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**2015 Preliminary Legislative Summary**

Regular Session 2015 – May 1<sup>st</sup>

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The 2015 Florida regular Legislative session came to an unceremonious close on Friday, May 01, 2015. The 2015 session was anything but typical. At 1:15 pm on Tuesday, April 28, the House of Representatives unexpectedly adjourned Sine Die after reaching an impasse with the Senate over healthcare funding. This maneuver led to the procedural death of the majority of bills left on the legislative calendar, many of which were worked out and on final passage. In fact, the fewest number of bills were filed and passed by both chambers since 2000 as a result of the House leaving town three days early. Only 1,754 bills were filed this year of which 231 passed both chambers, compared to a high in 2004 of 2,691 bills filed and 497 passed. This leaves the nearly \$80 billion State budget in limbo, and guarantees a Special Session to begin on June 1<sup>st</sup>.

In this report you will find brief summaries of bills by subject matter that passed and failed during the 2015 Regular Session. The full text of the bills and legislative staff analyses can be found at [www.leg.state.fl.us](http://www.leg.state.fl.us).

A final report including budget outcomes, and any further developments will be provided after the conclusion of the upcoming Special Session. Our Government Relations Team would be pleased to answer specific questions you might have about particular legislation.

Thank you,

Buchanan Ingersoll & Rooney PC

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**J. Keith Arnold** is a fifth generation Floridian from Ft. Myers who served in the Florida House of Representatives for 16 years, and at the age of 28 became the youngest majority leader in state history. Keith has represented various clients before the state legislature and executive branch for 15 years.



**Brett Bacot** is a registered lobbyist with more than 14 years experience representing clients before state government, and during that time has worked in various issue areas, specializing in healthcare, appropriations, and local government issues.



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**Sam Bell** focuses his practice on governmental affairs, health care, insurance, land use, local government and administrative law. For more than a decade, Sam served as State Representative for Volusia County. He has held key positions in the Florida House, including Majority Leader, Chairman of the Rules Committee and Chairman of the Appropriations Committee. He is the only legislator in Florida history to have received every award for effectiveness granted by his fellow legislators.



**Bob Butterworth** has served the citizens of Florida in several capacities as Broward County Sheriff, county judge, circuit judge, Director of Florida's Department of Highway Safety and Motor Vehicles, Mayor of Sunrise, Florida, Attorney General of Florida, and Secretary of the Florida Department of Children and Families.



**Jim DeBeaugrine** focuses his government relations practice in appropriations, disability and aging issues, health and long term care, Medicaid and criminal and civil justice. He served as House staff for 19 years, including 10 as the Staff Director of the House Justice Appropriations Committee. Jim also served as director of the Agency for People with Disabilities where he enacted major improvements in agency management and secured widespread stakeholder buy-in and Legislative approval for needed policy.



**Marnie George** is a government affairs professional with more than 25 years of experience in Florida, including lobbying the Florida legislature, state agencies, the Florida cabinet and executive branch on behalf of state and national organizations. She has experience working with the legislative process and holds a reputation for honesty and integrity with the many bipartisan relationships with staff and elected officials on numerous issues that she has developed.



**Michael Harrell** concentrates his practice on government affairs, where he has experience lobbying the Florida legislative and executive branches on a wide range of business and regulatory issues, including governmental procurement practices. Michael's in depth experience includes candidate recruitment, grassroots political efforts and fundraising. He began his political career in Washington, D.C., where he served in the Office of Vice President Dan Quayle. He was responsible for media, transportation and logistics for all trips, foreign and domestic.



**Jim Magill** has served as Director of Legislative Affairs for former Governor Jeb Bush, Director of State Senate campaigns, and was named a 'Top Republican in Florida' in 2009. Jim has over a decade of experience representing clients before the Florida legislature, state agencies, and the Governor and Cabinet in various policy areas.



**Kim McGlynn** represents individuals and entities having interests before the Florida legislature, state agencies, and the Governor and Cabinet. Among other accomplishments, Kim has served in the Senate Majority Office and Legislative Coordinator for the Florida Department of Lottery.



**Tim Stanfield's** multi-disciplinary governmental affairs practice focuses in assisting clients maneuver issues through Florida's Legislature, Cabinet and a wide variety of state agencies. With more than 10 years of lobbying experience, Tim is widely respected within Florida's Capitol for his subject matter expertise and strong work ethic. He has played a key role in a diverse range of legislation, including sovereign immunity; budget; transportation and highway safety; insurance; law enforcement; education; and health care.

Additional Tallahassee Counsel



**Mallory Harrell** concentrates her practice in the areas of administrative law, such as state contracts, public procurements, bid protests and rule challenges. She has more than 15 years of experience in the area of contracts and state procurement. Before joining Buchanan, Mallory gained experience serving as general counsel for a technology firm. She also served as Deputy Secretary at Florida Department of Management Services from 2001-2002, where she oversaw state procurement and General Counsel's Office for the Department.



**Linda Loomis Shelley** (Tallahassee Managing Shareholder) has significant experience in environmental and land use permitting before state, regional and local entities and provides advice and assistance regarding Florida administrative practice and litigation. Ms. Shelley served as General Counsel for Governor Bob Graham, Chief of Staff to Governor Lawton Chiles, Chief of Staff to Insurance Commissioner Bill Nelson, and as Secretary for the Florida Department of Community Affairs.



**Michael Underwood** was a key official at the predecessor of the Florida Department of Financial Services and authored many provisions of Florida's securities and banking laws. Since leaving government, he has become recognized as a national leader in financial services regulation, especially in Florida. He represents securities broker-dealers, investment advisers, mortgage brokers, financial institutions and affiliated individuals in civil litigation, arbitration, regulatory investigations and enforcement actions.



**Jacob D. Varn** has decades of experience in environmental and land use law, administrative and governmental law, and transportation law. Mr. Varn has served as both Secretary for the Florida Department of Environmental Regulation and Secretary of the Florida Department of Transportation.



**Rex D. Ware** focuses on state and local taxation, and state government contracting. He regularly represents multi-state clients before the Florida Department of Revenue and in litigation in circuit court and administrative proceedings. He also assists clients in licensure, bid procurement and disputes, and rulemaking proceedings, as well as in commercial litigation in all Florida courts. In addition, Mr. Ware has served as Deputy General Counsel for the Florida Department of Revenue.

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## End of Regular Session Update

Where to begin?..... In the course of a week the House adjourned three days early this week, killing dozens of bills on the calendar; Senate Democrats sued the House attempting to bring them back; Governor Scott has sued the federal government alleging coercion over Medicaid Expansion; and the Senate President has asked for and confirmed a Special Session to begin June 1<sup>st</sup>.

The 2015 Legislative Session came to an unceremonious end Friday night after Senate Democrats unsuccessfully petitioned the Florida Supreme Court to bring the House back under a constitutional provision that prevents one chamber from adjourning for more than 72 hours during Session. Five out of seven justices agreed the House violated the constitutional provision but recognized time had run out on the regularly scheduled Session and refused to order the House back for deliberations. Numerous legislative initiatives addressing transportation, prison reform, water policy, individuals with unique abilities, fracking, gaming, tax incentives, and economic development failed to pass because of the sudden departure by one chamber of the bi-cameral Legislature.

The ongoing dispute between the chambers over whether to expand Medicaid and how to fund the Low Income Pool program are to blame for the untimely 'sine die' by the House.

As a result of the meltdown, a Special Session beginning on June 1st - June 20th to bridge the budget gap between the two chambers and craft a budget before July 1<sup>st</sup>. Senate President Gardiner indicated the date was chosen in an effort to provide time for guidance from the federal government regarding the alternative Senate Medicaid expansion 'FHIX' plan. He believes the schedule will provide additional time for the Senate and House to compromise on the current significant differences between the chambers.

Meanwhile, Governor Scott has officially filed a lawsuit against the federal government complaining that the Centers for Medicare and Medicaid Services is attempting to coerce the state into expanding Medicaid by terminating the \$2 billion LIP program, which provides supplemental funding for Florida's hospitals. Additionally, he has created a Commission on Healthcare and Hospital Funding for the purpose of investigating the role of taxpayer funding for hospitals, insurers, and healthcare providers. Many view the announcement of the commission as a way to punish providers who have vocally pursued Medicaid expansion this past Session.

To date, leadership has not announced what issues will be taken up (other than the budget) on June 1<sup>st</sup>. It's customary for both chambers to have an agreement on the work plan before any Special Session is called, otherwise chances for success are greatly reduced. All budget items are pending upon the return of the Legislature to Tallahassee.

The clock is ticking for the chambers to work out a compromise before the beginning of the state's July 1st fiscal year and to hopefully finish on a more productive, positive note than the great meltdown that was the 2015 Regular Session.

## Major Legislation That Passed

### Criminal Justice

**HB 157 Relating to Fraud - Effective Date October 1, 2015.** The bill affords businesses throughout Florida broader protection against fraud and business identity theft. The bill enables individuals to more easily identify when identity theft has occurred and restore their identity and credit afterwards. 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.

**HB 193 Relating to Crime Stoppers Trust Fund - Effective Date July 1, 2015.** The bill permits a county which is awarded crime stopper funds to use the funds to purchase and distribute promotional items to increase public awareness and educate the public about Crime Stoppers.

**HB 197 Relating to Tracking Devices or Tracking Applications - Effective Date October 1, 2015.** The bill prohibits a person from installing a tracking device or tracking application on another person's property without the other person's consent.

**SB 342 No Contact Orders – Effective Date October 1, 2015.** The bill defines what is meant by an order of no contact in a court order granting the pretrial release of a criminal defendant. The courts must order that the alleged perpetrator avoid contact with the victim as a mandatory condition of pretrial release under current law.

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.

**HB 465 Human Trafficking – Effective October 1, 2015.** 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.

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, and 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.

Lastly, HB 465 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.

**HB 467 Human Trafficking/Public Records - Effective October 1, 2015.** The 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.

HB 467 also 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.

**HB 469 Residential facilities Serving Victims of Sexual Exploitation - Effective October 1, 2015.** 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.

HB 469 provides that the public record exemptions are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

**HB 897 Relating to Controlled Substances** – *Effective upon becoming law.* This bill adds the following five synthetic cannabinoids to Schedule I of Florida’s controlled substance schedules:

- AB-CHMINACA: N-[1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3- carboxamide;
- FUB-PB-22: Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate;
- Fluoro-NNEI: 1-(Fluoropentyl)-N-(naphthalen-1-yl)-1H-indole-3-carboxamide;
- Fluoro-AMB: Methyl 2-(1-(fluoropentyl)-1H-indazole- 3-carboxamido)-3-methylbutanoate; and
- THJ-2201: [1-(5-Fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)-methanone.

**HB 1010 Relating to False Personation** – *Effective date October 1, 2015.* The bill adds firefighters and Department of Financial Services fire and arson investigators to the list of persons who shall not be falsely personated. The bill defines “watchman” as a licensed security officer. The bill amends the law regarding unlawful use of badges and indicia of authority.

**HB 1069 Relating to Defendant in Specialized Courts** – *Effective date July 1, 2015.* This 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 pre-adjudicatory 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 pre-adjudicatory and post-adjudicatory drug courts pursuant to s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s. 948.20; pre-adjudicatory and post-adjudicatory veterans’ courts pursuant to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; and mental health courts.

**SB 7034 Relating to OGSR/ Stalking Victims Identifying Information** – *Effective date October 1, 2015.* This bill removes the sunset of the existing public records exemption for specified personal identifying information of stalking victims held by the Attorney General or contained in voter registration and voting records held by the supervisor of elections or the Department of State.

**HB 7001 Intercepting and Recording Oral Communications** – *Effective July 1, 2015.* This bill allows minors to record communications to which he/she is a party if the child

reasonably believes that the recording will capture a statement regarding an unlawful sexual or physical act against the child.

### Education

**SB 426 Trust Funds of the Department of Education and the Board of Governors of the State University System** – *Effective Date July 1, 2015*. The bill terminates five obsolete trust funds within the Department of Education or Board of Governors of the State University System: the Building Fee Trust Fund, the Replacement Trust Fund, the University Concurrency Trust Fund, the Law Enforcement Trust Fund, and the Uniform Payroll Trust Fund. The bill also clarifies the administration of the Capital Improvement Fee Trust Fund by statutorily placing it under the Board of Governors, where it currently resides in practice, and directs state universities to deposit proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act into the appropriate local account.

**HB 7005 Relating to OGSR/Commission for Independent Education** – *Effective October 1, 2015*. The bill removes scheduled repeal of exemptions from public records & public meeting requirements for records of investigations conducted by Commission for Independent Education, discussions of such investigatory records at probable cause panel meetings, & recordings, minutes, & findings from closed portions of such meetings.

**SB 7028 Relating to Educational Opportunities for Veterans** – *Effective upon becoming a law*. This 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 service member using GI Bill benefits, to qualify for in-state tuition rates.

**HB 7069 Education Accountability** – *Effective date upon becoming law; Approved by Governor; Chapter 2015-6, Laws of Florida*. The bill reduces state and local assessment requirements, including those commonly associated with progress monitoring. 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. The major provisions of the bill include 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.
- Reduces student performance to one third of a teacher's or administrator's evaluation.

- Requires the state board to publish a comparison of district evaluation and state performance results.
- 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.

### Ethics & Elections

**SB 184**      **Relating to Federal Write-in Absentee Ballot** - *Effective Date July 1, 2015.*

The bill eliminates the restriction that a Federal Write-In Absentee Ballot can only be used for state and local elections involving two or more candidates. This allows absent uniformed services and overseas voters to use a FWAB as a “back-up” ballot for all federal, state, and local elections. The bill also delays the canvassing of a FWAB until 10 days after the presidential preference primary or general election. This will allow the voter’s official absentee ballot to be canvassed if it is received during that 10-day window.

**SB 228**      **Online Voter Registration** – *Effective date July 1, 2015.* 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. The system must also comply with certain federal laws to ensure equal access to voters with disabilities.

It also requires the Division of Elections to conduct a comprehensive risk assessment before making the online voter registration system available to the public and every two years thereafter.

**SB 984**      **Relating to Exemption from Legislative Lobbying Requirements** – *Effective*

*date July 1, 2015.* This bill 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” (i.e. gift ban) in s. 11.045, F.S., regardless of whether the governmental entity is a principal (i.e. has a lobbyist).

### Finance & Taxation

**HB 361**      **Military Housing Ad Valorem Tax Exemptions** – *Effective Date July 1, 2015.*

The bill specifies 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.

The bill applies retroactively to January 1, 2007.

**HB 373 Public Accountancy – Effective Date July 1, 2015.** 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.

**SB 7010 OGSR/Examination Techniques or Procedures/ Office of Financial Regulation – Effective date October 1, 2015.** This bill removes the sunset of the existing public records exemption for information that would reveal examination techniques or procedures used by the Office of Financial Regulation under the Florida Securities and Investor Protection Act.

### General Government

**HB 105 Relating to Publicly Funded Retirement Programs - Effective Date July 1, 2015.** The bill provides that the Firefighters Pension Trust Fund Act applies to municipalities providing fire protection services to an 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.

**SB 172 Relating to Local Government Pension Reform - Effective Date July 1, 2015.** The bill allows cities and police/fire unions to “mutually consent” to the use of insurance premium tax revenues for retirement benefits, including any accumulation of uncommitted tax revenues. If the parties reach “mutual consent,” the bill provides a formula to determine the use of the insurance premium tax revenues:

- Insurance premium tax revenues equal to the amount received in 2002 (base premium tax revenues) must be used to fund statutory minimum benefits.
- The increase in additional insurance premium tax revenue collections between 2002 and 2012 must be used to fund extra benefits that are not included in the minimum benefits. If this amount exceeds the cost to pay for the extra benefits, then
- 50% must be used to fund minimum benefits or other benefits in excess of the minimum benefits as determined by the city; and

- 50% must be used to fund a defined contribution component of the plan.

Insurance premium tax revenue collections in excess of the amount received in 2012 must be used as follows:

- 50% must be used to fund minimum benefits or other benefits in excess of the minimum benefits as determined by the city; and
- 50% must be used to fund a defined contribution component of the plan.

Accumulations of additional tax revenues that have not otherwise been committed must be used to fund extra benefits as follows:

- 
- 50% must be used to fund a defined contribution component of the plan; and
- 50% must be applied towards paying any accrued unfunded actuarial liability of the plan.
- For plans created after March 1, 2015, 50% of the insurance premium tax revenues must be used to fund defined benefit plans and the remainder must be used to fund defined contribution plans.

The bill provides a plan that has relied on an interpretation of the “Naples Letter” on or after August 14, 2012, and before March 3, 2015, may continue to implement proposed changes in reliance on that interpretation. Such reliance must be evidenced by a written collective bargaining proposal or agreement, or formal correspondence between the city and the Department of Management Services that describes the specific changes to the plan. The bill also increases the minimum pension benefit levels by increasing the pension multiplier from 2.0 percent to 2.75 percent per year of service.

**SB 200 Public Records/E-mail Addresses/Tax Notices** - *Effective Date July 1, 2015.* The bill 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.

**HB 209 Emergency Fire Rescue Services & Facilities Surtax** - *Effective Date July 1, 2015.* The bill changes the Emergency Fire Rescue Services and Facilities Surtax distribution formula by distributing the revenues to all local government entities providing emergency fire rescue services in the county. The distribution will be 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. The county must reduce its millage rates to offset the surplus surtax proceeds.

**HB 213 Property Appraisers** - *Effective Date July 1, 2015.* 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.

**SB 278 Downtown Development Districts** – *Effective Date July 1, 2015.* The bill authorizes municipalities with a population in excess of 400,000 to levy ad valorem taxes for downtown development districts. The impact of this bill is for practical purposes limited to the City of Miami.

**HB 305 Unlawful Detention by a Transient Occupant** – *Effective Date July 1, 2015.* 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.

**HB 371 Agency Inspectors General** – *Effective Date July 1, 2015.* 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.

**SB 420 Animal Control** – *Effective Date July 1, 2015.* The bill 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.

**HB 489 Value Adjustment Board Proceedings** – *Effective date July 1, 2015.* 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) composed of five members that hears petitions pertaining to property assessments made by the county property appraiser. CS/HB 489 makes the following revisions to the process for petitioning a value adjustment board (VAB):

- Requires the clerk of the VAB to have available and distribute petition forms (a function already performed by the property appraiser).

- Allows an owner of multiple, similar items of tangible personal property to file a single, joint petition protesting the assessment of such property.
- 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.

**HB 565 Relating to Retirement** – *Effective date July 1, 2015.* 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.

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.

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.

**SB 778 Local Government Construction Preferences** – *Effective Date July 1, 2015.* The bill 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 college, county, municipality, school district, or other political subdivision to disclose in the solicitation document that a local preference is not in effect for that project if the prohibitions contained within the bill apply.

**HB 779 Rental Agreements** – *Effective Date upon becoming a law.* 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.

**SB 1094 Peril of Flood** – *Effective date July 1, 2015.* This bill requires that, when drafting their comprehensive coastal management plans, local governments shall:

- Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
- Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the FEMA.
- Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.
- Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations.
- Encourage local governments to participate in the National Flood Insurance Program.

Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

The bill further requires surveyors and mappers to submit elevation certificates to the Division of Emergency Management (DEM). The bill defines an elevation certificate as the certificate used to demonstrate the elevation of property. The surveyor and mapper must complete the elevation certificate in accordance with the checklist adopted by DEM.

The bill also allow insurers to sell flexible flood insurance, which is defined as coverage for the peril of flood that may include water intrusion coverage and differs from standard or preferred coverage.

The bill removes language in statute that specifies a supplemental flood insurance policy does not include flood coverage for the purpose of excess coverage over any other insurance policy covering the peril of flood.

It also clarifies that deductibles for flood coverage and flood insurance policy limits must be prominently noted on a policy's declarations page or face page.

The bill also clarifies the signed acknowledgement that a licensed insurance agent must obtain notifying the applicant about the potential loss of subsidized rates when discontinuing coverage from the NFIP.

Lastly, the bill allows an insurer to request from the OIR a certification that acknowledges that the insurer provides a policy, contract, or endorsement for the flood insurance that provides coverage equaling or exceeding the flood coverage offered by the NFIP.

**HB 1151 Relating to Residential Master Building Permit Programs** – *Effective date July 1, 2015.* The bill provides that if a local building code administrator receives a written request from a general, building, or residential contractor 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.

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.

**SB 1216 Community Development** – *Effective upon becoming law.* SB 1216 authorizes local governments to enter into financing agreements with property owners to finance qualified improvements to property damaged by sinkhole activity. Additionally, the bill expands the definition of “blighted area,” enabling community redevelopment agencies (CRAs) to enter into voluntary contracts to redevelop properties damaged by sinkhole activity.

The bill designates 10 regional planning councils (RPCs) and their borders. The Withlacoochee Regional Planning Council is dissolved and the five counties currently within that council are incorporated into three other councils. The bill deletes several of the RPCs’ statutory duties and requirements because they are already completed, unnecessary or duplicative.

The bill removes the state mandate that new developments surpassing certain thresholds and standards be subjected to the development of regional impact (DRI) review process. The bill shifts comprehensive plan amendments related to such developments to the State Coordinated Review Process.

The bill clarifies the sector plan law. It states that the planning standards of the sector planning statute supersede generally applicable planning standards elsewhere in ch. 163, F.S. The bill provides more flexibility in the designation of conservation easements related to sector plans. The bill requires certain state agencies to review an application for a detailed specific area plan (DSAP) to determine whether the development would be consistent with the comprehensive plan

**HB 1309 Publicly Funded Retirement Plans** – *Effective upon becoming law.* 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.

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.

### Growth Management

**HB 87 Construction Defect Claims** - *Effective Date October 1, 2015.* The bill updates the current procedure for filing a notice of construction defect claim. The bill 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 contractor's response to a notice of claim must 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.

### Health & Human Services

**HB 21 Relating to Substance Abuse Services – Effective Date July 1, 2015.** The bill 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 requires the Department of Children and Families to select a credentialing entity to issue certificates of compliance for each program by December 1, 2015. Credentialing entities must inspect recovery residences prior to the initial certification and during every subsequent renewal period. 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. Beginning July 1, 2016, licensed service providers will be prohibited 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.

**HB 71 Relating to Service Animals – Effective Date July 1, 2015.** 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. 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. 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.

**HB 79 Relating to Crisis Stabilization Services – Effective Date upon becoming a law.** The bill creates 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. 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. DCF will use the reconciled data to develop a statewide database for the purpose of analyzing payments to and use of state-funded crisis stabilization services.

**SB 94 Relating to Closing the Gap Grant Program - Effective Date July 1, 2015.** The bill expands the list of priority health areas under the “Closing the Gap” grant program to include sickle cell disease. The Closing the Gap grant program provides funding for activities designed to reduce racial and ethnic health disparities in priority health areas.

**SB 144 Relating to Public Records/Impaired Practitioner Consultants - Effective Date upon becoming a law.** The bill creates a public records exemption for the personal identification and location information of impaired practitioner consultants.

**HB 201 Relating to Diabetes Awareness Training for Law Enforcement Officers - Effective Date October 1, 2015.** The bill 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.

**HB 243 Relating to Vital Statistics - Effective Date July 1, 2015.** The bill enables death certificates to be completed and submitted electronically, and authorizes DOH to perform certain tasks related to death registration and final disposition of deceased persons.

**HB 269 Experimental Treatments for Terminal Conditions – Effective date July 1, 2015.** 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 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 an 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.

**HB 279 Pharmacy – Effective Date July 1, 2015.** The bill authorizes registered interns working under supervision of a pharmacist to administer certain vaccines. Revises list of vaccines that a pharmacist or registered intern can administer. Requires registered interns who wish to administer vaccines to complete specified training and become certified to administer vaccines.

**SB 296 Diabetes Advisory Council – Effective Date July 1, 2015.** The bill creates a process for ongoing assessment of the state’s diabetes-related activities. The bill directs the Diabetes Advisory Council, in conjunction with the Department of Health, the Agency for Health Care Administration, and the Department of Management Services, to prepare a report regarding the impact of diabetes on state-funded or operated programs, including Medicaid, the State Group Insurance Program, and public health programs.

The report is due to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 10 of each odd-numbered year.

The bill also modifies the composition of the Diabetes Advisory Council to include one member from at least three of the medical schools in the state and adds a representative of the American Association of Diabetes Educators to the list of possible members.

**HB 309 Patient Admission Status Notification – Effective Date July 1, 2015.** The bill 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.

The distinction between actual admission vs. observation (i.e. outpatient) status determines whether hospital services are bill to Medicare Part A or Part B. This, in turn, impacts the co-payment required of the patient and the ability of the patient to subsequently transfer to a skilled nursing facility under Medicare.

**HB 321 HIV Testing** – *Effective Date July 1, 2015.* The bill defines “health care setting” and “non-health 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 non-health care settings, and programs within such settings. The bill 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.

**SB 332 Nursing Home Pneumococcal Vaccination Requirements** – *Effective Date July 1, 2015.* The bill removes the requirement that nursing homes vaccinate eligible new admissions with the pneumococcal polysaccharide vaccination (PPV) and instead allows eligible new admissions to be vaccinated with any pneumococcal vaccination that is recommended by the Centers for Disease Control and Prevention (CDC).

**HB 335 Psychiatric Nurses** – *Effective Date July 1, 2015.* 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 within the framework of an established protocol with a psychiatrist; and
- Approve a patient to be discharged from a receiving facility if the facility is owned or operated by a hospital or health system. However, 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.

**SB 437 Guardians for Dependent Children who are Developmentally Disabled or Incapacitated** – *Effective Date July 1, 2015.* 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.

**HB 441 Home Health Agencies** - *Effective date upon becoming a law.* 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.

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.

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.

**SB 450 Pain Management Clinics** – *Effective upon becoming a law.* SB 450 prevents the regulation of pain management clinics from being repealed on January 1, 2016.

A pain management clinic is any facility that either advertises pain management services or a facility where a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain. All pain management clinics must register with the Department of Health (DOH) and meet provisions concerning staffing, sanitation, recordkeeping, and quality assurance.

**SB 642 Individuals with Disabilities** – *Effective upon becoming a law.* 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 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. Florida ABLE, Inc., is required to implement the Florida ABLE Program on or before July 1, 2016.

The Prepaid Board estimates the costs associated with the implementation of the Florida ABLE program will be \$3,386,000 for the 2015-2016 fiscal year.

**SB 644 Florida ABLE Trust Fund** - *Effective Date: On the same date that SB 642 or similar legislation takes effect.* SB 644 creates the Florida ABLE Program Trust Fund (trust fund) within the State Board of Administration (SBA). The trust fund will hold appropriations and moneys acquired from private sources or other governmental sources for the Florida ABLE program. The trust fund will also hold ABLE account moneys.

**SB 646 Florida ABLE Public Records Information** - *Effective Date: On the same date that SB 642 or similar legislation takes effect.* 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.

**HB 655 Clinical Laboratories** – *Effective date upon becoming a law.* Clinical laboratories are required to accept and examine human specimens submitted by certain practitioners if the specimen and test are typically performed by the lab.

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.

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 also deletes a provision in current law that only authorizes a clinical laboratory to refuse a specimen if there has been a history of nonpayment.

**SB 682 Transitional Living Facilities** – *Effective date July 1, 2015.* 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.

**SB 694 Public Health Emergencies** – *Effective date July 1, 2015.* The bill allows the State Health Officer to 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. The bill 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.

**HB 749 Continuing Care Communities** – *Effective Date October 1, 2015.* Continuing care communities (CCCs) are retirement facilities that furnish residents with shelter and health care for an entrance fee and monthly payments. CCCs are regulated by the Department of Financial Services, the Agency for Health Care Administration and the Office of Insurance Regulation (OIR).

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.

**HB 751 Emergency Treatment for Opioid Overdose** – *Effective Date upon becoming a law.* The bill 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.

**HB 889 Health Care Representatives - *Effective date October 1, 2015.*** 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.

**SB 904 Home Health Services – *Effective date July 1, 2015.*** The bill limits the activities that can take place at a nurse registry satellite office. The satellite office may store supplies and records, register and process contractors, and conduct business by telephone. The operational site must administer the satellite office and maintain all original records.

Additionally, the bill expands the requirements for a nurse registry relocating an existing office or opening a new satellite office. A nurse registry must advise the AHCA in writing of its intent and submit evidence of its legal right to occupy the proposed site and evidence that the property is zoned for use as a nurse registry.

The bill also allow Home Health Agencies to operate an unlimited number of related offices within a health service planning district in which the main office is located under a single license.

**SB 954 Relating to Involuntary Examinations of Minors – *Effective date July 1, 2015.*** This bill generally requires notification for involuntary examinations of minors and specifically:

- 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:

- o Immediate notice to the patient's parent, guardian, or guardian advocate in person or by telephone or other electronic communication.
- o 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.

**HB 1001 Relating to Assisted Living Facilities** – *Effective date July 1, 2015.* This 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.

**HB 1049 Practice of Pharmacy – Effective date July 1, 2015.** 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.

The bill creates s. 465.1862, F.S., relating to pharmacy benefits manager contracts. The bill defines the following terms:

- Maximum allowable cost is the per-unit amount that a pharmacy benefits manager reimburses a pharmacist for a prescription drug, excluding dispensing fees, but before any application of copayments, coinsurance, and other cost-sharing charges.
- A pharmacy benefits manager is a person or entity doing business in this state who contracts to administer or manage prescription drug benefits to state residents on behalf of a health insurance plan defined in s. 627.6482, F.S.

The bill provides that in each original or renewal contract between a pharmacy benefits manager and a pharmacy must include requirements that the pharmacy benefits manager:

- Update maximum allowable cost pricing information at least every 7 days; and
- Maintain a process to timely eliminate drugs from maximum allowable cost lists, or modify drug prices to remain consistent with pricing data used to formulate maximum allowable cost prices and product availability.

**HB 1055 Relating to Child Protection – Effective date July 1, 2015.** The bill requires the Statewide Medical Director for Child Protection to be a board-certified pediatrician with a subspecialty certification in child abuse from the American Board of Pediatrics; requires the medical directors of the 23 Child Protection Teams (CPTs) to be a board-certified pediatrician with either (a) a subspecialty certification in child abuse from the American Board of Pediatrics OR (b) a certain credential recognizing specialized competence in child abuse pediatrics; requires out of state expert witnesses in criminal child abuse cases to secure from the Department of Health a certificate authorizing expert testimony; requires that Critical Incident Rapid Response Teams include a CPT medical director.

## Insurance

**HB 165 Relating to Property and Casualty Insurance - Effective Date July 1, 2015.** The bill eliminates rate certifications where a rate filing is not also required, and removes commercial non-residential multiperil insurance from required annual base rate filings. The bill changes the notice requirement for cancellation, nonrenewal, or termination of personal lines or commercial lines residential policies to 120 days in all circumstances. The bill provides that a notice of right to participate in the neutral evaluation program only be issued if there is sinkhole coverage under the policy and if the sinkhole claim was submitted timely. The bill aligns the period in which services were rendered with the year the applicable fee schedule is in effect for PIP reimbursement and states precisely the beginning and end of the year (March 1 through the end of the following February). The bill also exempts leased vehicles from required pre-insurance inspections.

**HB 189 Relating to Insurance Guaranty Associations - Effective Date July 1, 2015.** The bill clarifies the accounting treatment of assessments levied by the Florida Insurance Guaranty Association 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 Florida Life and Health Insurance Guaranty Fund's statutory duty to review policies, contracts, and claims of insolvent life and health insurers following either domestic or foreign liquidations or rehabilitations.

**SB 252 Relating to Insurance – Effective Date July 1, 2015.** The bill provides that absence of a countersignature does not affect the validity of a policy or contract of insurance. It changes the due date for several annual reports required from various state agencies. The bill provides that financial guaranty insurance does not cover guaranty of higher education loans unless written by a financial guaranty insurance corporation.

**HB 273 Insurer Notifications – Effective Date July 1, 2015.** 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.

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 noticed 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.

**HB 715 Eligibility for Coverage by Citizens Property – Effective Date July 1, 2015.** 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.

**HB 836 Florida Insurance Guaranty Association – Effective date July 1, 2015.** This bill defines the "assessment year" as a 12-month period which may begin on the first day of any calendar quarter, as specified in an order issued by the OIR directing insurers to pay an assessment to the FIGA.

This bill requires OIR orders levying the regular or emergency assessment to specify the assessment percentage to be collected uniformly from all assessable policyholders for the assessment year. The order must also specify the start of the assessment year, which may not begin before 90 days after the FIGA certifies such an assessment.

Subsequently, insurers are required to file a reconciliation report with the FIGA within 45 days after the end of the assessment year. Insurers must indicate the amount of the initial payment to

the FIGA, whether the payment was based on premiums for the prior year or a good faith projection, and the amounts collected. Insurers are required to complete and submit a payment reconciliation report.

As an alternative to the advance payment method described above, the bill authorizes the FIGA to use a monthly installment method for the collection of regular or emergency assessments from policyholders by the insurers. The monthly installment method may also be used in combination with the method requiring insurers to make an initial payment to the FIGA and subsequently recoup that payment from policyholders. All insurers are required to collect the assessment without regard to whether the insurer reported premium for the prior year.

The bill authorizes the OIR to defer temporarily any insurer from any regular or temporary assessment if the OIR finds that the insurer is impaired or insolvent. Subject to regulatory approval, an insurer may be exempted from any regular or emergency assessment if an assessment would result in the insurer's financial statement reflecting an amount of capital or surplus less than the sum required by any jurisdiction in which the insurer is authorized to transact insurance.

The bill provides that assessments levied and paid before policy surcharges are collected result in a receivable for policy surcharges collected in the future, which is recognized as an admissible asset under statutory accounting principles. This codifies the current practice of the OIR. The bill provides that an asset must be established and recorded separately from the liability, regardless of whether it is based on a retrospective or prospective premium-based assessment. The insurer must reduce the amount recorded as an asset if it cannot fully recoup the assessment amount because of a reduction in writings or withdrawal from the market.

The bill provides that assessments are exempt from the premium tax. Currently, emergency assessments are not subject to premium tax, commissions, or fees. The bill also exempts regular assessments from any fees or commissions.

**HB 893**      **Blanket Health Insurance Eligibility** – *Effective date July 1, 2015.* 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 adds specific groups that are eligible to purchase blanket health insurance policies and expands the categories of individuals who are eligible for coverage under such policies.

**HB 927**      **Relating to Title Insurance** – *Effective date July 1, 2015.* 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.

**HB 4011 Relating to Motor Vehicle Insurance** – Effective date July 1, 2015. 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.

### Judiciary

**HB 115 Relating to Sentencing** - *Effective Date October 1, 2015.* 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 requires a judge to order a person convicted of “Bribery; Misuse of Public Office” and “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.

**HB 149 Relating to Rights of Grandparents** - *Effective Date July 1, 2015.* The 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.

**SB 158 Relating to Civil Liability of Farmers** - *Effective Date July 1, 2015.* The 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.

**SB 222 Relating to Electronic Commerce** - *Effective Date October 1, 2015.* The bill 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.

**SB 248 Public Records/Body Camera Recording Made by a Law Enforcement Officer** – *Effective Date July 1, 2015.* This bill creates a public records exemption for a body camera recording made by a law enforcement officer. By definition, the body camera 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; 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 thereof, to:

- A person recorded by a body camera (the agency must disclose 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 agency must disclose 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 agency must disclose those portions of the recording that disclose the interior of such place); and
- Pursuant to a court order.

The bill specifies grounds the court must consider in determining whether to order disclosure of the body camera recording. These grounds are in addition to any other grounds the court may choose to consider. 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. 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.

**SB 290 Carrying a Concealed Weapon or a Concealed Firearm** – *Effective Date July 1, 2015.* The bill provides an exemption from criminal penalties for carrying a concealed weapon or firearm when evacuating pursuant to a mandatory evacuation order during a declared state of emergency.

**SB 378 Juvenile Justice** – *Effective Date October 1, 2015.* The bill allows a law enforcement officer to give a warning to a youth who has admitted a misdemeanor or inform the child’s parents. In addition, the bill provides that the option of a civil citation, which allows the child to be referred to a diversion/restitution program in lieu of arrest, can be issued for a second and third misdemeanor violation.

**SB 526 Notaries Public** – *Effective date July 1, 2015.* 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.

**HB 755 Convenience Business Security** – *Effective Date July 1, 2015.* 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 (except the ones noted below) 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 (described above).

The bill removes the requirement that convenience businesses must submit a safety training curriculum and associated administrative fee to the Department. The Department reports that they are not currently collecting the fee. The bill does not appear to have a fiscal impact on state or local government.

**SB 766 Surveillance by a Drone** – *Effective Date July 1, 2015.* The bill 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.

**HB 775 Appointment of an Ad Litem** – *Effective Date July 1, 2015.* 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.

**SB 982** **Relating to Florida Civil Rights Act** – *Effective date July 1, 2015.* This bill amends the Florida Civil Rights Act (FCRA) by expressly prohibiting discrimination because of pregnancy.

**SB 7016** **Relating to OGSR/Minor Identifying Information** – *Effective date October 1, 2015.* This bill removes the sunset of the existing public records exemption for minors petitioning a court to waive parental notice requirements before terminating a pregnancy.

### Real Property

**HB 643** **Termination of a Condominium Association** – *Effective date July 1, 2015.* 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.

The bill 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.

HB 643 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.

**HB 791 Residential Properties** – *Effective Date July 1, 2015.* 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.

### Regulated Industries

**SB 186 Relating to Alcoholic Beverages** - *Effective Date July 1, 2015.* 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. The bill limits a manufacturer of malt beverages to 8 vendor licenses. The bill allows on-premises tastings of malt beverages, and permits the on-site filling and refilling of 32, 64, and 128 ounce malt beverage containers known as "growlers".

**HB 239 Relating to Medication and Testing of Racing Animals** - *Effective Date July 1, 2015.* The bill 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 such licensee administered the prohibited substance.

**SB 466 Low Voltage Alarm Systems** – *Effective date July 1, 2015.* CS/SB 466 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. 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.

It also reduces the maximum charge for a uniform basic permit for a low-voltage alarm system from \$55 to \$40. 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.

**SB 596 Relating to Craft Distilleries** – *Effective date July 1, 2015.* 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.

SB 596 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.

**HB 641 Relating to Amusement Games or Machines** – *Effective date July 1, 2015.* The bill creates 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 also 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. Type C machines can also be located at retailers and federally chartered veterans' service organizations.

Lastly, it 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.

**HB 787 Recycled and Recovered Materials** – *Effective date July 1, 2015.* The bill adds an additional defense for the release or threatened release of hazardous substances. To avoid liability operators and persons who handle or receive hazardous substances 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.

**HB 951 Relating to Dietetics and Nutrition** – *Effective date July 1, 2015.* This bill expands the scope of practice for licensed dietitians/nutritionists (DNs) by authorizing DNs to order therapeutic diets. The bill also states that the Act does not preclude a licensed DN 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 Dietitian/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.”

**HB 1305 Relating to Home Medical Equipment Providers** – *Effective date July 1, 2015.* The bill exempts physicians licensed under Chapters 458 and 459, F.S., and chiropractors licensed under ch. 460, F.S., who sell or rent electrostimulation medical equipment to their patients in the course of their practice from home medical equipment provider licensure requirements. The bill permits physicians and chiropractors to sell or rent this type of home medical equipment directly to their patients without incurring a fee for licensure or licensure renewal.

## Transportation & Economic Development

**HB 27 Relating to Driver Licenses & Identification Cards** – *Effective Date July 1, 2015.* The bill authorizes the Department of Highway Safety and Motor Vehicles (DMV) to accept a military personnel identification card as proof of a social security card number for a driver license or identification card application. The bill also authorizes DMV 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.

**SB 132 Relating to Disabled Parking Permits** - *Effective Date July 1, 2015.* The bill allows a permanently and totally disabled veteran to provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, in lieu of a certificate of disability to renew or replace a disabled parking permit.

**HB 145 Relating to Commercial Motor Vehicle Review Board** - *Effective Date July 1, 2015.* The bill allows a driver who is issued a citation for exceeding vehicle weight limits as determined by means of portable scales to request to proceed to the nearest fixed scale at an official weigh station or at a certified public scale for verification of weight. The bill also changes the composition of the Department of Transportation Commercial Motor Vehicle Review Board. Four members, three to be appointed by the Governor and one to be appointed by the Commissioner of Agricultural and Consumer Services, are added to the Board membership. Of the four new members, one member must be from the road construction industry, one member from the trucking industry, one member with a general business or legal background, and one member from the agriculture industry.

**HB 257 Freight Logistic Zones** – *Effective Date July 1, 2015.* 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.

**SB 264 Traffic Enforcement Agencies and Traffic Citations** – *Effective Date July 1, 2015.* Establishes counties and municipalities as traffic enforcement agencies and prohibits counties or municipalities from establishing traffic citation quotas. Requires counties and municipalities to report certain data on traffic citation revenues and cost of running law enforcement agencies to the Joint Legislative Auditing Committee.

**HB 329 Special License Plates** – *Effective Date July 1, 2015.* The bill authorizes the Department of Highway Safety and Motor Vehicles to issue new special use license plates for Combat Action Ribbon, Air Force Combat Action Medal, Distinguished Flying Cross, World War II Veteran, Woman Veteran, and Navy Submariner.

Revenue generated from the sale of Combat Action Ribbon, Air Force Combat Action Medal, Distinguished Flying Cross, World War II Veteran, and Navy Submariner special use plates will be deposited into the Grants and Donations Trust Fund, and the State Homes for Veterans Trust Fund within the Department of Veterans Affairs to support the Veterans’ Homes Program. Any revenue generated from the sale of the Woman Veteran License plate will be deposited into the Operations and Maintenance Trust Fund administered by the Department of Veteran’s

Affairs to be used solely for the purpose of creating and implementing programs to benefit women veterans.

**SB 430 Central Florida Beltway Trust Fund in the Department of Transportation – Effective Date July 1, 2015.** The bill terminates the Central Florida Beltway Mitigation Trust Fund within the Department of Transportation.

**HB 471 Disabled Parking – Effective date July 1, 2015.** 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.

**HB 7011 Relating to OGSR/Public Transit Providers – Effective October 1, 2015.** The bill removes scheduled repeal of public records exemption for certain personal identifying information held by public transit providers.

**HB 7091 Relating to Workforce Services – Effective upon becoming law.** This bill relates to Florida’s workforce development system and contains the following provisions:

- Changes the name of Workforce Florida, Inc., to CareerSource Florida, Inc.;
- Creates a task force to develop the state’s plan for implementing the federal Workforce Innovation and Opportunity Act 2014 (WIOA); and
- Suspends the Workforce Estimating Conference for Fiscal Year 2015-2016.

The bill may have an insignificant fiscal impact to the state which can be absorbed within the Department of Economic Opportunity’s existing resources to support the task force created to implement WIOA.

*\*Portions of bill summaries provided by House and Senate Staff Analyses*

## Major Legislation That Failed

### Criminal Justice

#### **SB 1414 Juvenile Detention Costs**

The bill created a new cost sharing methodology to calculate the shared county and state financial obligations for juvenile detention. The bill requires counties that are not fiscally constrained to pay 57%, and the state to pay 43%, of the actual cost of providing detention care in the county. The bill continues current law requiring the state to pay all costs for providing detention care for fiscally constrained counties and juveniles residing out of state.

SB 1414 eliminated “final court disposition” as the demarcation between county and state financial obligations for juvenile detention, replacing it with a cost sharing relationship based on actual costs and county utilization.

The bill would have increased the state’s share of juvenile detention costs in counties that are not fiscally constrained by approximately \$950,000 relative to the 58% county/42% state split of costs in the Senate proposed budget for Fiscal Year 2015-2016. The share of costs for counties that are not fiscally constrained would decrease by an equal amount.

The bill also required the Department of Revenue (DOR) to review county detention cost share payments to ensure that each county is meeting its financial obligations. If not, DOR is required to deduct any unpaid cost share amount from the distribution of s. 218.23, F.S., revenue sharing funds to that county. However, a provision is included to prevent withholding of revenue sharing fund distributions in an amount that would affect the county’s ability to meet current bond obligations.

#### **HB 7131/SB 7020 Department of Corrections Reform**

The bills made a number of changes related to the Department of Corrections (Department) that affect data analysis, sentencing requirements, gain-time, and the duties of the Department. Specifically, the bill:

- Reclassifies all positions in the Department’s Office of the Inspector General from career service to select exempt;
- Allows assessment of victim injury points against specified correctional employees who commit sexual misconduct with an inmate or offender;
- Allows the Department to award educational gain-time to an inmate who earns a GED or vocational certificate;
- Expands the scope of security audits, and gives priority to institutions with a high level of inappropriate incidents of use of force on inmates, assaults on employees, or inmate sexual abuse;
- Requires the Department to maintain a *written* Memorandum of Understanding with the Florida Department of Law Enforcement;
- Requires the Inspector General and the inspectors who conduct sexual abuse investigations in confinement settings to receive specialized training in conducting such investigations; and
- Creates a pilot program for Department employees to wear body cameras at Union Correctional Institution.

## Education

### **SB 176/HB 4005      Concealed Weapons on Universities**

The bills eliminated the statutory prohibition against carrying a concealed weapon or firearm by concealed carry license-holders into any college or university facility.

Current law specifically includes these facilities among the places where a concealed weapon or firearm license does not authorize the licensee to “openly carry a handgun or carry a concealed weapon or firearm.”

### **SB 189/ HB 19      School Safety & Security**

SB 180/HB 19 authorized district school boards to implement armed security measures on school property. It expands the definition of “school” within s. 790.115, F.S., to include adult education facilities and any combination of schools, facilities, or centers listed in the definition of school.

The “school safety designees” must be licensed to carry a concealed weapon or firearm pursuant to the requirements of s. 790.06, F.S., and be:

- An honorably discharged military veteran with no firearm-related disciplinary infraction;
- An active-duty member of the military, National Guard, or reserves, with no firearm-related disciplinary infraction; or
- A law enforcement officer in good standing or a former officer who has retired or terminated employment in good standing and not during the course of an internal investigation.

The designee is required to carry the weapon or firearm, on his or her person, in a concealed manner at all times while performing official school or school safety designee duties. School safety designees must undergo a Level 2 background screening. They must also complete a training program created by the Florida Department of Law Enforcement (FDLE).

### **HB 1145/SB 1552      Student Choice**

The bills enhanced K-20 fiscal transparency and revises provisions relating to public and private educational choice options and assignment and certification of teachers by:

- Requiring that parents be provided information about the average amount expended per student in their child’s school using the parent guide or a similar publication.
- Requiring that each state university and Florida College System institution annually notify students of state expenditures used for the education of the student.
- Requiring district school boards to publish an open controlled enrollment process that allows a parent to enroll his or her child and transport the child to any public school.
- Defining the term “capacity” for purposes of determining choices available for public K-12 enrollment.
- Specifying that a charter school that has not reached capacity may be open to any student in the state.
- Requiring district school boards to establish a transfer process by which a parent may request that his or her child be transferred to another teacher.

**SB 7030/HB 7091 Postsecondary Education for Students with Disabilities**

SB 7030/HB 7091 established mechanisms for the approval of unique postsecondary education programs tailored to the needs of students with intellectual disabilities and statewide coordination of information. Specifically, the bill includes two key components:

- A process through which postsecondary institutions in Florida can voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP) for students with intellectual disabilities; and
- A Florida Center for Students with Unique Abilities (statewide coordinating center) for statewide coordination of information regarding programs and services for students with disabilities and their parents.

The bills created the Florida Center for Students with Unique Abilities and assigns the center with specific responsibilities. The bills also created the FPCTP Scholarship with a maximum allowable award which will be as specified annually in the General Appropriations Act.

**Finance & Taxation****SB 110/HB 7142 Relating to Taxes (Communication Services Tax)**

SB 110/HB 7141 reduced the state communications services tax (CST) rates by 3.6 percentage points. The standard state CST rate is reduced from 6.65 percent to 3.05 percent, and the tax rate on direct-to-home satellite services is reduced from 10.8 percent to 7.2 percent.

The bill changed the distribution percentages of CST revenue to ensure that local governments continue to receive the same amount of revenue as they receive under current law.

The bill authorized communications services dealers to report tax collections on a non-calendar month basis, and clarifies that when a dealer remits a portion of CST collections late, the dealer loses its collection allowance only for the late portion of the payment.

The Revenue Estimating Conference determined that the bill will reduce General Revenue receipts by \$431.3 million in Fiscal Year 2015-2016, with a recurring decrease of \$470.5 million. Local revenues will decrease by \$200,000 in Fiscal Year 2015-2016, but will increase in later years.

**HB 451/SB 1046 Entertainment Industry Incentives**

The bills proposed significant modifications to the current incentives and benefits the state offers for companies within the film and entertainment industry. Florida law currently offers such companies, pending qualification, certain tax credits and certain tax exemptions. The bill modifies the processes by which companies may receive such tax credits.

**Division of Film and Entertainment**

The bills changed the name of the office to the “Division of Film and Entertainment” (“division”) and houses the division within the Enterprise Florida, Inc. In addition, among other modifications, the bill proposes changes relating to the hiring of the division’s commissioner and the requirements of the division’s strategic plan, and repeals the Florida Film and Entertainment Advisory Council.

Entertainment Industry Financial Incentive Economic Development Tax Credit Program

The bills proposed many changes to the current Entertainment Industry Financial Incentive Program. Some of the proposed changes included the following:

- amending the application and certification process for tax credits to be prioritized based on the expected economic benefit of an applicant’s production;
- creating two application cycles per fiscal year, which consist of an application deadline and review period;
- limiting the certification of credits to up to 50 percent for the first application cycle of a fiscal year;
- limiting the department’s ability to certify tax credits for a fiscal year to no more than the allocated tax credits for that fiscal year; and
- removing availability for certain additional tax credit awards.

**SB 588/HB 229      Municipal Property Tax Exemption**

The bills proposed an amendment to the State Constitution to allow the Legislature, by general law after a specified date, to exempt from taxation property owned by a municipality that is not used for municipal or public purpose.

**HB 617/SB 1102      Utility Projects**

The bills established a new financing mechanism – “Utility Cost Containment Bonds” – available to an intergovernmental authority to finance or refinance, on behalf of a municipality, county, special district, public corporation, regional water authority, or other governmental entity (including the authority itself), projects related to water or wastewater service. The creation of this financing mechanism, referred to as securitization, was designed to satisfy rating agency criteria to achieve a higher bond rating and, therefore, a lower interest rate and more favorable terms for bonds issued to fund eligible utility projects for these entities.

**HB 695/SB 972      Ad Valorem Taxation**

The committee substitute revised the composition, procedures, and oversight of the VAB process. Interest rates for disputed property taxes at the VAB are changed from 12 percent to the prime rate; also, the committee substitute proposes to allow property owners to accrue interest at the prime rate when the property appraiser and the property owner reach a settlement prior to the VAB hearing.

The bills authorized the property appraiser to contract for services to examine or audit homestead tax exemptions claimed on assessment rolls; contractors are paid from penalties. Also, the committee substitute provides that a tax lien based on a false homestead claim is collected in the same manner as, and in addition to, the current ad valorem taxes.

The bills also required the notice of proposed property tax (TRIM notice) to contain a breakout of millage attributable to each of the county constitutional officers, and notify the property owner that he or she may challenge the assessed value of his or her property.

**SB 780/HB 919      Law Enforcement Special Assessments**

The bills authorized municipalities to levy special assessments to fund law enforcement services.

The bills required a municipality that levies the special assessment to apportion the cost of law enforcement services among parcels in proportion to the benefits received by each parcel, but no more than \$200 per parcel of real property, and to reduce the municipal ad valorem taxes.

### **HB 7141 Relating to Taxation**

The bill provided for a wide range of tax reductions designed to directly impact both households and businesses. HB 7141 included the following tax rate reductions: state communications services tax (CST) rate by 3.6 percentage points; state sales tax rate on rental of commercial real estate by 0.2 percentage points.

HB 7141 included 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; sales at school book fairs and K-12 school food and beverage concessions in support of extra-curricular activities; college textbooks and instructional materials; machinery and equipment used for metal recycling; gun club memberships or admissions; and motor vehicles brought to Florida by military service members deployed outside of the U.S.

The bill included the following sales tax holidays: a three-day “back-to-school” holiday for clothing, footwear, school supplies, and computers; a one day tax free period on November 28, 2015, for sales of items priced at \$1,000 or less by certain small businesses; a one day tax free period on July 4, 2015, for certain firearms, ammunition, camping tents, and fishing supplies.

With respect to property taxes, the bill: increased from \$500 to \$5,000 of value the longstanding exemption for widows, widowers, blind, or totally and permanently disabled persons; and updates and expands the current partial homestead exemption available to military service members deployed overseas.

The total impact of the bill in fiscal year 2015-2016 is -\$642.4 million (-\$640.0 million recurring) of which -\$607.4 million (-\$576.0 million recurring) is on General Revenue, and -\$35.0 million (-\$64.0 million recurring) is on local government.

## **General Government**

### **SB 142/HB 31 Non-Residential Farm Buildings**

SB 142/HB 31 exempted nonresidential farm buildings, farm fences, and farm signs from county or municipal special assessments, including assessments by a dependent special district, except those arising from floodplain management regulations.

The Revenue Estimating Conference determined the bill will reduce local government revenues by at least \$6.6 million annually.

### **HB 231/SB 908 Vulnerable Highway Users**

The bills:

- Revised and creates various statutory provisions and penalties relating to traffic control laws and vulnerable users, such as pedestrians and bicyclists;
- Clarified provisions relating to overtaking and passing vulnerable users, particularly with respect to maintaining required distance between a passing vehicle and a vulnerable user;
- Set requirements for making turns at certain locations when passing a vulnerable user;

- Allowed drivers to cross the centerline in an identified no-passing zone when passing a vulnerable user;
- Provided a mandatory fine of \$2,000 for certain infractions contributing to the bodily injury of a vulnerable user;

**HB 337/SB 442 Local Government Services**

The bills expanded prohibition for counties to provide municipalities water or sewer services that were already being provided by the municipality. The bills also allowed a county to furnish such facilities or services outside the municipality's boundary, without the municipality's permission, if a prior consent agreement between the municipality and the county regarding such facilities or services has expired.

The bills also required the express consent of county's board of county commissioners in order for a municipality to extend and apply such powers.

**HB 391/SB 896 Relocation of Utilities**

Among other items, the bills revised several statutory provisions related to the placement and relocation of utility facilities. In particular, the bill:

- Specifies the circumstances under which a utility must pay to remove or relocate its facilities that unreasonably interfere with the convenient, safe, or continuous use of, or the maintenance, improvement, extension, or expansion of, a public road or publicly owned rail corridor.
- Requires a governing authority to pay for relocation of facilities located within the right-of-way limits of a public road or publicly owned rail corridor, less an increase in value of new facilities and any salvage value of old facilities, if relocation is required for purposes other than removal of an unreasonable interference.

**HB 1043/SB 1520 Housing Authorities**

The bills created a process by which a city and county housing authority, two city housing authorities and a county housing authority, or three city housing authorities may merge to form a consolidated housing authority. The bills also established provisions relating to a consolidated housing authority's area of operation; and the appointment, powers, and duties of commissioners. Housing authorities that merge to form a consolidated housing authority must be located within the same county.

**HB 7003/SB 918 Water Policy**

The bills contained various revisions to Florida's water policy including, but not limited to:

- Designated all first magnitude springs in the state and all second magnitude springs within state or federally owned lands as Priority Florida Springs (PFS).
- Required the Department of Environmental Protection (DEP) by December 1, 2018, to complete an assessment of water quality for each PFS for which an impairment determination has not been made, establish total maximum daily loads (TMDLs) for all PFS deemed to be impaired, and establish basin management action plans (BMAP) for impaired PFS.
- Required persons engaged in agriculture within the geographic area encompassed by a BMAP for a PFS to implement best management practices (BMP) or conduct water quality monitoring.

- Required DEP to form a working group responsible for scientific information on nutrients, a public education plan, and projects to reduce nutrient impacts in all springs areas where sewage treatment and disposal systems represent a source of excess nitrate-nitrite that must be controlled to meet TMDLs; and authorizing DEP to award funds for certain septic tank issues contingent on an appropriation.
- Required the DEP to establish an interagency agreement with the St. Johns River Water Management District (SJRWMD), the South Florida water Management District (SFWMD), the Southwest Florida Water Management District (SWFWMD), and the Department of Agriculture and Consumer Services (DACS) to develop and implement uniform water supply planning, consumptive water use permitting, and resource protection programs for the area encompassed by the Central Florida Water Initiative (CFWI).
- Updated and restructuring the Northern Everglades and Estuaries Act to reflect and build upon DEP's completion of BMAPs for Lake Okeechobee, the Caloosahatchee Estuary, and the St. Lucie River and Estuary; DEP's continuing development of a BMAP for the inland portion of the Caloosahatchee River watershed; and DACS' implementation of BMPs in the three basins.
- Designated the Lake Okeechobee BMAP as the phosphorus control element of the Lake Okeechobee Watershed Protection Program, designating BMAPs adopted for the Caloosahatchee River and the St. Lucie River watersheds as the pollutant control programs for those watersheds, and requiring the BMAPs to contain an implementation schedule for pollutant load reductions consistent with adopted TMDLs.
- Eliminated duplicative permits by relying on the BMAPs as the basis for water quality regulation in the Lake Okeechobee, the Caloosahatchee River, and the St. Lucie River watersheds.

## Growth Management

### **SB 850/HB 923      Impact Fees**

The bills authorized the use of impact fees to construct, repair or replace new or existing capital facilities. The bill authorizes counties and municipalities to impose a surcharge on documents taxable under s. 201.02, F.S., in lieu of imposing an impact fee. The proceeds from the documentary surcharge must be used to fund certain capital improvements. The bill placed a limit on the total amount of surcharges that may be levied under this section. The bill also provided procedural and reporting requirements and mandates that funds from a documentary surcharge be maintained in a separate trust fund.

## Health & Human Services

### **SB 86/HB 945      Medical Tourism**

The bills required an analysis of medical tourism in the Economic Development Programs Evaluation; requiring Enterprise Florida, Inc., to collaborate with the Department of Economic Opportunity to market this state as a health care destination; requiring the Division of Tourism Marketing to include in its 4-year plan a discussion of the promotion of medical tourism; required a specified amount of funds appropriated to the Florida Tourism Industry Marketing Corporation to be allocated for the medical tourism marketing plan.

**SB 190 Hospice Certificate of Need Deregulation**

SB 190 required the Agency for Healthcare Administration (AHCA) to assume a need for an additional hospice provider in any ACHA-designated hospice service area with only one hospice provider that is licensed or has been issued a certificate of need (CON).

**SB 294/HB 829 KidCare Program**

The bills extended Medicaid and Children’s Health Insurance Program (CHIP) eligibility to a “lawfully residing child” who is not a citizen or national of the United States but meets other applicable eligibility qualifications of Medicaid or CHIP. The federal programs permit states to cover this population if states elect to do so.

The bills defined “lawfully residing child” to conform to the federal program eligibility requirements and deletes references to “qualified alien.” The bills specified that the statutory changes do not extend KidCare program eligibility or Medicaid eligibility to undocumented immigrants.

**SB 322 Hospital Reimbursement**

SB 322 clarified reimbursement provisions, provider notification requirements, and the administrative challenge process for Medicaid inpatient and outpatient hospital rates. The bill specified that the written notice of the hospital reimbursement rates provided by the Agency for Health Care Administration (AHCA) constitutes final agency action for purposes of administrative challenges to the rate.

The bill provided additional finality for future rate adjustments by requiring a challenge to a final audited rate to be filed within 180 days of the AHCA providing written notice of a final audited rate. By tying the window for a rate challenges to the notice of a final audited rate, the bill preserves that option regardless of how long it takes the AHCA to complete the auditing and rate-setting process.

The bill also limited the period of time considered for rate reconciliation that is needed when the rate methodology is found invalid due to a rule challenge. Such reconciliations can only be made for the 5 years preceding the petition challenging the rule.

The bill specified that the AHCA may not be compelled to pay additional compensation in excess of \$5 million to a hospital for adjusted rate unless there is a specific appropriation for that purpose.

**SB 344/HB 811 Mental Health First Aid Program**

SB 344/HB 811 required the Department of Education to provide each public school district with comprehensive information to maximize federal and private grants for mental health education, awareness, and training, or similar programs.

The department must post information on the front page of the website, provide annual notification of available federal and private grants, send information to school districts electronically, provide assistance upon request, and encourage school districts to research and apply for grants. The department must have information available to districts no later than September 30, 2015, and annually thereafter.

**SB 346/HB 487 School Bus Stop Safety**

SB 346/HB 487 reclassified the offense for passing a stopped school bus on the side that children enter and exit while displaying a stop signal from a noncriminal traffic infraction to the criminal offense of reckless driving. Additionally, the bill increased the penalties imposed for failing to stop for a school bus.

**SB 478/HB 545 Telehealth**

The bills defined telehealth services and telehealth provider. The bill established that the standard of care for a telehealth service is the same as the standard of care for a health professional providing in-person services. A telehealth provider is not required to research the patient's medical history or conduct a physical examination if the telehealth provider conducts an evaluation sufficient to diagnose and treat the patient. Additionally, a telehealth provider must document health care services in the patient's medical record under the same standard as for in-person care.

The bill specified that a non-physician telehealth provider who is using telehealth and acting within the relevant scope of practice is not practicing medicine without a license.

The bill prohibited a telehealth provider from prescribing lenses, spectacles, eyeglasses, contact lenses, or other optical lenses based solely on the use of computer controlled device through telehealth. Additionally, controlled substances may not be prescribed through telehealth for chronic non-malignant pain. However, this provision does not preclude specified practitioners from using telehealth to order a controlled substance for a hospital inpatient or for a hospice patient.

**SB 516/HB 681 Emergency Services**

SB 516/HB 681 established a payment schedule for emergency services and care provided by out-of-network or non-participating providers to insureds of a preferred provider organization (PPO) or an exclusive provider organization (EPO) and prohibits those providers from collecting or attempting to collect any additional amount or balance billing. Plans must reimburse non-participating providers the greater of the amount negotiated with the provider; the amount generally used by the insurer to determine the reimbursement amount (such as usual and customary), or the Medicare rate.

SB 516 required PPOs and EPOs to provide coverage for emergency care without prior authorization and regardless of whether the provider is in the network. Applicable cost sharing must be the same for network or non-network providers for these services. This is consistent with federal law. The bill defined emergency services and care to include emergency medical transportation services.

**HB 685/SB 750 Patient Lifting and Handling Practices**

The bills required hospitals to establish policy concerning safe lifting & handling of patients; also required establishment of committee to develop & evaluate policy.

**HB 999/SB 1394 Recovery Care Centers**

The bills created a new license for a Recovery Care Center (RCC), defined as a facility the primary purpose of which is to provide recovery care services, to which a patient is admitted and discharged within 72 hours, and which is not part of a hospital. The bill defined recovery care services as:

- Postsurgical and post-diagnostic medical and general nursing care to patients for whom acute hospitalization is not required and an uncomplicated recovery is reasonably expected; and
- Postsurgical rehabilitation services.

Recovery care services do not include intensive care services, coronary care services, or critical care services.

The bill required all patients to be certified as medically stable and not in need of acute-hospitalization by their attending or referring physician prior to admission in an RCC. A patient may receive recovery care services in an RCC upon:

- Discharge from an ASC after surgery;
- Discharge from a hospital after surgery or other treatment; or
- Receiving an out-patient medical treatment such as chemotherapy.

The new RCC license is modeled after the current licensing procedures for hospitals and ASCs, subjecting RCCs to similar regulatory standards, inspections, and rules. RCCs must have emergency care and transfer protocols, including transportation arrangements, and referral or admission agreements with at least one hospital.

#### **HB 1063/SB 1372 Government Accountability**

The bills amended statutes pertaining to government accountability and auditing. Among other items the bill implemented changes to public hospital districts/systems by:

- Providing definitions for the terms “abuse,” “fraud,” and “waste;”
- Expanding the types of governmental entities that are subject to lobbyist registration requirements;
- Requiring counties, municipalities, and special districts to maintain certain budget documents on the entities’ websites for specified timeframes;
- Requiring a unit of government to investigate and take action to recover prohibited compensation, specifies methods of recovery and liability for violations, provides a reward structure to those reporting prohibited compensation, and exempts from the prohibition specified bonuses and severance pay.

#### **HB 1155/SB 1388 Relating to Special Districts**

The bills made clarifying changes to provisions of the Uniform Special District Accountability Act to conform cross-references, reorganize oversight provisions to avoid duplication, and recognize that dependent special districts have been and may be created by special act.

Additionally, the bill required special districts to publish additional information on their website, and ensure that budgets are accessible for longer periods of time.

#### **HB 1169/SB 1512 Staff Ratios for Healthcare Facilities**

The bills created the "Florida Hospital Patient Protection Act"; that required minimum staffing levels of direct care registered nurses in health care facility; prohibits facility from imposing mandatory overtime; specifies required ratios of direct care registered nurses to patients. It prohibited health care facility from using video cameras or monitors as substitutes for required level of care and required annual evaluation of staffing levels

The bills required AHCA to develop uniform standards for nurse staffing requirements and prohibited health care facility from assigning unlicensed personnel to perform functions of licensed or registered nurse. Lastly, it provided that direct care registered nurse has right of action against facility that violates provisions of act; prohibits facility from interfering with nurses' right to organize or bargain collectively.

#### **SB 1342      Nurse Staffing Levels**

SB 342 established a nurse staffing committee in each hospital; requiring the hospital to post and publicize the nurse staffing plan and schedule.

#### **SB 7044      Health Insurance Affordability Exchange (FHIX)**

SB 7044 created the "Florida Health Insurance Affordability Exchange Program" (FHIX) under ss. 409.710 - 409.731, F.S., as a multi-phased, consumer-driven approach to providing access to high-quality, affordable health care coverage to low-income, uninsured Floridians.

The bill extended health care coverage to an estimated 800,000 uninsured, low-income Floridians in households earning less than 138 percent of the federal poverty level (FPL) who are not currently eligible under the Medicaid program, s. 409.902, F.S. To be eligible, an individual must be a U.S. citizen and a Florida resident.

The FHIX is implemented in three phases, from July 1, 2015, through January 1, 2016. Florida Health Choices, Inc. (corporation), the Florida Healthy Kids Corporation (FHKC), the Department of Children and Families (DCF), and the Agency for Health Care Administration (AHCA) are given duties to implement the FHIX.

The bill provided the AHCA with authority to seek federal approval to implement the FHIX program. Triggers for ending the program are also included.

The bill had a fiscal impact of approximately \$11.87 million to general revenue for Fiscal Year 2015-2016 and a fiscal impact of approximately \$118.5 million to general revenue for Fiscal Year 2016-2017. The bill is also expected to create an indeterminate amount of cost savings in several health-related programs administered by the AHCA and the DCF.

#### **SB 7068/HB 7119      Mental Health and Substance Abuse**

SB 7068/HB 7119 reformed the delivery and funding of mental health and substance abuse services, referred to as behavioral health services. The bill requires the Agency for Health Care Administration (AHCA) and the Department of Children and Families (DCF) to develop a plan by November 1, 2015, to apply for and obtain federal approval to increase Medicaid funding for behavioral health care.

To prepare for such approval, the bill reorganized behavioral health managing entities. The bill required managing entities that contract for publically-funded mental health and substance abuse services to create a coordinated care organization in each region of the state. The coordinated care organization would have been be a network of behavioral health care providers offering a comprehensive range of services and capable of integrating behavioral health care and primary care. The structure of the governing boards of the managing entities are revised. The bill revised criteria for priority populations to be observed when the demand for publically-funded behavioral health services exceeds resources.

Lastly, the bills required the DCF to modify licensure rules to create a consolidated license for a behavioral health care provider that offers multiple mental health and substance abuse services. The bill repeals obsolete statutes relating to behavioral health care. The bill may result in a positive fiscal impact by increasing resources for behavioral health care if federal approval is obtained to increase Medicaid funding.

### Regulated Industries

#### **HB 661/SB 966      Disposable Plastic Bags**

The bills provided coastal municipalities with populations under 100,000 with the authority to establish a pilot program to regulate or ban disposable plastic bags. It directed municipalities that choose to establish a pilot program to enact an ordinance by December 31, 2015.

#### **HB 1205/ SB 1468      Oil and Natural Gas Regulation (Fracking)**

The bills made the following revisions:

- Empowered DEP to issue a single permit that authorizes multiple Program activities;
- Required the Division, when determining whether to issue a permit, to consider the history of past adjudicated violations committed by the applicant or an affiliated entity of any rule or law pertaining to the regulation of oil or gas, including violations that occurred outside the state;
- Defined “high-pressure well stimulation” as a well intervention performed by injecting more than 100,000 gallons of fluid into a rock formation at high pressure that exceeds the fracture gradient of the rock formation in order to propagate fractures in such formation to increase production at an oil or gas well by improving the flow of hydrocarbons from the formation into the wellbore;
- Required a well operator to obtain a permit, pay a fee, and provide a surety to DEP prior to performing a high-pressure well stimulation;
- Required DEP to conduct a study on the potential effects of performing high-pressure well stimulations and provides an appropriation for the study;
- Required certain individuals to report information relating to high-pressure well stimulations to DEP, including each chemical ingredient used in the well stimulation fluid, within 60 days of initiating the well stimulation;
- Required DEP to designate the national chemical registry, known as FracFocus, as the state’s registry for chemical disclosure for all wells on which high-pressure well stimulations are performed;
- Prohibited a county, municipality, or other political subdivision of the state from adopting or establishing programs to issue permits for any activity related to oil and gas drilling, exploration, or production;
- Increased the maximum civil penalty for violation of any provision of the laws governing energy resources, including any rule, regulation, or order of the Division, or an oil or gas permit from \$10,000 to \$25,000 per offense.

#### **HB 1209/SB 1582      High Pressure Oil Well Stimulation Chemical Disclosure Registry**

The bills required a person submitting proprietary business information to DEP who wishes to maintain confidentiality of that information to request that the information be kept confidential and exempt, provide a basis to DEP for claiming the information is proprietary business information, and clearly mark each page of a document containing information claimed to be proprietary business information as “proprietary business information.” If DEP received a public

records request for information claimed as proprietary business information under this bill, DEP must promptly notify the person who submitted the information. That person then has 10 days to file a circuit court action to seek an order barring disclosure of the information. DEP may not release the information if any such action is pending. Failure to file an action within 10 days constitutes a waiver of any claim to confidentiality. The bill did not direct DEP to determine whether information constitutes proprietary business information.

The bills authorized confidential and exempt proprietary business information to be disclosed to another governmental entity if the receiving entity agrees in writing to maintain the confidential and exempt status of the information and has verified in writing its legal authority to maintain such confidentiality. In addition, such proprietary business information may be disclosed when relevant in any proceeding relating to high-pressure well stimulations.

### **HB 1233/SB 7088    Gaming**

The bill made changes to the pari-mutuel wagering, slot machines and gambling chapters of the Florida Statutes, related to operating requirements for pari-mutuel wagering permit holders. Changes include:

- Permitting greyhound permit holders to conduct pari-mutuel wagering, cardrooms and slots without the requirement of live races;
- Removing tax credits for greyhound permit holders and revising the tax on handle for live greyhound racing and inter-track wagering from 5.5% to 1.28%;
- Revising the requirements for a greyhound permit holder to provide a greyhound adoption booth at its facility and requiring sterilization of greyhounds before adoption;
- Creating 550.3341, F.S., permitting certain quarter horse racing permit holders to substitute certain live non-wagering equine competitions in order to meet the requirement to run a full schedule of live racing;
- Extending weekday hours of operation for all slot machine and cardroom licensees from 18 to 24 hours;
- Conditionally allowing slot machines at pari-mutuel facilities that have conducted 250 performances per year for 25 years, if the Seminole Gaming Compact is amended to allow for such facilities to operate;
- Providing for a referendum or commission vote in Miami-Dade and Broward Counties to determine support for legislative approval of destination resort casinos in those areas.

### **Transportation & Economic Development**

#### **HB 817/SB1326    Transportation Network Companies**

The bills preempted to the state the regulation of TNCs and created a regulatory framework for the operation of TNCs. The bills included the following major provisions:

- Provided that a TNC is not a common carrier and does not provide taxi or for-hire vehicle service.
- Provided that a TNC driver is not required to register his or her vehicle as a commercial vehicle or a for-hire vehicle.
- Required a permit from the Department of Highway Safety and Motor Vehicles (DHSMV) to operate a TNC.
- Provided an annual registration fee for TNCs.

- Required the identification of vehicles and drivers.
- Provided minimum TNC and driver insurance requirements.
- Provided that TNC drivers are independent contractors under certain circumstances.
- Required TNCs to have a zero tolerance policy for drug or alcohol use.
- Required TNCs to develop a policy on nondiscrimination and accessibility.

#### **HB 1095/SB 1430 Discounts on Park Entrance and Transit Fares**

The bills required county and municipal parks and recreation departments to provide discounts on local park entrance fees to the following individuals who present any information satisfactory to the county or municipal department, which evidences the individual's eligibility:

- Current members, honorably discharged veterans, and veterans with a service-connected disability, of the United States Armed Forces, their reserve components, or the National Guard;
- The surviving spouse or parent of a deceased member of the United States Armed Forces, their reserve components, or the National Guard, who died in the line of duty under combat-related conditions; and
- The surviving spouse and parents of a law enforcement officer, firefighter, or an emergency medical technician or paramedic employed by state or local government.

For the purpose of minimizing any potential fiscal impact on county or municipal revenue, the bill:

- Allowed a county or municipal park to determine the amount of the discount; and
- Narrowly defined a "park entrance fee" to exclude "additional fees for amenities."

The bill also required regional transportation authorities to provide disabled veterans, who provide information satisfactory to the authority, with discounts on fares or charges.

#### **HB 1141/SB 1538 Natural Gas Rebate Program**

The bills created the Heavy Transportation Industry Natural Gas Rebate Program within DACS. Similar to the Natural Gas Fuel Fleet Vehicle Rebate Program, the program provided for the award of rebates for up to 50 percent of the eligible costs of converting traditionally-fueled locomotives, waterborne ships, and high-horsepower engines to natural gas-fueled or for up to 50 percent of the eligible costs for the purchase of such eligible vehicles or vessels. Applicants must have placed these locomotives, ships, and engines into service on or after July 1, 2015, for commercial business or governmental purposes. An applicant was eligible to receive a maximum rebate of \$500,000 per vehicle up to a total of \$1 million per fiscal year.

The bill appropriated unobligated general revenue funds on June 30 each fiscal year from the Natural Gas Fuel Fleet Vehicle Rebate Program to the Heavy Transportation Industry Natural Gas Rebate Program for the subsequent fiscal year.

#### **SB 1298 Insurance Requirements for Transportation Network companies**

SB 1298 specified minimum insurance requirements for short-term rental network (STR) and transportation network companies (TNC). The bill requires written notice to lessors and drivers of the insurance provided by the STR and TNC, and requires the insurer to indemnify and defend its insured.

The bill required a short-term rental network company to carry primary insurance that insures the participating lessor for personal injury and property damage in an amount of at least \$1 million of liability coverage. The bill does not limit the liability of a short term rental network company for an amount that exceeds coverage limits.

The bill also required the TNC driver or the TNC on the driver's behalf to maintain the following specified insurance coverage:

- Primary insurance coverage of at least \$125,000 for death and bodily injury per person, \$250,000 for death and bodily injury per incident; coverage for uninsured and underinsured motorists with at least those limits; \$50,000 in property damage liability coverage; and coverage for personal injury protection during the period when the driver is logged on the digital network but not engaged in prearranged ride.
- Primary liability coverage of at least \$1 million for death and bodily injury per person, \$2 million for death and bodily injury per incident; coverage for uninsured and underinsured motorists with at least those limits; \$50,000 in property damage liability coverage; and coverage for personal injury protection during the period when a driver is engaged in a prearranged ride.
- Primary insurance coverage of at least \$100,000 for death and bodily injury per person, \$200,000 for death and bodily injury per incident, coverage for uninsured and underinsured motorists with at least those limits; \$50,000 in property damage liability coverage; and coverage for personal injury protection during all other times. The coverage must be maintained for six months after the driver has had an arrangement to provide transportation services to riders.

#### **HB 7039/ SB 1554 Transportation**

These were comprehensive bills relating to the Department of Transportation (DOT). In summary the bill:

- Removed a staffing mandate regarding DOT's Fort Myers Urban Office.
- Reallocated \$10 million within the work program to the Florida Seaport and Economic Development (FSTED) Program, which increases the program's annual funding minimum from \$15 to \$25 million.
- Revised existing statutory language and definitions in order to assist in the enforcement and general understanding of bicycle and pedestrian related statutes in an effort to maintain the safety of bicyclists and pedestrians.
- Changed the length of time from three years to 10 years that a toll account must be dormant before it reverts to unclaimed property.
- Revised requirements for when a DOT Work Program amendment must be approved by the Legislative Budget Commission.
- Increased the maximum population for counties eligible for the Small County Outreach Program from 150,000 to 165,000.
- Removed the ability of municipalities and counties to charge a developer for removing vegetation within the right-of-way limits of road improvements under certain circumstances, provides opt-out.
- Required the Office of Economic and Demographic Research to evaluate and determine the economic benefits of DOT's Work Program.

**HB 7067/SB 1214 Economic Development**

The bills contained provisions that modify the definitions, processes, and administration of economic development incentive tax refund and grant programs; assists small business development; encourages high-tech and second stage business development; modifies the New Markets Development Program to increase accountability; and created a new state-administered enterprise zone certification program.

*\*Bill summaries provided by House and Senate Staff Analyses*

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**FLORIDA LEGISLATURE-REGULAR SESSION-2015  
STATISTICS REPORT**

<b>SENATE BILLS</b>	<b>FILED</b>	<b>PASSED SENATE</b>	<b>PASSED BOTH CHAMBERS</b>
CONCURRENT RESOLUTIONS	3	0	0
RESOLUTIONS(ONE CHAMBER)	73	56	0
GENERAL BILLS	770	132	75
LOCAL BILLS	21	0	0
JOINT RESOLUTIONS	9	0	0
MEMORIALS	5	2	2
TOTALS	881	190	77*

<b>HOUSE BILLS</b>	<b>FILED</b>	<b>PASSED HOUSE</b>	<b>PASSED BOTH CHAMBERS</b>
CONCURRENT RESOLUTIONS	5	2	2
RESOLUTIONS(ONE CHAMBER)	60	60	0
GENERAL BILLS	728	164	113
LOCAL BILLS	55	41	39
JOINT RESOLUTIONS	10	0	0
MEMORIALS	15	1	0
TOTALS	873	268	154*

<b>SENATE AND HOUSE BILLS</b>	<b>FILED</b>	<b>PASSED FIRST CHAMBER</b>	<b>PASSED BOTH CHAMBERS</b>
CONCURRENT RESOLUTIONS	8	2	2
RESOLUTIONS(ONE CHAMBER)	133	116	0
GENERAL BILLS	1498	296	188
LOCAL BILLS	76	41	39
JOINT RESOLUTIONS	19	0	0
MEMORIALS	20	3	2
TOTALS	1754	458	231*