by imposing extensive requirements on health insurers and health insurance policies relating to required benefits, rating and underwriting standards, required review of rate increases, and other requirements. Many of the changes outlined in the PPACA apply to individual and small group markets. For example, the PPACA requires coverage offered in the individual and small group markets to provide defined essential health benefits packages and limits rate adjustment based on certain factors, while prohibiting adjustments based on other factors.

The bill amends the EHCAA, removing the following provisions which are out of date or conflict with the PPACA:

- The requirement that a carrier offer standard, basic, and high deductible plans to a small employer. Federal law requires all small group health plans to include essential health benefits, which are not included in these plans.
- The requirement for an annual August open enrollment period for sole proprietors. Federal law now requires small employer carriers to have continuous open enrollment.
- The requirement for small employer carriers to submit a semiannual report to the Office of Insurance Regulation concerning the use of rating factors to adjust premiums in the small group market.
- A provision that indexes reinsurance premium rates to approximate gross premium rates of standard and basic health plans.
- A provision requiring development of agent compensation standards for the sale of basic and standard health plans.
- The requirement for the Chief Financial Officer to appoint the health benefit plan committee, as well as the duties of that committee to make recommendations concerning basic and standard health plans.

The bill defines "stop-loss insurance policy," and requires a small employer stop-loss insurance policy to cover 100 percent of all claims equal to or above the attachment point. Under the bill, a small employer stop-loss insurance policy is considered health insurance and is subject to the EHCAA if the policy has an aggregate attachment point that is lower than the greatest of:

- $2,000 multiplied by the number of employees;
- 120 percent of expected claims, to be determined in accordance with actuarial standards of practice; or
- $20,000.

The bill requires that a self-insured health benefit plan established or maintained by an employer with 51 or more covered employees be considered health insurance if the plan's stop-loss coverage has an aggregate attachment point that is lower than the greater of:

- 110 percent of expected claims, to be determined in accordance with actuarial standards of practice; or
- $20,000.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-121, Laws of Florida and these provisions took effect July 1, 2015.

▪ *HB 749*
Continuing Care Communities

A resident of a CCC must pay an entrance fee upon entering into a contract with a facility. The contract must include the terms under which a resident is due a refund of any portion of the entrance fee. If the contract provides that the resident does not receive a transferable membership or ownership right in the facility, and the resident has occupied his or her unit, the refund must be calculated on a pro-rata basis with the facility retaining up to two-percent per month of occupancy by the resident and up to a five-percent processing fee, the balance of

which must be paid within 120 days after the resident gives notice of intent to cancel. Similarly, a contract may provide a one-percent declining-scale refund, but the refund must be paid from the proceeds of the next entrance fees received by the provider for units for which there are no prior claims.

The bill makes several changes to ch. 651, F.S. Specifically, the bill:

- Requires a CCC contract, paying a two-percent refund, to provide for payment to a resident within 90 days
- after the contract is terminated and the unit is vacated, instead of 120 days after notice of intent to cancel;
- Requires a CCC contract, paying a one-percent refund, to provide for payment to a resident for the unit that is vacated, or a like or similar unit, whichever is applicable, by specified time frames;
- Clarifies that CCCs must be accredited for OIR to waive equivalent requirements in rule or law;
- Makes a CCC contract a preferred claim against a provider in receivership or liquidation proceedings;
- Requires OIR to notify the executive office of the governing body of the CCC provider about all deficiencies found as part of an examination;
- Requires a CCC to provide a copy of any final examination report and corrective action plan to the executive officer of the governing body of the provider within 60 days after issuance of the report;
- Requires each CCC to establish a residents' council to provide input on subjects that impact the general residential quality of life;
- Authorizes the board of directors or governing board of a provider to allow a facility resident to be a voting member of the board or governing body of the facility; and
- Requires all CCCs to provide a copy of the most recent third-party financial audit to the president or chair of the residents' council within 30 days of filing the annual report with OIR.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-122, Laws of Florida and the provisions take effect October 1, 2015.

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

CS/SB 836 revises provisions governing the Florida Insurance Guaranty Association (FIGA), which provides a mechanism for the payment of covered claims, including unearned premiums, of insolvent property and casualty insurance companies. After an insolvency occurs, the FIGA determines if an assessment is needed to pay claims, administrative costs, or bonds issued by the FIGA and certifies the need for an assessment levy to the Office of Insurance Regulation (OIR). The OIR reviews the certification, and if it is sufficient, the OIR issues an order to all insurance companies to pay their assessment to the FIGA. Generally, insurers must pay regular assessments within 30 days of the levy, and emergency assessments can be paid in a single payment, or over 12 months, at the option of FIGA.

For both types of assessments, once an insurance company pays the assessment to FIGA, it may begin to recoup the assessment from its policyholders at policy issuance or renewal.

The bill creates a uniform assessment percentage to be collected from policyholders. The bill authorizes the FIGA to use a monthly installment method for the collection of emergency or regular assessments from insurers in addition to the current pay and recoup method or a combination of both. An insurer that did not write insurance in the prior year is required to pay an assessment based on an estimate of premiums it will write in the assessment year. The bill streamlines the reconciliation of collections and eliminates a

regulatory filing with the OIR. The bill codifies the OIR's interpretation of an admissible asset for purposes of statutory accounting treatment of the FIGA assessments.

The bill exempts regular assessments from the insurance premium tax, which is expected to have a negative indeterminate fiscal impact. Currently, emergency assessments are exempt from the insurance premium tax.

The bill will have an indeterminate negative impact on state revenues due to the exemption from insurance premium taxes on FIGA assessments.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-65, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 927*
Title Insurance

Title insurance insures owners of real property or others having an interest in real property, such as lenders, against loss by: encumbrance; defective title; invalidity; or adverse claim to title. The Office of Insurance Regulation (OIR) licenses title insurers and establishes their rates. The Department of Financial Services (DFS) manages insolvent title insurers, in its role as "receiver," either through liquidation or rehabilitation. Since liquidation requires policy cancellation and unforeseen costs to property owners and lenders, such insolvencies are handled through rehabilitation.

The insolvency claim costs and expenses are funded through assessments on active title insurers (three assessments to date) and recovered through surcharges on title insurance policies issued in the state. A $3.28 surcharge per policy is currently in force. Surcharges are retained by the insurer until they recover their assessment payments. Excess surcharges are paid to the Insurance Regulatory Trust Fund (IRTF).

Excess surcharge collections do not reduce future assessments or assist insurers that are slow to recover their assessment payments. The surcharges cease once all insurers recover their assessment payment. There is uncertainty over when the surcharges end on account of how the assessment methodology assigns the amount due from each title insurer.

The bill changes the administration process regarding assessment recovery surcharges. Specifically, the bill:

- removes language limiting the surcharge to one per insolvent company, permitting the receiver to adjust the surcharge amount related to a particular company;
- requires transaction settlement statements to specify that the surcharge amount is a "surcharge" and provide that the surcharge is not premium;
- requires any insurer that was not subject to a given assessment, regardless of their activity in the previous calendar year, to collect and remit the surcharge to the receiver as an excess surcharge;
- establishes an excess surcharge account for use as specified in the bill and described below;
- allows the OIR to end surcharges after all actively writing title insurers have recovered the assessment;
- rolls unused excess surcharges held by the receiver into the IRTF after certain conditions are met, rather than immediately upon receipt; and
- grants specific rulemaking authority.

The bill has an indeterminate fiscal impact on state revenues and a potential positive fiscal impact on state expenditures. To date, no excess surcharges have been remitted for deposit into the IRTF within the DFS. However, given the approximate amount of 1,000,000 title insurance policies written each year, and the current $3.28 surcharge which began in September of 2014, the surcharge will generate approximately $3,280,000 per year. Total assessments to date equal $2,536,348. These figures lead to an approximate amount of excess surcharges of $743,652 that could soon be

deposited into the IRTF. The bill would reduce this expected revenue to the IRTF by redirecting the funds into an excess surcharge account retained by the DFS, as receiver, to exclusively service the needs of insolvent title insurer estates, potential estates, and title insurers that have yet to recover their assessment payments.

This excess surcharge account will maintain the funds until there are either no active title insurer receiverships for twelve consecutive months, or there are no payable claims for 60 consecutive months, at which time the excess surcharge funds will be deposited into the IRTF.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-154, Laws of Florida and the provisions took effect July 1, 2015.

- ***HB 1127***
  Insurance Fraud/Unlicensed Health Care Facilities

The Department of Financial Services (DFS) is responsible for regulating certain insurance activities under the Insurance Code (such as eligibility and conduct of insurance agents and agencies and policing fraud). The DFS, Division of Insurance Fraud (DIF), is charged with investigating fraudulent insurance activities and employs sworn law enforcement investigators with arrest powers. While health care facilities operating in the state are generally licensed and regulated by the Agency for Health Care Administration (AHCA), the DIF has the authority to police fraudulent insurance claims and activities that may occur in health care facilities.

Health care clinics are regulated under the Health Care Clinic Act. The Act's purpose is to "provide for the licensure, establishment, and enforcement of basic standards for health care clinics and to provide administrative oversight by the Agency for Health Care Administration." A "clinic" under the act is defined as "an entity where health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable equipment provider." However, there is an extensive list of entities that are exempt from the definition and licensure requirements established by the act. There are 1,849 licensed health care clinics and 10,009 clinics that have received a certificate of exemption. Despite the availability of an exemption, "an entity shall be deemed a clinic and must be licensed under this [the Health Care Clinic Act] in order to receive reimbursement under the Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless exempted under s. 627.736(5)(h)."

The list of exempt clinics under the No-Fault Law is much shorter and includes clinics owned, operated by, or affiliated with separately licensed facilities or providers.

The charges and reimbursement claims made by an unlicensed health care clinic operating in violation of statute are unlawful, noncompensable, and unenforceable. The bill expands the effect of this provision to include charges and reimbursement claims by clinics that are violating AHCA rules. The bill expressly identifies such prohibited charging and reimbursement claiming as theft, regardless of whether payments are made.

Section 400.993, F.S., and subsection 400.9935(4), F.S., establish offenses related to unlicensed clinic activities that are punishable as a felony. The bill combines these provisions into a single subsection of statute and establishes an additional felony offense for knowingly failing to update certain required information within 21 days.

The DIF is authorized to establish a direct-support organization to support the prosecution, investigation, and prevention of motor vehicle insurance fraud. The Automobile Insurance Fraud Strike Force (Strike Force) filed its incorporation with the Department of State on April 25, 2012. The Strike Force has engaged in limited organizational activity during its existence. The bill repeals the statute authorizing the Strike Force. It also removes cross-references regarding Strike Force deposits to and appropriations from the Insurance Regulatory Trust Fund. The DIF's rulemaking authority related to the Strike Force is removed.

The bill amends the Criminal Punishment Code to reflect the changes made by the bill.

This bill was signed into law on June 16, 2015 as Chapter No. 2015-179, Laws of Florida and the provisions take effect October 1, 2015.

▪ *HB 1133*
Division of Insurance Agent and Agency Services

The Department of Financial Services is the state agency responsible for regulation and licensure of insurance agents and agencies. The bill amends the insurance agent and agency licensure laws. The following changes are among the major provisions of the bill:

- removing the general lines agent's limitation to only sell health insurance when that health insurance is from an insurer that the agent represents for property and casualty insurance. An agent can now transact health insurance with any health insurer under the agent's general lines license.
- reducing the number of lines that the agent in charge must be licensed to transact. The agent in charge is required to be licensed in at least two of the location's lines, rather than all of the location's lines, except that if the location only handles one line, the agent in charge must be licensed in that line of insurance.
- eliminating the examination for customer representative licensing. Applicants for such licensure will qualify if they have achieved certain specified professional designations or a qualifying academic degree within 4 years prior to application.
- allowing the general lines agent, personal lines agent, and all-lines adjuster license applicants an exemption from the required examination, upon certain conditions, including obtaining certain professional designations or a qualifying academic degree.
- removing any examination exemption limitations applicable to license transferees from other states.
- allowing non-resident agent applicants to receive an examination exemption if they hold a comparable license in another state with similar examination requirements.
- requiring attendees to complete 75 percent of course hours in prelicensure courses for applicants to receive credit. This replaces a rule requirement that was repealed for lack of rulemaking authority.
- revising various knowledge, experience, or instruction requirements governing applicants for licensure as a general lines agent, personal lines agent, life agent, or health agent.
- establishing a mandatory five year records retention requirement for insurance agents following expiration of a policy.
- defining the term "surrender," for purposes of agent recommended surrenders of an annuity or life insurance policy, and eliminating a required form concerning the information notice required prior to agent recommended annuity surrender, while revising, but maintaining, statutory notice criteria.
- removing or revising various terminologies to adjust to current usage in the insurance industry.
- deleting references to correspondence courses to allow a greater variety of instruction methods.

The bill does not impact state or local government revenues or expenditures. The bill has an indeterminate positive impact on the private sector.

This bill was signed into law on June 16, 2015 as Chapter No. 2015-180, Laws of Florida and the provisions took effect July 1, 2015.

- ***HB 1309***
  Publicly funded Retirement Plans

The Florida Protection of Public Employee Retirement Benefits Act requires the plan administrators for all publicly-funded pension plans to submit actuarial reports at least every three years. In addition to the triennial actuarial reporting requirements, local firefighter and police officer pension plans have actuarial reporting requirements in chapters 175 and 185, F.S. The board of trustees for a local government pension plan is permitted to choose the mortality table used in the actuarial valuation report for determining the actuarially required contributions for the plan. As of September 30, 2014, there are 491 defined benefit pension plans sponsored by 249 local governments.

Effective January 1, 2016, the bill requires local government pension plans, when conducting the actuarial valuation of the plans, to use the mortality tables used in either of the two most recently published actuarial valuation reports of the Florida Retirement System, including the projection scale for mortality improvement. It requires appropriate risk and collar adjustments to be made based on plan demographics. The bill requires the tables to be used for assumptions for preretirement and postretirement mortality. The bill also revises the mortality tables used in the actuarial disclosures in financial statements submitted to the Department of Management Services, effective January 1, 2016.

In addition, the bill delays the time period for each defined benefit retirement system or plan to comply with certain reporting requirements that were established in 2013, effective January 1, 2016. Rather than require a plan to comply with the reporting requirements after the close of the plan year that ends on or after June 30, 2014, the bill requires a plan to comply after the close of the plan year that ends on or after December 31, 2015.

The bill may have an indeterminate negative fiscal impact on certain local governments.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-157, Laws of Florida. The effective date of this bill is upon becoming a law, except as otherwise provided.

- ***HB 4011***
  Motor Vehicle Insurance

Private passenger motor vehicle insurance is written to individuals, and family members in the same household, for coverage of automobiles that are not used for commercial purposes. Current law limits private passenger motor vehicle policies to no more than four vehicles per policy. If there are more than four such vehicles in the household, the consumer must purchase and the insurer must underwrite multiple policies. An estimated 51,408 households in the state have five or more vehicles available.

The bill removes the four vehicle maximum from the definition of "motor vehicle insurance" in s. 627.041(8), F.S., and the definition of "policy" in s. 627.728(1)(a), F.S., to allow vehicle owners to purchase, and insurers to issue, single policies that cover any number of private passenger motor vehicles, rather than just four or less vehicles per policy.

The bill has no fiscal impact on state or local government expenditures. The bill should have a positive impact on the private sector.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-158, Laws of Florida and the provisions took effect July 1, 2015.

See also SB 1094 on pages 60-61 which contains substantial insurance language.

Legal

Courts & Criminal Justice

Courts

▪ *HB 5*
Guardianship Proceedings

Guardianship is a concept whereby a "guardian" acts for another, called the "ward," whom the law regards as incapable of managing his or her own affairs due to age or incapacity. There are two main forms of guardianship: guardianship over the person or guardianship over the property, which may be limited or plenary. Guardianships may be established for both adults and minors. The bill:

- Repeals the automatic suspension of a power of attorney when proceedings to determine incapacity or appoint a guardian have been initiated if the agent is closely related to the principal;
- Allows the court to appoint the Office of Criminal Conflict and Civil Regional Counsel to act as a court monitor if the ward is indigent;
- Allows a court to authorize payments to experts and professionals acting on behalf of the guardianship without the need for expert testimony;
- Allows a court to waive appointment of a guardian ad litem in a guardianship case regarding the settlement of a claim by a minor;
- Requires notice to an alleged incapacitated person and his or her counsel of the appointment of an emergency temporary guardian unless such notice would cause the alleged incapacitated person harm;
- Provides that certain for profit corporations are qualified to act as guardian of a ward;
- Requires letters of guardianship to specify, where applicable, the authority of a health care surrogate;
- Requires the court to consider the wishes of the alleged incapacitated person's next of kin if he or she cannot express a preference regarding a permanent guardian;
- Prohibits preference to the emergency temporary guardian when selecting the permanent guardian;
- Places restrictions on the appointment of a professional guardian as the permanent guardian of a ward;
- Requires the state to pay the fees of an examining committee in the event that the court finds that an adult is not incapacitated. In such case, if the court finds the petitioner acted in bad faith, the court may require the petitioner to reimburse these fees;
- Prohibits abuse, exploitation, or neglect of a ward by a guardian;
- Creates additional duties of a guardian;
- Requires that annual guardianship plans be filed prior to the time that they took effect; and
- Provides the legal standard for restoration to capacity and requires a court to give priority to hearings thereon.

This bill was signed into law on June 2, 2015 as Chapter No. 2015-83, Laws of Florida and took effect July 1, 2015.

▪ *HB 149*
Rights of Grandparents

Chapter 752, F.S., states that grandparents and great-grandparents may petition for visitation rights with their minor grandchildren and great-grandchildren; however, the Florida Supreme Court and other Florida District Courts have declared much of this law unconstitutional.

This bill repeals the unconstitutional language from chapter 752, F.S., and creates a limited grandparent visitation statute. It allows a grandparent of a minor child whose parents are deceased, missing, or in a persistent vegetative state to petition the court for visitation. A grandparent may also petition for visitation if there are two parents, one of whom is deceased, missing, or in a persistent vegetative

state and the other has been convicted of a felony or certain violent crimes. The bill requires the grandparent to make a preliminary showing of parental unfitness or significant harm to the child.

The bill requires that grandparents first attempt mediation. If that is ineffective, the court may, if it deems necessary, appoint a guardian ad litem for the child. The bill lists factors for the court to consider in its final determination, including the previous relationship the grandparent had with the child, the findings of a guardian ad litem, the potential disruption to the family, the consistency of values between the grandparent and the parent, and the reasons visitation ended.

The bill places a limit on the number of times a grandparent can file for visitation, absent a real, substantial and unanticipated change of circumstances.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-134, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 157 Fraud*

Chapter 817, F.S., contains a variety of statutes relating to fraudulent practices against individuals, corporations, and governments. The bill amends many of these statutes to afford businesses throughout Florida broader protection against fraud and business identity theft, and to enable individuals to more easily identify when identity theft has occurred and restore their identity and credit afterwards. Specifically, the bill:

- Makes it unlawful for a person to falsely personate or represent another person if, while doing so, he or she receives any property intended to be delivered to the party so personated, with intent to convert the property to his or her own use;
- Requires a business entity to release documents related to an identity theft incident to a victim after specified requirements are satisfied and provides protections to such business entities who release such information in good faith;
- Expands the application of criminal use of personal identification to include those who unlawfully use the personal identification information of a business entity (rather than an individual) or a dissolved business entity;
- Defines "business entity" and replaces the terms "corporation" and "firm," with the term "business entity," to ensure that all business operating in Florida receive the protections of ch. 817, F.S.;
- Adds advertisements published electronically to the definition of misleading advertisements;
- Prohibits a person from manufacturing articles that have the name of a city, county, or political subdivision, that is not the same name than the one in which said items are manufactured;
- Prohibits specified persons from fraudulently issuing, transferring, or fraudulently signing an indicia of membership interest with a limited liability company with the intent that the interest be issued or transferred by himself, herself, or another person;
- Prohibits a person from knowingly providing false information that becomes part of a public record; and
- Increases the criminal penalty of fraudulently obtaining goods or services from a health care provider from a second degree misdemeanor to a third degree felony.

This bill was signed into law on June 16, 2015 as Chapter No. 2015-166, Laws of Florida and these provisions take effect October 1, 2015.

▪ *SB 158 Civil Liability of Farmers*

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

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

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

This bill was signed into law on May 21, 2015 as Chapter No. 2015-38, Laws of Florida and the provisions took effect July 1, 2015.

- ***CS/CS/CS/SB 222***
  Electronic Commerce

  CS/CS/CS/SB 222 creates the Computer Abuse and Data Recovery Act (CADRA), which establishes a civil cause of action for harm or loss caused by the unauthorized access or hacking of a protected computer owned by a for-profit or not-for-profit business.

  The bill provides a definition for "authorized user," to be a director, officer, third-party agent, contractor, consultant, or employee, who is granted, otherwise blocked, access by the owner, operator, lessee of the protected computer, or the owner of the protected information stored in the computer.

  Remedies created by the bill include the recovery of actual damages, lost profits, economic damages, and injunctive or other equitable relief.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-14, Laws of Florida and the provisions took effect October 1, 2015.

- ***HB 283***
  Transfers to Minors

The Uniform Gifts to Minors Act creates a simple legal custodianship, in an adult or appropriate institution, of property that would otherwise transfer directly to the minor. The purpose is to avoid the expense and complexity required by a formal trust or a legal guardianship. The Act requires full distribution of the total gifts to a minor upon reaching the age of 21.

This bill amends the Uniform Gifts to Minors Act to provide a mechanism to extend control over the gift to age 25, provided that the minor is given a brief opportunity at age 21 to opt out of such control.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-140, Laws of Florida and the provisions took effect July 1, 2015.

- ***CS/CS/CS/SB 342***
  No Contact Orders

CS/CS/CS/SB 342 defines what is meant by an order of no contact in a court order granting the pretrial release of a criminal defendant.

Under current law, when a person is detained and charged with a crime, he or she is brought before the court for a bail determination. If the court sets bail, the court may impose conditions of pretrial release. One mandatory condition of pretrial release is that the defendant have no contact with the victim.

The bill provides that an order of no contact is effective immediately and enforceable for the duration of pretrial release or until the court modifies the order of no contact. The defendant will receive a copy of the order of no contact before he or she is released from custody on pretrial release under the provisions of the bill.

Under the bill, a defendant who is ordered to have "no contact" generally may not:

- Communicate orally or in writing with the victim in any manner, in person, telephonically, or electronically directly or through a third person, other than through an attorney and for lawful purposes;
- Have physical or violent contact with the victim or other person identified in the order or his or her property;
- Be within 500 feet of the victim's or other identified person's residence, even if the defendant and victim or other named person share the residence; and
- Be within 500 feet of the victim's or other identified person's vehicle, place of work, or a specified place frequented regularly by either of them.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-17, Laws of Florida and the provisions take effect October 1, 2015.

▪ *HB 437*
Guardians for Dependent Children who are developmentally Disabled or Incapacitated

The bill creates a framework for identifying and appointing guardian advocates, limited guardians, and plenary guardians for developmentally disabled children who may require decision-making assistance beyond their 18th birthday. It also authorizes guardianship courts to exercise jurisdiction over dependent children nearing their 18th birthday to appoint guardian advocates, limited guardians, and plenary guardians. The bill:

- Requires the court to conduct an annual review of the continued necessity of a guardianship for young adults in extended foster care who already have a guardian advocate or guardian;
- Requires the Department of Children and Families (DCF) to develop an updated case plan for any child who may require the assistance of a guardian advocate, limited guardian, or plenary guardian;
- Requires that upon a judge's finding that no less restrictive decision-making assistance will meet the child's needs:
- DCF must complete a report and identify individuals who are willing to serve as a guardian advocate or as a plenary or limited guardian; and
- Proceedings for the appointment of a guardian advocate, plenary guardian, or limited guardian may be initiated in a separate proceeding in guardianship court within 180 days of the child's 17th birthday.
- Requires that a minor who is 17 and one-half years of age and is subject to guardianship proceedings must receive all the due process rights of an adult; and
- Allows the child's parents to remain the child's natural guardians unless the parents' rights have been terminated or the dependency or guardianship court determines it is not in the child's best interest.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-112, Laws of Florida and the provisions took effect July 1, 2015.

▪ *SB 570*
Service of Process of Witness Subpoenas

SB 570 adds civil traffic cases to the types of court cases for which service of process may be made on a witness by United States mail.

Service of process of witness subpoenas may be made by United States mail in criminal traffic, misdemeanor, or second or third degree felony cases. To serve process by mail, the server must mail the subpoena to the witness's last known address at least seven days before the witness's appearance is required.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-51, Laws of Florida and the provisions took effect July 1, 2015.

▪ *SB 672*
Service of Process

SB 672 authorizes a process server to post a criminal witness subpoena commanding a witness to appear for a deposition at a witness's residence if one attempt to serve the subpoena has failed. Under existing law, a process server must make three attempts, at different times of the day or night on different dates, to serve a criminal witness subpoena before the subpoena may be posted at the witness's residence. These requirements for three attempts at service continue to apply to a criminal witness subpoena that commands a witness to appear.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-59, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 775*
Appointment of an Ad Litem

Service of process is essential to satisfy jurisdictional requirements over the subject matter and the parties in a civil action. In some cases, a plaintiff is unable to effectuate actual service of process on a party because the party's identity or location may be unknown, the party may be evading service, the party may be away on active military service, or the party may have died. Despite the inability to effect actual service of process on such persons, a plaintiff may proceed in certain actions by providing such persons constructive service of process through publication of a legal notice.

In such actions, constitutional due process may require that a court appoint a representative for the party who is unknown or who cannot be found. Such representative may be known as a "guardian ad litem," an "attorney ad litem", or an "administrator ad litem," depending upon the interests represented. The ad litem has the responsibility to ensure that the absent party's due process rights are considered by the court, even if the person cannot ultimately be located. Practitioners report that some courts are reluctant to appoint an ad litem because there is no statutory authority for such appointments.

This bill creates a statutory framework for the appointment of a guardian ad litem, attorney ad litem, or administrator ad litem to represent certain persons in civil litigation who are unknown or cannot be located.

This bill was signed into law on June 2, 2015 as Chapter No. 2015-95, Laws of Florida and the provisions took effect July 1, 2015.

▪ *CS/CS/SB 872*
Estates

CS/CS/SB 872 amends the Florida Probate Code and the Florida Trust Code to revise provisions governing the areas of attorney fees and costs, lawyers and certain persons related to lawyers serving as fiduciaries, personal representatives and notices of administration, and the apportionment of estate taxes. The bill:

- Authorizes a court to assess attorney fees and costs against one or more persons' part of an estate or trust in proportions it finds just and proper in estate and trust proceedings and to direct payment for assessments against a portion of an estate from a trust under certain circumstances.
- Provides factors that a court may consider when assessing costs and attorney fees against a person's share of an estate or trust in estate and trust proceedings.
- Prohibits compensation to an attorney or certain persons appointed by a client to service as a fiduciary unless special circumstances exist or a written disclosure is executed by the client before the execution of the document.
- Revises requirements regarding the time to make objections to the validity of a will, qualifications of a personal representative, the venue, or jurisdiction of a court in estate proceedings.
- Requires that personal representatives who are not qualified at the time of appointment resign or be removed by the court and have their letters of administration revoked.

- Extends personal liability for attorney fees and costs in a removal proceeding to personal representatives who do not know but should have known of facts requiring them to immediately resign or provide notice of ineligibility to serve as personal representative to interested persons.
- Substantially revises current law regarding the allocation and apportionment of estate taxes to update the statute for consistency with changes in federal estate tax laws, codify case law governing estate tax apportionment, and address gaps in the current statutory apportionment framework.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-27, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 887 Unclaimed Property*

Unclaimed property consists of any funds or other property, tangible or intangible, that has remained unclaimed by the owner for a certain period of time. Savings and checking accounts, stocks, bonds, insurance policy payments, refunds, and contents of safe deposit boxes are potentially unclaimed property. Holders of unclaimed property, which typically include banks and insurance companies, are required to report unclaimed property to the Department of Financial Services (DFS) Bureau of Unclaimed Property, pursuant to the Florida Disposition of Unclaimed Property Act (ch. 717, F.S.).

U.S. savings bonds are debt securities issued by the U.S. Department of the Treasury (Treasury) to help pay for the federal government's borrowing needs. Most of the bonds at issue (Series E) were issued between 1941 and 1980. As contracts between the U.S. government and the bond's owner, they are backed by the full faith and credit of the U.S. government. Given the passage of time, the long maturities of these bonds, the deaths or relocations of registered owners, and bonds being lost, stolen, or destroyed, the Treasury currently holds nearly 50 million unredeemed Series E savings bonds and will do so in perpetuity. Federal law does not require an unclaimed property process to reunite the bond owner with the bond, as state unclaimed property law does. Treasury policy dictates that the Treasury will not release bonds to a state with a custody-based unclaimed property law, but will do so if the state can take title to the bonds. The state of Florida currently holds custody of unclaimed, physical bonds (bonds in possession) with a face value of more than $1.2 million. However, federal law prohibits the transfer of U.S. savings bonds to anyone other than the named beneficiary except in limited circumstances, including pursuant to a valid judicial proceeding. Currently, the custody-based nature of the Act precludes recovery of these physical bonds. In addition, the DFS estimates there is an even greater number of absent bonds issued to individuals whose last known address is in Florida, but have been lost, stolen, or destroyed.

The bill creates a judicial process whereby the DFS may seek a court order to obtain title to the bonds in possession, similar to a Kansas statute that led to a recent favorable recovery of proceeds from physical U.S. savings bonds issued to Kansas residents. The bill establishes a post-maturity period of time which will indicate that the bonds are lost, stolen, or destroyed, allowing the DFS to initiate escheat proceeds. If or when the proceeds are received, the bill requires the proceeds to be deposited in accordance with s. 717.123, F.S., as with any other unclaimed property. The bill creates a claims process that requires the DFS to comport with due process prior to any escheat hearing, in that it must undertake specific efforts to notify registered owners, co-owners, and beneficiaries of the escheat proceedings through notice of publication. Even after the bonds escheat to the state, the original bond owner may still recover the bond proceeds under the claims process set forth in the bill, and may make a claim to the DFS for the proceeds of the bond. Once the DFS obtains title to these bonds, it may petition the Treasury for redemption of these bonds in possession, and if necessary, to render a full accounting of the necessary information of absent bonds, which would identify the class of

bonds registered with the last known address in Florida.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-152, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 961*
Electronic Noticing of Trust Accounts

A Florida trustee has a duty to keep the qualified beneficiaries (hereinafter "beneficiaries") of an irrevocable trust reasonably informed of the trust and its administration. Specifically, the trustee must provide beneficiaries with an accounting of the trust at specified periods, disclosure of documents related to the trust, and notice of specific events related to the administration of the trust.

The Florida Trust Code currently provides that the only permissible methods of sending notice or a document to such persons are by first-class mail, personal delivery, delivery to the person's last known place of residence or place of business, or a properly directed facsimile or other electronic message.

However, for many reasons, some beneficiaries prefer to receive, store, and access correspondence and documents through secured websites and accounts. Trustees also prefer to provide sensitive financial information through secured web accounts rather than through electronic messages which carry greater security risks. Although financial institutions commonly use secure websites for providing statements and other disclosures related to bank or credit accounts, such methods are rarely used for trust accounts due to a perceived lack of authorization within current law.

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

T*his bill was signed into law on June 16, 2015 as Chapter No. 2015-176, Laws of Florida and the provisions took effect July 1, 2015.*

▪ *SB 982*
Florida Civil Rights Act

SB 982 amends the Florida Civil Rights Act (FCRA) by expressly prohibiting discrimination because of pregnancy. The FCRA currently prohibits discrimination based on race, creed, color, sex, physical disability, or national origin in the areas of education, employment, housing, and public accommodation. However, the decisions of the district courts of appeal were in conflict as to whether discrimination based on sex includes discrimination based on pregnancy. The conflict among the appellate courts was resolved by the Florida Supreme Court in a 2014 case ruling that discrimination based on pregnancy is subsumed within the prohibition in the FCRA against sex discrimination. This bill effectively codifies that decision.

Although pregnancy discrimination is prohibited under federal law, by specifically permitting a state cause of action for pregnancy discrimination, plaintiffs will have more time to file suit than is available under federal law. After the federal Equal Employment Opportunity Commission concludes an investigation of a complaint and issues a "right-to-sue" letter, the plaintiff has 90 days to file an action in federal court. Plaintiffs bringing pregnancy discrimination cases in state court will have up to 1 year to file after a determination of reasonable cause by the Florida Commission on Human Relations (FCHR). Also, plaintiffs filing a lawsuit against a small-sized employer may be able to recoup greater punitive damages in state court due to the difference in caps on punitive damages in state and federal court.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-68, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 1069*
Defendants in Specialized Courts

Currently, s. 910.035(5), F.S., allows any person who is eligible for participation in a preadjudicatory drug court program to have the case transferred to a county other than that in which the charge arose if the representative of the drug court program of the county requesting to transfer the case consults with the representative of the drug court program in the county to which transfer is desired, and all parties approve the transfer.

If the above requirements are met, the trial court must accept a plea of nolo contendere and enter a transfer order directing the clerk to transfer the case to the county which has accepted the defendant into its drug court.

Upon successful completion of the drug court program, the jurisdiction to which the case has been transferred must dispose of the case.

The bill expands s. 910.035(5), F.S., so that a person eligible to participate in any type of problem solving court (PSC), not just a preadjudicatory drug court, may have their case transferred to another county if:

- The defendant agrees to the transfer;
- The authorized representative of the trial court consults with the authorized representative of the PSC in the county to which transfer is requested; and
- Both authorized representatives agree to the transfer.

The bill defines "problem-solving court" to include preadjudicatory and postadjudicatory drug courts pursuant to s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s. 948.20; preadjudicatory and postadjudicatory veterans' courts pursuant to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; and mental health courts.

The bill may have a minimal fiscal impact on local government expenditures because counties will be required to take administrative and procedural steps to transfer criminal cases between counties. The bill may also reduce state and local government expenditures by making PSCs more available as an alternative to incarceration.

This bill was signed into law on June 16, 2015 as Chapter No. 2015-178, Laws of Florida and the bill took effect July 1, 2015.

▪ *HB 7013*
Adoption and Foster Care

The bill creates s. 409.1662, F.S., to establish an adoption incentive program to advance permanency, stability, and well-being among children in the child welfare system. This program requires DCF to award incentive payments to CBCs and their subcontracted providers for meeting specific adoption performance standards that increase the number of adoptions that result in permanent placements that enhance children's well-being. DCF must conduct a baseline assessment of the adoption-related performance for CBCs and subcontracted providers. After this assessment, DCF must establish measurable outcome targets for performance by agreement with each CBC and subcontracted provider and negotiate incentive payments to CBCs and subcontracted providers for meeting these targets.

To conduct the baseline assessment of CBC performance, DCF must identify, at a minimum:

- The number of families attempting to adopt from foster care;
- The number of families who have completed the adoption process;
- The number of children eligible for adoption;
- The number of children whose adoptions have been finalized;
- The amount of time eligible children wait to be adopted;
- The number of disruptions;
- The number of dissolutions;
- The number of disruptions and dissolutions that were preventable by the CBC or the subcontracted provider;

- The time required to complete each phase of the adoption process;
- The expenditures made toward the recruitment of adoptive families;
- Any program or performance to improve and streamline the adoption process;
- Results of CBC efforts to obtain feedback from prospective and adoptive parents, children within the child welfare system, adoptees, and other stakeholders; and
- The use of evidence-based, evidence-informed, promising, and innovative practices in lead agencies' efforts to find homes for adoptable children.

DCF must report annually by November 15 to the Governor, President of the Senate, and Speaker of the House of Representatives on the implementation and results of the program. The report must also discuss the program enhancements made by each CBC and its subcontracted providers to achieve the negotiated outcomes.

The bill also creates s. 409.1664, F.S., to reestablish an adoption benefit program within DCF for qualifying state employees who adopt children from the foster care system beginning on July 1, 2015. Adoptive employees would receive a one-time benefit of $10,000 for the adoption of a child with special needs as described in s. 409.166(2)(a)2., F.S, and $5,000 for the adoption of a child who does not have such needs.

Qualifying employees would include those individuals who are regular (not temporary) employees, either full- or part-time, of:

- A branch, department, or agency of state government for which the Chief Financial Officer processes payroll requisitions;
- A state university or Florida College system institution;
- A school district unit;
- A water management district; and
- The Florida School for the Deaf and Blind (limited to instructional personnel).

Benefits would be provided on a first-come, first-served, basis, limited by the amount of the appropriation. The qualifying employee must apply for the benefit through his or her agency head using forms approved by DCF and provide documentation of the adoption.

Implementing the state employee adoption benefit may lead to disproportionate increases in adoptions in areas served by CBCs that include large state employee populations. These increases will be occurring at the time when the CBC incentive program is also being implemented. DCF will need to consider the interaction between these two programs in setting performance targets for the CBC incentive program to ensure that CBCs are rewarded for the adoption performance related to their efforts.

The bill amends s. 39.812, F.S., to require CBCs to make a reasonable effort to contact adoptive families one year after the adoption's finalization to offer post-adoption services. It defines "reasonable effort" by the CBC as exercising reasonable diligence and care. This will provide adoptive families an opportunity to learn about available services that may address challenges they face in caring for the adoptive child. This could make dissolutions of adoptions less likely to occur.

It requires the CBC to document:

- The number of times it attempted to contact the adoptive family and whether those attempts were successful;
- The types of post-adoption services that were requested by the adoptive family and whether the CBC provided the requested services to the adoptive family; and
- Any feedback the CBC received relating to the quality or effectiveness of post-adoption services that were provided.

It also requires the CBCs to report annually to DCF on the outcomes achieved and make

recommendations for improvement under this section.

The bill creates s. 409.1666, F.S., to require the Governor to select and recognize one or more individuals, families, or entities that have made significant contributions towards efforts to find children in care permanent homes through adoption. The department is required to create categories and criteria for the awards and seek nominations of potential recipients in each category.

The bill specifies that the direct support organization established with the Governor's Office of Adoption and Child Protection may accept donations to be given to award recipients and may provide other tokens of recognition. However, currently, the Office has not established a direct support organization.

The bill amends ss. 39.0016(2) and 409.145(2), F.S., to support the child's educational success and ensure that child's educational needs are met. The bill requires DCF, district school boards and other local educational entities, CBCs, and caregivers to ensure that the child is enrolled in school or the best educational setting that meets the child's needs. The bill states a preference to maintain the educational stability of the child, unless it is not in the child's best interest. In that case, other options may be considered, including private school, virtual school, and home schooling.

It prohibits DCF from showing prejudice against caregivers who desire to educate at home any children placed in their home through the child welfare system; it amends s. 63.042, F.S., to disallow prohibiting a person from adopting solely because he or she desires to educate the child at home.

The bill amends s. 409.175, F.S., to require Florida licensed child-placing agencies that conduct intercountry adoptions to comply with certain federal requirements. Specifically, agencies must meet the U.S. Department of State requirements for accreditation or supervision; conduct intercountry adoptions involving Hague Convention countries in accordance with federal regulations; and maintain certain records, such as the child's family and medical history and translated legal documents.

It deletes the statutory prohibition on adoptions by a person who is homosexual.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-130, Laws of Florida and these provisions took effect July 1, 2015.

Criminal Justice

- ***HB 115***
  Sentencing

Section 775.089, F.S., requires a judge to order a defendant convicted of any criminal offense to make restitution to a victim for damage or loss caused directly or indirectly by the defendant's offense, and damage or loss related to the defendant's criminal episode. The statute currently defines the term "victim," in part, as:

- Each person who suffers property damage or loss, monetary expense, or physical injury or death as a direct or indirect result of the defendant's offense or criminal episode.

While the definition of "victim" does not currently define the word "person," s. 1.01(3), F.S., defines the word "person" to "include individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations." Read in conjunction, it appears that governmental entities and political subdivisions (governmental entities) can be "victims" for purposes of restitution. However, some Florida District Courts have held that governmental entities are barred from obtaining an order of restitution because they are not considered "victims" for purposes of restitution.

The bill amends the definition of "victim" in s. 775.089(1)(c), F.S., to clarify that the term includes governmental entities and political subdivisions when such entities are a direct victim of the defendant's offense or criminal

episode and not merely providing public services in response to the offense or criminal episode.

The bill also creates ss. 838.23 and 839.27, F.S., to require a judge to order a person convicted of any offense in chs. 838 (entitled "Bribery; Misuse of Public Office") and 839, F.S., (entitled "Offenses by Public Officers and Employees") to:

- Make restitution to the victim of the offense if, after conducting a hearing, the judge finds that the victim suffered an actual financial loss caused directly or indirectly by the person's offense or an actual financial loss related to the person's criminal episode; and
- Perform 250 hours of community service work.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-132, Laws of Florida and the provisions take effect October 1, 2015.

▪ *HB 133*
Sexual Offenses

A statute of limitations is an absolute bar to the filing of a legal case after a date set by law. Some statutes of limitations related to felony sexual battery offenses are currently 4 years. The bill extends those statutes of limitations for sexual battery from 4 years to 10 years.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-133, Laws of Florida and the provisions took effect July 1, 2015.

▪ *CS/CS/HB 369*
Human Trafficking

The bill provides that human trafficking public awareness signs are to be displayed by the Department of Transportation in every rest area, turnpike service plaza, weigh station, primary airport passenger rail station and welcome center open to the public. The bill also requires human trafficking awareness signs in emergency rooms at general acute care hospitals, strip clubs or other adult entertainment establishments, and businesses or establishments offering massage or bodyworks services not owned by a heath care profession.

The public awareness sign instructs anyone who is being forced to engage in an activity and is being held against their will to call or text the National Human Trafficking Awareness Center.

The bill authorizes the county commission to adopt an ordinance to enforce provisions related to this bill, with a violation being a noncriminal violation and punishable by a fine not to exceed $500.

This bill was signed into law on June 16, 2015 as Chapter No. 2015-172, Laws of Florida and the effective date of this bill is January 1, 2016.

▪ *CS/SB 378*
Juvenile Justice

CS/SB 378 expands juvenile civil citation by allowing law enforcement to issue a civil citation to youth who have committed a second or subsequent misdemeanor. Civil citation is presently only available to youth who admit to committing a first-time misdemeanor.

In addition, law enforcement will be authorized to issue a simple warning to the youth, inform the youth's parents of the misdemeanor, issue a civil citation or require participation in a similar diversion program under the bill. The bill also states that if an arrest is made, law enforcement must provide written documentation as to why the arrest is warranted.

This bill was signed into law on May 21, 2015 as Chapter No. 2015-46, Laws of Florida and the provisions take effect October 1, 2015.

▪ *HB 465*
Human Trafficking

Section 787.06, F.S., Florida's human trafficking statute, defines human trafficking as the transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining of another person for the purpose of exploitation of that person. In recent years, the Legislature has overhauled Florida's human trafficking laws to increase penalties for human trafficking and to

make human trafficking prosecutions easier. The greatest driver of human trafficking in Florida is prostitution.

Currently, the penalty for soliciting another for prostitution is a second degree misdemeanor for the first offense, a first degree misdemeanor for the second offense, and a third degree felony for a third or subsequent offense. Anyone who is convicted, pleads guilty or pleads nolo contender for solicitation for prostitution is subject to a $5,000 fine.

The bill increases the criminal penalties for soliciting, inducing, enticing, or procuring another to commit prostitution. The penalties are increased as follows:

- First offense is a first degree misdemeanor;
- Second offense is a third degree felony; and
- Third, or subsequent, offense is a second degree felony.

The bill requires a judge to sentence a person convicted of solicitation to 10 days in jail if it is their second or subsequent conviction for solicitation.

The bill also requires the court to order a person convicted of solicitation to perform 100 hours of community service and complete an educational program about the negative effects of prostitution and human trafficking. The bill also authorizes a judge to impound or immobilize the car of a person convicted of solicitation for up to 60 days.

The bill authorizes any court in the circuit in which a victim of human trafficking was arrested to grant a human trafficking expunction, as long as the court has jurisdiction over the class of offense or offenses sought to be expunged. The bill allows an advocate to be present with a victim of human trafficking during any human trafficking expunction court proceeding.

This bill was signed into law on June 11, 2015 as Chapter No. 2015-145, Laws of Florida and the provisions take effect October 1, 2015.

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

CS/CS/SB 538 creates the new criminal offense of electronic disclosure of sexually explicit images.

The bill creates a first degree misdemeanor offense for intentionally and knowingly disclosing sexually explicit images of a person to a social networking service or a website, or by means of any other electronic medium with the intent to harass the person if the person depicted in the sexually explicit image did not consent to the disclosure. For a second or subsequent violation a person commits a third degree felony.

The bill provides for civil remedies including injunctive relief, monetary damages to include $5,000 or actual damages whichever is greater, reasonable attorney fees and costs.

The new offense is added to the list of offenses for which a court must issue a no-contact order to a defendant, which prohibits the defendant from having contact with the victim at the time of sentencing for the duration of the sentence imposed.

The bill clarifies that providers of Internet and storage services, or other information and communication services, such as electronic communications and messaging, are not liable under the provisions of this bill.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-24, Laws of Florida and the provisions take effect October 1, 2015.

▪ *SB 1010 False Impersonation*

SB 1010 revises the list of officials who are prohibited from being falsely impersonated to include firefighters and fire or arson investigators of the Department of Financial Services. The bill prohibits the use of badges or indicia of authority bearing in any manner or combination the words “fire department” and the ownership or operation of vehicles marked by the words “fire department”. Further, the bill amends criminal

intent language relevant to those offenses to address a 2005 Florida Supreme Court decision that held that the intent language is unconstitutional.

This bill was signed into law on May 14, 2015 as Chapter No. 2015-29, Laws of Florida and the provisions take effect October 1, 2015.

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

Section 934.03, F.S., makes it a third degree felony for a person to intentionally intercept an oral communication. The statute sets forth a variety of exceptions to this prohibition. For example:

- It is not a crime for a person to intercept an oral communication if all parties to the communication consent to the interception; and
- A law enforcement officer or a person acting under the direction of a law enforcement officer may intercept an oral communication when such person is a party to the communication or one of the parties to the communication has given prior consent to such interception and the purpose of such interception is to obtain evidence of a criminal act.

Oral communications that have been intercepted illegally cannot be used as evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the state, or a political subdivision thereof.

The bill amends s. 934.03, F.S., to create an additional exception to the prohibition on intercepting oral communications. The bill makes it lawful for a child under 18 years of age to intercept and record an oral communication if the child is a party to the communication and has reasonable grounds to believe that the recording will capture a statement by another party to the communication that the other party intends to commit, is committing, or has committed an unlawful sexual act or an unlawful act of physical force or violence against the child.

This bill was signed into law on May 22, 2015 as Chapter No. 2015-82, Laws of Florida and the provisions took effect July 1, 2015.

Taxation & Economic Development

Taxation & Economic Development

- ***HB 33A***
  Taxation

HB 33A provides for a wide range of tax reductions designed to directly impact both households and businesses.

The bill permanently reduces the state communications services tax (CST) rate by 1.73 percentage points.

It includes new or expanded sales tax exemptions for the following: agricultural items, including feed for aquatic organisms, irrigation equipment, costs of maintenance and repairs of irrigation and power farm equipment, stakes, and certain trailers used on farms; K-12 school food and beverage concessions in support of extra-curricular activities; boat repairs exceeding the first $60,000 in tax; gun club memberships or admissions; and motor vehicles brought to Florida by military servicemembers deployed outside of the U.S. Temporary sales tax exemptions in the bill include a ten-day "back-to-school" holiday for clothing, footwear, school supplies, and computers and a one-year exemption for college textbooks and instructional materials.

The bill makes the following corporate income tax changes: increases total tax credits available for voluntary brownfields clean-up; revises the distribution for the current research and development tax credit and increases the annual credits that can be awarded; extends the Community Contribution Tax Credit program with $24.9 million in tax credits each year for two years (also taken against sales tax); and expands program eligibility to include projects designed to provide housing opportunities to persons with special needs.

Other changes include: clarification of the definition of "common elements" for ad valorem tax purposes; a permanent extension of an existing title insurance premiums tax reduction under certain conditions; an exemption from the aviation fuel tax for fuel used by certain Florida higher educational institutions for flight training; an extension of enterprise zone incentives after that program sunsets to certain businesses under contract with the Department of Economic Opportunity for other economic incentive programs; and clarification of CST dealer tax reporting period requirements and the sales tax exemption on prepaid college meal plans.

This bill was signed into law on June 16, 2015 as Chapter No. 2015-221, Laws of Florida. The bill became effective on July 1, 2015, except as was otherwise expressly provided in the act.

- ***HB 209***
  Emergency Fire Rescue Services & Facilities Surtax

Current law, s. 212.055(8),F.S., enables counties to adopt a discretionary sales surtax of up to one percent to help fund emergency fire and rescue services, subject to approval by a majority of the qualified electors in a referendum. The county must have an interlocal agreement with a majority of emergency fire rescue service providers within the county as a prerequisite to conducting the referendum on enacting an Emergency Fire Rescue Services and Facilities Surtax. Only service providers who are signatories to the interlocal agreement are entitled to the revenue generated by the sales surtax. Distribution of surtax revenues to each service provider depends either on the actual amounts collected within each participating jurisdiction or, if the county contains any special fire control districts, the proportion of each participating jurisdiction's expenditures for fire control and emergency services to the total of all such expenditures for all participating jurisdictions. Any local government entity that receives surtax revenues is required to reduce its ad valorem tax levy or non-ad valorem assessment in the following fiscal years by the amount the entity expects to receive in surtax revenues. If more surtax revenues are received than were expected, the proceeds must be applied as a rebate to the final millage.

The bill amends the distribution formula for counties that have adopted an Emergency Fire Rescue Services and Facilities Surtax. The bill removes the requirement for the county government to enter into an interlocal agreement as a prerequisite for holding a referendum on the surtax. If the surtax is approved by referendum, the proceeds would instead be distributed to all local government entities providing emergency fire rescue services in the county. The bill amends the procedure for distributing revenue generated by the surtax, creating a uniform system of proportional allocation, with a pro rata distribution based on average annual spending of ad valorem and non-ad valorem assessment revenue on fire rescue services in the 5 fiscal years preceding the year that the surtax takes effect by all entities in the county providing fire services. The bill returns any surplus surtax revenues to the county if it cannot be applied to reduce ad valorem or non ad valorem assessments levied by the entity. The county must reduce its millage rates to offset the surplus surtax proceeds.

This bill was signed into law on June 16, 2015 as Chapter No. 2015-169, Laws of Florida and the provisions took effect July 1, 2015.

▪ *HB 361 Military Housing Ad Valorem Tax Exemptions*

Current Florida law provides an exemption from ad valorem taxation for property owned by the United States. This exemption specifically applies to leasehold interests in property owned by the United States government when the lessee serves or performs a governmental, municipal or public purpose or function. Federal law also recognizes the immunity of property of the United States from ad valorem taxation.

The bill recognizes in statute that leaseholds and improvements constructed and used to provide housing pursuant to the federal Military Housing Privatization Initiative (Housing Initiative) on land owned by the federal government are exempt from ad valorem taxation.

The bill provides a definition of property of the United States that includes any leasehold interest of, and improvements affixed to, land owned by the United States acquired or constructed and used pursuant to the Housing Initiative. The bill provides that the term "improvements" includes actual housing units and any facilities that are directly related to such units, regardless of whether title is held by the United States. The bill also provides that it is not necessary for an application for an exemption to be filed or approved by the property appraiser.

Typically, such leaseholds and improvements are executed through public-private ventures (PPV), whereby the title ultimately reverts back to the military department. Until recently, local governments have not attempted to assess ad valorem taxes on Housing Initiative projects.

The bill does not apply to transient public lodging establishments (hotels). The bill also provides that existing agreements to provide municipal services by cities and counties are not affected by the ad valorem exemption.

The bill applies retroactively to January 1, 2007.

This bill was signed into law on May 2, 2015 as Chapter No. 2015-80, Laws of Florida and the provisions took effect July 1, 2015.

▪ *CS/HB 489 Value Adjustment Board Proceedings*

Current law provides for administrative and judicial review of ad valorem tax assessments. As part of that process, each county in Florida has a value adjustment board (VAB) that hears petitions pertaining to property assessments made by the county property appraiser. The VAB hears evidence from both the petitioner and property appraiser as to whether a property is appraised at its just value, as well as issues related to tax exemptions, deferments, and portability.

The bill requires the clerk of the VAB to have available and distribute petition forms (a function already performed by the property appraiser);

It allows an owner of multiple, similar items of tangible personal property to file a single, joint petition protesting the assessment of such property and provides that during the evidence exchange process the property appraiser must include the property record card regardless of whether the card was provided by the clerk.

This bill was signed into law on June 10, 2015 as Chapter No. 2015-115, Laws of Florida and the provisions took effect July 1, 2015.

- ***HB 7009***
  Corporate Income Tax

Florida imposes a 5.5 percent tax on the taxable income of corporations doing business in Florida. The starting point for calculating taxable income for Florida tax purposes is taxable income used for federal income tax purposes. This linkage to the federal Internal Revenue Code requires annual updates to Florida's tax code if the administrative and bookkeeping benefits of "piggybacking" on the federal system are to be retained.

In December 2014, the federal government passed an act that affected the Internal Revenue Code - the Tax Increase Prevention Act of 2014. This act grants accelerated deductions for expensing and depreciation of capital assets put into service during 2014. Because of the linkage between Florida's tax code and the federal code, adoption of these changes by Florida would result in an estimated $180 million reduction in General Revenue in Fiscal Year 2015-16.

The bill updates Florida's tax code by adopting the Internal Revenue Code as in effect on January 1, 2015. However, similar to acts in 2009, 2011, and 2013, the bill does not allow taxpayers, for Florida tax purposes only, to utilize the accelerated deductions allowed for federal tax purposes. Instead, the bill requires taxpayers to spread over a seven year period the amount of the accelerated deductions provided by the federal law changes.

It authorizes the Department of Revenue to adopt emergency rules to implement the bill.

This bill was signed into law on May 14, 2015 as Chapter 2015-35, Laws of Florida. The bill is effective upon becoming law and applies retroactively to January 1, 2015.

Vetoed Bills

Vetoed Bills

- ***CS/HB 105***
  Engineers

The Marvin B. Clayton Firefighters Pension Trust Fund Act (Act) provides a uniform retirement system for the benefit of municipal firefighters. All municipal firefighter retirement trust fund systems or plans must be managed, administered, operated, and funded to maximize the protection of firefighter pension trust funds. The Act provides an incentive – access to premium tax revenues – to encourage the establishment of firefighter retirement plans by cities. The Act only applies to municipalities organized and established by law, and it does not apply to unincorporated areas of any county or counties.

The bill expands the applicability of the Act. It provides that the Act applies to municipalities providing fire protection services to a Municipal Service Taxing Unit (MSTU) through an interlocal agreement and authorizes the receipt of premium taxes collected within the MSTU boundary for the purpose of providing pension benefits to the firefighters.

VETOED BY THE GOVERNOR JUNE 16, 2015.

- ***HB 217***
  Engineers

HB 217 amends current engineering law to create a license type for "structural engineers."

The bill modifies current law related to the licensing and regulation of engineers to include structural engineers. Structural engineers will be licensed and regulated similar to licensed engineers.

Beginning March 1, 2019, the bill prohibits anyone, other than a duly licensed structural engineer, from practicing structural engineering, and from using the name or title of "licensed structural engineer" or any other similar title.

The bill defines structural engineering as a service or creative work that includes the structural analysis and design of threshold buildings.

The bill modifies the current law to include qualifications for applicants for a structural engineer license. In order to qualify for licensure as a structural engineer, an applicant must meet the current qualifications to become an engineer, but have four years of structural engineering experience instead of general engineering experience, and must pass a structural engineering examination – the National Council of Examiners for Engineering and Surveying Structural Engineering Examination.

The bill also provides for the simultaneous application for both an engineer and a structural engineer license.

It provides a "grandfathering" provision for applicants prior to February 28, 2019. It also provides applicants with an exemption from taking the National Council of Examiners for Engineering and Surveying Structural Engineering Examination if the applicant is licensed as an engineer in Florida and has four years of experience in structural engineering.

VETOED BY THE GOVERNOR JUNE 11, 2015.

- ***HB 435***
  Administrative Procedures

The Administrative Procedure Act (APA) provides uniform procedures for the exercise of specified administrative authority. The bill amends provisions of the APA to enhance the opportunities for substantially affected parties to challenge rules. Specifically, the bill makes the following changes to the APA, including, but 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;
- Extending the time to appeal certain final orders when notice to the party was delayed; and
- Requiring agencies to identify and certify all of the rules the violation of which would be a minor violation.

VETOED BY THE GOVERNOR JUNE 16, 2015.

▪ *HB 755 Convenience Business Security*

The Convenience Business Security Act (Act) requires a convenience business to be equipped with a variety of security devices and standards (e.g., a security camera system, a drop safe for restricted access to cash receipts, a notice at the entrance stating that the cash register contains $50 or less, height markers at the entrance; a cash management policy that limits cash on hand after 11 p.m., a silent alarm, etc.).

The Act also requires any convenience business at which a specified crime has occurred, to implement enhanced security measures. These measures must be in place between 11 p.m. and 5 a.m., and include providing at least two employees on the premises, installing a transparent secured safety enclosure for use by the employees, providing a security guard on the premises, locking the premises and transacting business through an indirect pass-through window, and closing the business.

It also requires all employees to receive robbery deterrence and safety training within 60 days of employment. Convenience businesses must submit a proposed training curriculum to the Department of Legal Affairs (Department), along with an administrative fee not to exceed $100, for review and approval. The training curriculum must be submitted to the Department biennially, along with the appropriate administrative fee, for reapproval.

Currently, the term “convenience business” is defined to exclude any business in which the owner or members of his or her family work between the hours of 11 p.m. and 5 a.m.

The bill amends the definition of “convenience business” so that it does not exclude businesses in which the owner or members of his or her family work between the hours of 11 p.m. and 5 a.m. As a result, all of the above-described security and training requirements will apply to convenience businesses in which the owner or members of his or her family work between the hours of 11 p.m. and 5 a.m.

The bill continues to exempt convenience businesses in which the owner or members of his or her family work between the hours of 11 p.m. and 5 a.m. from the enhanced security standards required after a crime has occurred on the property.

It also removes the requirement that convenience businesses submit a safety training curriculum biennially for reapproval and the associated administrative fee to the Department.

VETOED BY THE GOVERNOR JUNE 2, 2015

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

The Department of Agriculture and Consumer Services (Department) collaborates with state and federal investigative agencies when pursuing remedies for administrative and civil investigations, most specifically as it relates to the Department’s regulation of charitable organizations. Many charitable organizations operate both inside and outside of Florida.

Florida’s public records laws do not allow the Department to keep information used in administrative and civil investigations non-public after it has been provided from another state or federal agency, such as the Federal Trade Commission (FTC) or Internal Revenue Service (IRS). Due to the Department’s inability to agree

to maintain the confidentiality of investigative data, they are unable to participate in data sharing with several state and federal agencies.

In 2014, Chapter 2014-122, Laws of Florida, increased oversight of charitable organizations and sponsors, professional fundraising consultants, and professional solicitors and charged the Department with the enforcement and regulation of these entities.

This bill, which is contingent upon the passage of House Bill 995, creates a public record exemption for criminal or civil intelligence or investigative information or any other information held by the 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 that is shared is confidential or exempt under the laws or regulations of that state or federal agency. The bill authorizes the Department to release the information in certain instances.

The public record 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 record exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides a public necessity statement as required by the State Constitution.

Because the linked bill HB 995 failed to pass both chambers, this bill will not become effective.

▪ *HB 1087*
Operations of the Citizens Property Insurance Corporation

Citizens Property Insurance Corporation (Citizens) is a state-created, not-for-profit, tax-exempt governmental entity whose public purpose is to provide property insurance coverage to those unable to find affordable coverage in the voluntary admitted market. It is not a private insurance company. Current law requires Citizens to adopt programs to reduce the number of new and renewal policies it writes. The depopulation program encourages insurance companies licensed in Florida to assume policies currently covered by Citizens, thus reducing Citizens' policy count and exposure.

The bill makes the following changes to the depopulation program:

- After January 1, 2016, a policyholder must be told when one or more insurers has expressed an interest in assuming the policyholder's policy. This will enable a policyholder to work with his or her agent to make an informed decision about insurance coverage.
- After January 1, 2016, a policy may not be taken out from Citizens unless the policyholder received information in a uniform format that he or she can use to compare takeout offers to each other and to the coverage the policyholder has with Citizens. The policyholder must receive the estimated renewal premium, the renewal coverage, including an explanation of differences, and a comparison of both the premium and coverage to the premium and coverage of the Citizens renewal policy.
- Effective July 1, 2015, a policyholder may elect not to be solicited for takeout more than once in a six-month period. In addition, the bill allows a consumer to retain eligibility for Citizens insurance through the Clearinghouse if the insurer increases its initial premium more than 10 percent above its original estimate or increases the rate on the policy more than 10 percent per year during the 36 months following takeout.

In addition, the bill:

- Provides the consumer representative on the Citizens' board with the same exemption from the conflict of interest statute that currently applies to the board members with insurance expertise;

- Authorizes additional entities to receive confidential underwriting data for the purpose of analyzing risks for underwriting and limits use of the data; and
- Requires an insurance agent to have at least one appointment with an insurer in order to retain eligibility to write insurance with Citizens.

VETOED BY THE GOVERNOR JUNE 2, 2015.

▪ *HB 1305*
Home Medical Equipment Providers

Home medical equipment providers are licensed and regulated by the Agency for Health Care Administration (AHCA) under part VII of ch. 400, F.S. The licensure requirements for home medical equipment providers apply to any person or entity that holds itself out to the public as providing home medical equipment and services or accepts physician orders for home medical equipment and services. Certain individuals and entities are exempt from the licensure requirements, including:

- Nursing homes;
- Assisted living facilities;
- Home health agencies;
- Hospices;
- Intermediate care facilities;
- Hospitals;
- Manufacturers and wholesale distributors;
- Pharmacies; and
- Licensed health care practitioners who utilize home medical equipment in the course of their practice but do not sell or rent home medical equipment to their patients.

Electrostimulation medical equipment can be used to treat a number of medical symptoms and conditions. Electrical stimulators can provide direct, alternating, and pulsed waveforms of energy to the human body through electrodes that may be implanted in the skin or used on the surface of the skin. Such devices may be used to exercise muscles, demonstrate a muscular response to stimulation of a nerve, relieve pain, relieve incontinence, and provide test measurements.

VETOED BY THE GOVERNOR JUNE 10, 2015.

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