

2020 FLORIDA LEGISLATIVE POST-SESSION REPORT

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2020 Florida Legislative Post-Session Report

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How to Use This Report

This Report is a summary of significant legislation that passed during the 2020 Regular Session of the Florida Legislature. Of the 3,514 bills filed, 210 were passed by both the Florida House and Senate and have gone to the Governor for his decision to sign, veto or allow the bill to become law without his signature. AT THE TIME THIS REPORT WAS FINALIZED, THE GOVERNOR HAD ONLY SIGNED 16 BILLS INTO LAW DUE TO HIS ATTENTION BEING FOCUSED ON COVID-19 CURRENTLY. FOR THE BILLS THAT HAVE BEEN SIGNED, WE HAVE INCLUDED THEIR CHAPTER LAWS AND EFFECTIVE DATES. ONCE ALL BILLS HAVE BECOME LAW OR VETOED, WE WILL PROVIDE A SUPPLEMENT SHOWING THE CHAPTER OR IF THE BILL HAS BEEN VETOED.

Please note that this Report does not summarize every piece of legislation enacted, nor is it meant to be an exhaustive section-by-section analysis of those bills included. This was compiled in substantial part using public records and staff reports from the Florida Senate and the Florida House of Representatives because those staff reports often serve as Legislative history. The goal of this Report is to provide a general overview of legislative actions that are likely to be of interest to our clients, attorneys, and government consultants. A Table of Contents is included that lists the bills by general category, and an index by bill number is included at the end. The PDF version of the Report is also searchable by selecting Ctrl F, then typing your word or phrase.

Different bills may contain the same or similar concepts in their summaries, which is not unusual in Florida. Bill sponsors intentionally place the same or similar amendment language in multiple bills germane to the issue in order to increase the chance of the issue passing. The last bill which passes will control if there is a difference in language.

Additionally, the general category of bills may not include all amendments passed that relate to that area. It may be that language related to school siting (Education) was originally on a bill that was not going to pass, so the bill's sponsor amended some or all of the language onto another bill that is chiefly related to development approvals (Growth Management). In this report, the bill itself would be listed under Growth Management, so please liberally use the search function to search for particular words or concepts to ensure that all relevant topics are found.

If you have questions or need the actual bill or applicable staff report, contact Nancy Linnan (nlinnan@carltonfields.com) or Shelly Cartwright (scartwright@carltonfields.com).

Government Law and Consulting Practice Group

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

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

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

Administrative Litigation

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

Affordable Housing

We regularly represent a variety of clients in the planning and development of affordable housing projects throughout the state of Florida regarding applications for funding before the Florida Housing Finance Corporation, including Low Income Housing Tax Credit Applications and State Apartment Incentive Loan Applications.

Education

We have experience in all aspects of education law. We have represented numerous school districts across the state, charter schools, and private entities doing business before local school districts and at the state level and colleges. We practice before the State Board of Education and have significant experience assisting clients with matters at the Florida Department of Education. We are experienced in school construction and choice, litigation (including appellate), personnel matters, lobbying, contractual issues, procurement, environmental issues including mold remediation, asbestos abatement, permitting issues, and funding. We have also litigated on behalf of the Department of Education and the Florida House of Representatives in significant litigation. Because of our knowledge of area, we have formed an Education Task Force so that lawyers and consultants who work in this area can share knowledge with Florida and across state lines.

Energy & Environmental Law

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

- Utility regulatory proceedings and strategy
- Litigation, arbitration, and alternative dispute resolution
- Legislative and executive branch lobbying and government relations
- Local government strategy, lobbying, proceedings and litigation
- Siting, permitting and obtaining state leases for linear facilities and contract negotiations
- Tax, corporate, and securities
- Real estate, land use, and environmental issues such as wetlands, listed species, contamination, coastal construction, water law and mining and mitigation banks
- Renewables and alternative energy sources
- Eminent domain

We are experienced in the area of environmental law and advocate on behalf of clients in a diverse range of industries. We regularly represent clients before the state's regulatory agencies on issues relating to liability, litigation, permits, clean air and water compliance, groundwater, waste disposal, Brownfield sites, Superfund sites, wetlands, listed species and water rights and supply. We also represent clients before the Governor and Cabinet in uplands and submerged land lease and regulations. We have established both a Climate Change and an Environmental Task Force to provide a Florida and National perspective to our work in these areas at the local, state and federal levels. Finally, we are involved in setting up political committees for clients – and operate one for the firm – and can provide timely information on political issues and races.

Ethics and Elections

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

Government Contracts

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

Land Use & Economic Development

We have decades of on-the-ground experience in comprehensive plans and plan amendments that include preparation and processing, and litigation of compliance and consistency challenges and have taken a leadership role in the Legislature in this policy area. In combination with our certified in-house planning staff, we have very deep capabilities in preparing and handling rezoning applications, site plan review, variances, special use permits, impact fees, transportation planning and concurrency, financing, expert witness testimony, due diligence research for real estate transactions, comprehensive planning and dealing with old Developments of Regional Impact (DRIs), Florida Quality Developments (FQDs) and sector plan modifications, 163 Agreements and creating urban service areas, enforcement and rescissions.

We prepare impact analyses for any type of development, having coordinated and/or assisted clients in preparing and presenting – and now rescinding - over 220 DRIs, FQDs, and working with four sector plan applications in all areas of Florida. We were active in the Legislative demise of DRIs and major changes to state and local planning process and have experience in handling state coordinated review of DRI-sized projects. We are successful in supervising and shepherding comprehensive plan amendments that support development through the local and state approval process. We also deal extensively with aggregation issues and binding and clearance letters as well as other issues related to vesting of development rights through development agreements. As part of our work we often work through infrastructure agreements on state and federally maintained roads. We remain active in agency and legislative advocacy.

Our lawyers and government consultants are experienced in establishing Community Development Districts (CDD) and in representing CDDs or other special districts in all phases of their activities, including the local and legislative process.

Licensing & Compliance

We routinely guide clients through the often complex requirements necessary to obtain professional or business licensure in Florida at the state and local levels and in other states where we work. We often resolve issues by working at the highest levels within the state agencies regulating these professions and businesses, but when those actions are not successful, we will advocate and defend clients from government-initiated disciplinary actions based on alleged regulatory violations.

Lobbying

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

Marijuana and Hemp

We counsel and represent clients who cultivate, process, and dispense cannabis and cannabis products as well as ancillary businesses. Our attorneys are actively representing clients in both the hemp and marijuana industries. We advise cultivators, retailers, manufacturers, and investors and financial institutions in starting, funding, and insuring their businesses while addressing legal and regulatory hurdles faced by cannabis industry entrepreneurs. Some of the services offered to our cannabis industry clients include:

- Active participation in the process to create regulatory structures for both marijuana and via a separate agency - hemp
- Preparing applications for licensure
- Ensuring on-going regulatory compliance
- Corporate structuring and governance
- Tax advice, specifically navigating the provisions of section 280(e)
- Mergers and acquisitions
- Intellectual property, marketing, and labeling laws
- Land use assistance for dispensary locations
- Helping with regulation of edibles and FDA involvement

We have assisted clients obtain licenses through both application and litigation in highly regulated markets. We have also helped clients sell their licenses when appropriate.

Carlton Fields also counsels clients who do business with companies involved in the legal medical and recreational marijuana industry, including banks and credit unions, real estate firms, landlords, and insurance companies.

Like some of the other subject areas, we have created a Cannabis Task Force composed of experts to draft client alerts to educate our lawyers. This group is in the process of creating a weekly blog covering these regulated substances in all 50 states and one of our attorneys has published a chart on the 50 states regulatory requirements.

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Education

EDUCATION

CS/HB 37

School Bus Safety

The bill increases the minimum civil penalty for failure to stop for a school bus from \$100 to \$200. For a subsequent offense within five years, DHSMV must suspend the driver license of the driver for not less than six months and not more than one year. The bill also increases the minimum civil penalty for passing a school bus on the side that children enter and exit from \$200 to \$400. For a subsequent offense within five years, DHSMV must suspend the driver license of the driver for not less than one year and not more than two years.

Subject to the Governor's veto powers, the bill takes effect January 1, 2021.

CS/CS/SB 70

Alert Systems in Public Schools

The bill modifies the statute to require each public school, beginning with the 2021-2022 school year, to implement an interoperable mobile panic alert system, known as "Alyssa's Alert", capable of connecting diverse emergency services technologies to ensure real-time coordination between multiple first responders.

For the 2020-2021 fiscal year, subject to legislative appropriation, it requires the Department of

Education, in consultation with the Marjory Stoneman Douglas High School Public Safety Commission and the Florida Department of Law Enforcement, to develop a competitive solicitation for a statewide mobile panic alert system.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/SB 72

Higher Education Finances

CS/SB 72 modifies provisions relating to preeminent state research universities, the prioritization of capital outlay projects at Florida College System (FCS) institutions, the carry forward of operational funds at state universities and FCS institutions, state student financial aid, and textbook affordability at public postsecondary institutions. Specifically, the bill:

- Requires a University Board of Trustees to select a university president from a minimum of three candidates;
- Revises the data for academic and research excellence standards of preeminent research universities by using more timely performance data and requiring the standards to be reported annually in the Board of Governors (BOG) Accountability Plan;
- Amends a criterion for the state university preeminence designation to include the concordant ACT scores;
- Removes funding associated with the emerging preeminent state research university designation and creates State Universities of Distinction;
- Establishes the Florida Institute of Politics at the Florida State University to provide the southeastern region of the United States with a world class, bipartisan, nationally-renowned institute of politics;
- Authorizes a state agency to contract with an independent, nonprofit college or university that operates in the state, offers professional degrees, and is

accredited by the Middle States Commission on Higher Education;

- Modifies a criterion for new construction, remodeling, or renovation projects at FCS institutions that have not been previously state funded to be added to the Public Education Capital Outlay (PECO) priority list;
- Modifies reporting deadlines and spending plan provisions relating to the carry forward of operational funds at state universities and FCS institutions;
- Replaces the State University System Programs of Excellence with the State Universities of Distinction program, and establishes requirements;
- Aligns student eligibility, maximum awards, fund distribution, remittance deadlines, and reporting requirements between the four Florida Student Assistance Grant programs;
- Clarifies initial and renewal award requirements for the Benacquisto Scholarship Program;
- Provides that pricing and payment options relating to textbook affordability may include either an opt-in or opt-out provision for students;
- Removes the limitation that prohibits a Phosphate Research and Activities Board member from serving more than 180 days after the expiration of his or her term, until a successor is appointed; and
- Directs the Board of Governors to define in regulation the university faculty and administrative personnel classifications, and expands the exemption from restrictions on remuneration.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/CS/HB 115

Student Loans/Professional Licensure

Keep Our Graduates Working Act

The bill:

- Prohibits any state authority, including the Department of Health (DOH), from denying the issuance of, refusing to renew, suspending, or revoking a professional license based solely on the licensee being delinquent on a payment of or defaulting on his or her student loans;
- Removes the specific provision allowing DOH to discipline a health care practitioner for failing to repay a student loan and the associated mandatory discipline;
- Repeals the requirement that DOH must issue an emergency order suspending a health care practitioner's license for a student loan default, absent timely proof of a new repayment plan; and
- Repeals the requirement that DOH must obtain a monthly list from the USHHS of the health care practitioners who have defaulted on their student loans.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/SB 156

Early Childhood Music Education Incentive Pilot Program

The bill revises eligibility requirements for school districts seeking to participate in the Early Childhood Music Education Incentive Pilot Program by allowing specified elementary schools in the district, rather than all elementary schools, to implement a comprehensive music education program.

It directs the University of Florida's College of Education to collaborate with Florida International University's School of Music in evaluating the effectiveness of the pilot program. Upon completion, the results of the evaluation must be shared with the Florida Center for Partnerships for Arts-Integrated Teaching. The bill extends the scheduled expiration of the Early Childhood Music Education Incentive Pilot Program to June 30, 2022.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 171
Postsecondary Education Credit for Certain Service Members and Veterans

The bill requires the Board of Governors (BOG) to adopt regulations and the State Board of Education (SBE) to adopt rules to create a process that enables service members and veterans of the United States Armed Forces to earn uniform postsecondary credit or career education clock hours across all Florida public postsecondary educational institutions for college-level training and education acquired in the military. The regulations and rules must be developed in consultation with the Department of Veterans' Affairs and include procedures for credential evaluation and the uniform award of postsecondary credit or career education clock hours.

The Articulation Coordinating Committee must develop and approve a list of postsecondary course equivalencies and credit and clock hours awarded for military courses and occupations, which must be approved by the BOG and SBE in the statewide articulation agreement.

The bill also requires state universities, Florida College System institutions, and career centers to waive the transcript fee for active duty members and honorably discharged veterans of the United States Armed Forces, and their spouses and dependents.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/SB 434
Designation of School Grades

Career dual enrollment is provided as an option for high school students to earn Career and Professional Education (CAPE) industry certifications, which are approved annually by the State Board of Education (SBE) through the adoption of the CAPE Industry Certification Funding List.

The bill incentivizes schools to enroll students in career clock hour dual enrollment courses by revising the school grades calculation for high schools. Specifically, a student who completes career dual enrollment courses leading to industry certifications on the funding list during high school, resulting in 300 or more clock hours, may be included in the college and career acceleration component of the school grades calculation.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

HB 641
Funds for the Operation of Schools and Teachers Salaries

HB 641 removes a limitation on the number of semester credit hours that may be rewarded in the International Baccalaureate Program, the Advanced International

Certificate of Education Program and the International General Certificate of Secondary Education Program.

The bill provides a 0.30 full-time equivalent (FTE) add-on bonus amount funded in the Florida Education Finance Program (FEFP) to be generated by students who graduate with the Advanced Placement (AP) Capstone Diploma and meet the requirements for a standard high school diploma. Students who graduate with the AP Capstone Diploma will generate the add-on bonus funding for their school districts in the subsequent fiscal year.

It also creates the new Teacher Salary Increase Allocation in the FEFP and establishes the policy for the distribution of the new allocation. The allocation's amount is provided in Specific Appropriation 92 in the Fiscal Year 2020-21 General Appropriations Act (GAA). A portion of the allocation must be used to increase the minimum base salary for full-time classroom teachers to include certified Pre-K teachers funded in the FEFP, to at least \$47,500 or the maximum amount achievable within the district's allocation. The bill specifies that no full-time classroom teacher will receive a salary less than the minimum base salary. An additional portion of the allocation must be used to provide salary increases for: (1) full-time teachers, to include certified Pre-K teachers funded in the FEFP, who did not receive or received an increase of less than a 2 percent from the minimum base salary portion; and/or (2) other full-time instructional personnel. These allocations do not include substitute teachers.

Districts and charter schools must maintain the minimum base salary and not reduce the salary increases provided by this policy unless specifically authorized in the GAA.

Before the allocation is distributed, districts and charter schools must: (1) receive school district board or charter school governing board approval for its salary distribution plan, and (2) submit approved plans to the Department of Education (DOE) by October 1.

The bill prescribes the following reporting requirements:

- Districts provide a preliminary allocation expenditure report to the DOE by December 1.
- DOE submits a statewide planned expenditure report to the Legislature by February 1, and (3) districts submit their final reports to DOE by August 1.

It specifies that while not precluding bargaining over wages, the Teacher Salary Increase Allocation must only be used as authorized in law; which includes the allocation being included in the calculation of the Virtual Education Contribution in the FEFP but is not included in the calculation of the scholarship award amounts authorized in Chapter 1002.

Finally, the bill repeals the Best and Brightest Teacher and Principal Program.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/SB 646

Intercollegiate Athlete Compensation and Rights

The bill authorizes intercollegiate athletes to earn compensation for the use of their name, image, or likeness (NIL). It seeks to preserve the integrity, quality, character, and amateur nature of intercollegiate athletics while

maintaining a clear distinction between amateur and professional sports by:

- Providing that compensation for athletic performance or attendance at a particular institution remains prohibited;
- Specifying that compensation for the use of an athlete's NIL may only be provided by a third party unaffiliated with the athlete's postsecondary institution;
- Prohibiting a postsecondary educational institution, an entity whose purpose includes supporting or benefitting the institution or its athletic programs, or an officer, director, or employee of such institution or entity from compensating or causing an intercollegiate athlete to be compensated for his or her NIL; and
- Specifying that compensation for the use of the athlete's NIL must be commensurate with the market value of the authorized use of the athlete's NIL.

It prohibits postsecondary educational institutions receiving state aid (Florida College System institutions, State University System institutions, and private colleges and universities) from:

- Preventing or unduly restricting an intercollegiate athlete from earning NIL compensation;
- Preventing or unduly restricting an intercollegiate athlete from obtaining professional representation for purposes of seeking NIL compensation; and
- Revoking or reducing grant-in-aid awards for an intercollegiate athlete who earns compensation for his or her NIL.

Further, it:

- Specifies that the terms of a contract for NIL compensation may not materially conflict with the terms of the intercollegiate athlete's team contract or extend beyond the time of the athlete's participation in an athletic program at a postsecondary educational institution;
- Allows an athlete agent or attorney to represent an intercollegiate athlete in securing compensation for use of her or his name, image, or likeness, regardless of athletic conference or collegiate athletic association rules, bylaws, regulations, and policies to the contrary; and
- Requires each postsecondary educational institution receiving state aid to conduct a financial and life skills workshop at the beginning of the intercollegiate athlete's first and third academic years.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/CS/SB 662 **Education and the Military**

The bill revises school grades calculation for high schools. Beginning with the 2022-2023 school year, a student may be counted toward the college and career acceleration component of the school grades calculation by earning a Category II Armed Forces Qualification Test score or higher on the Armed Services Vocational Aptitude Battery and at least two credits in the Junior Reserve Officers' Training Corps credits from the same branch of the United States Armed Forces.

Finally, it allows a student whose parent is transferred to a military installation within

the state to enroll in any school district through controlled open enrollment.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

SB 828

Florida ABLE Program

The bill saves from repeal Florida ABLE, Inc., a direct-support organization for the Florida Prepaid College Board. Florida ABLE Inc. administers the Florida ABLE Program, a program that allows individuals to make tax exempt contributions to meet certain expenses associated with a disabled beneficiary.

This bill was signed into law April 8, 2020 as Chapter No. 2020-14 Laws of Florida and the provisions took effect on that date.

CS/CS/HB 1213

Educational Instruction of Historical Events

CS/CS/1213 requires the Commissioner of Education's African American History Task Force to make recommendations on what will be included about the history of the 1920 Ocoee Election Day Riots in African-American history required classroom instruction. A report is due to the Commissioner of Education and the State Board of Education by March 1, 2021.

The bill requires the Secretary of State to provide direction to state museums on exhibits and educational programs about the history of the riots. The Department of Environmental Protection is required to determine which parks or facilities will be named after riot victims. The bill encourages district school boards to identify school facility naming opportunities in recognition of the victims of the riots.

The bill requires the Department of Education (DOE) to develop standards and curriculum for teaching the history of the Holocaust. As a part of required classroom instruction for public school students in grades K-12, Florida law requires Holocaust education to include encouraging tolerance of diversity and understanding the ramifications of prejudice and racism as well as the Holocaust's historical significance. The bill adds the state's definition of and policy against anti-Semitism, current and historical examples of anti-Semitism, and the prevention of anti-Semitism to required instruction.

It requires DOE to create a process for each school district to annually certify compliance with required Holocaust instruction.

The bill authorizes the DOE to seek input from the Commissioner of Education's Task Force on Holocaust Education or from any state or nationally recognized Holocaust educational organization when promulgating the standards and curriculum for Holocaust instruction. For the development of teacher training materials and grade-appropriate classroom resources, the bill authorizes the DOE to contract with any state or nationally recognized Holocaust educational organization.

Finally, it designates the second week in November as "Holocaust Education Week."

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 7011

Safety Policies for Student Athletes

The bill requires the Florida High School Athletic Association (FHSAA) to revise its safety policies for preventing and responding

to heat stroke in student athletes and specifies that these requirements apply year round. The changes include:

- Requiring schools to monitor heat stress and modify athletic activities based on heat stress guidelines;
- Identifying heat stress levels at which a cooling zone must be made available for athletic activities;
- Establishing requirements for implementing cooling zones, including the presence of individuals with training on rapid cooling at athletic activities; and
- Requiring student athletes to pass the annual medical evaluation each year before engaging in any athletic activities year round.

Beginning June 1, 2021, the bill requires an employee or volunteer with current cardiopulmonary resuscitation and automated external defibrillator (AED) training to be present at any athletic activity. All employees or volunteers who are reasonably expected to use an AED must complete the training and be notified annually of the location of each AED on school grounds, which must be available in a clearly marked and publicized location for each athletic activity.

The bill is entitled the “Zachary Martin Act” after Zachary Martin, a Lee County high school football player who suffered fatal heat stroke after an outdoor practice the morning of June 29, 2017.

Subject to the Governor’s veto powers, the bill takes effect July 1, 2020.

CS/HB 7067

Expanded Access and Clarification of Requirements for Existing K-12 Scholarship Programs

The bill expands access to the Family Empowerment Scholarship Program (FES), and revises the priority of awards under the FES and Florida Tax Credit Scholarship Program (FTC).

Specifically, the bill:

- Increases the FES enrollment cap from 0.25 percent to 1 percent of the state’s total public school enrollment;
- Increases the FES income eligibility by 25 percent of the maximum federal poverty level after a year in which more than 5 percent of the annual increase in available scholarships are not awarded;
- Allows a student who can no longer receive a FTC scholarship award due to lack of available scholarships to transfer to the FES and receive priority of award after FES renewal scholarships;
- Requires scholarship-funding organizations (SFOs) to give priority to FTC renewal students and to exhaust all funds for renewal of scholarships before awarding initial scholarships;
- Requires SFOs to refer FTC eligible students to another SFO if funds are not available to award a scholarship to the student; and
- Requires the exhaustion of FTC funds before Hope Scholarship Program funds in excess of the 5percent carry forward may be used to award initial FTC scholarships.

The bill also provides full-time equivalent (FTE) add-on bonus funding amounts in the

Florida Education Finance Program to school districts for each student who completes a general education core course or associate degree, with a specified letter grade or grade point average, through dual enrollment. School districts must allocate at least 50 percent of the funds received from dual enrollment bonus FTE to schools that generated funds to support student academic and postsecondary readiness.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

General Government

GENERAL GOVERNMENT

CS/CS/HB 205

Unlawful Use of Uniforms, Medals, or Insignia

The bill specifies that “material gain” for purposes of the prohibition against using a military uniform, medal, or insignia or misrepresenting oneself as a military member or veteran for the purpose of material gain, includes, but is not limited to, obtaining employment or political office resulting in receiving compensation.

Subject to the Governor’s veto powers, the bill takes effect October 1, 2020.

CS/HB 255

Florida Commission on Human Relations

The Florida Commission on Human Relations (Commission) administers the state's civil rights laws and serves as a resource for businesses, individuals, and groups to prevent discriminatory activities. The Commission is comprised of 12 individuals who are appointed by the Governor and confirmed by the Senate. The Commission is empowered to receive, initiate, investigate, conciliate, and hold hearings concerning complaints of discrimination related to employment, housing, certain public accommodations, and state employee whistle-blower retaliation.

The bill amends several statutes pertaining to the Commission. Specifically, the bill:

- Provides that six Commission members constitute a quorum for conducting business;

- Authorizes the Commission to recommend up to 10 nominees for the Florida Civil Rights Hall of Fame;
- Specifies the applicable statute of limitations for bringing a cause of action pursuant to the Florida Civil Rights Act;
- Deletes the registration requirements for facilities and communities claiming the “Housing for Older Persons” exemption and eliminates related forms, fees, and fines;
- Deletes an investigation requirement for certain public accommodation discrimination cases, allowing the Commission to immediately use methods of conference, conciliation, and persuasion; and
- Aligns time periods in state employee whistle-blower cases with time periods in other cases investigated by the Commission.

Subject to the Governor’s veto powers, the bill takes effect July 1, 2020.

CS/HB 327

Illegal Taking, Possession, and Sale of Bears

The bill increases the penalties for taking a bear or possessing a freshly killed bear during the closed season by specifying that a person who commits such offenses commits a Level Three violation and forfeits any Fish and Wildlife Conservation Commission (FWC) license or permit issued for three years after the date of the violation. A person who commits a subsequent offense of such taking or possession is permanently ineligible for issuance of any FWC license or permit.

The bill also specifies that a person who possesses for sale or sells a bear taken during the closed season commits a Level Four

violation, which is a third degree felony. The penalties associated with the taking and possession of bears do not apply to a person who is authorized by FWC to take or possess a bear.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 343

Recreational Vehicle Industries Regulation

The bill:

- Specifies that the Department of Health (DOH) is the exclusive regulatory and permitting authority for sanitary and permitting standards and operational matters for RV parks, mobile home parks, lodging parks, and recreational camps;
- Allows a RV park to be rebuilt after a natural disaster using the original density standards;
- Creates a rebuttable presumption that a RV park guest is a transient guest, under certain circumstances;
- Provides methods for the disposal of property left by certain guests of a RV park;
- Modifies the duties of a law enforcement officer called to assist with a person illegally on a RV park's premises to allow removal of such a person in lieu of arrest and limits the officer's liability;
- Requires the Department of Agriculture and Consumer Services (DACS) to establish by rule the requirements for agents qualified to administer LP gas examinations;
- Requires DACS to establish by rule a specific examination for RV dealers/installers; and

- Clarifies that in order to be eligible to apply for certification as a master qualifier for an LP gas business, "verifiable LP gas experience" or "professional certification" is required.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

SB 362

Florida Tourism Marketing

The bill extends the scheduled repeal date for the Florida Tourism Industry Marketing Corporation (better known as Visit Florida) and the Division of Tourism Marketing within Enterprise Florida, Inc., from July 1, 2020, to October 1, 2023.

This bill was signed into law April 8, 2020 as Chapter No. 2020-16, Laws of Florida and the provisions took effect on that date.

CS/HB 387

License Plate Fees

The bill provides that unless the amount of an annual use fee is otherwise specified for a particular specialty license plate, the annual use fee for the specialty license plate will be \$25.

Subject to the Governor's veto powers, the bill takes effect October 1, 2020.

CS/CS/SB 538

Emergency Reporting

The bill requires the Division of Emergency Management (DEM) to create a list of reportable incidents and annually provide the list to each political subdivision. Political subdivisions must notify the State Watch Office within DEM that an incident specified on the list of reportable incidents has

occurred within its jurisdiction. The bill authorizes DEM to establish guidelines specifying the method and format a political subdivision must use when reporting an incident.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 659 **Drones**

Florida law defines a drone as a powered, aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, can fly autonomously or be piloted remotely, can be expendable or recoverable, and can carry a lethal or nonlethal payload. Studies have shown that drones can efficiently and inexpensively cover a large geographic range, reach places that are physically difficult for humans to access, cover substantially more territory and topography, carry a variety of cameras and sensors, collect biological specimens, and target and eliminate individual organisms through ballistic application of herbicides. Florida law currently restricts the use of drones by individuals and government entities to conduct surveillance. Law enforcement may not use a drone to gather evidence or other information, with certain exceptions.

The bill allows the use of a drone by a non-law enforcement employee of the Fish and Wildlife Conservation Commission or the Florida Forest Service for the purposes of managing and eradicating invasive exotic plants or animals on public lands and suppressing and mitigating wildfire threats.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/CS/SB 664 **Verification of Employment** **Eligibility/E-Verify**

Beginning January 1, 2021, public employers, contractors, and subcontractors must register with and use the E-Verify system to verify the work authorization status of all newly hired employees. A public employer, contractor, or subcontractor may not enter into a contract unless each party to the contract registers with and uses the E-Verify system.

Beginning January 1, 2021, a private employer must verify the employment eligibility of a person who has accepted an offer of employment or a contract employee upon the renewal or extension of his or her contract by either using the E-Verify system or requiring the person to provide the same documentation required by the United States Citizenship and Immigration Services on its Employment Eligibility Verification form (Form I-9).

If a private employer does not verify the employment eligibility of a current or future employee, the Department of Economic Opportunity (DEO) must require the private employer to provide an affidavit stating:

- The private employer will comply with the employee verification requirements;
- The private employer has terminated the employment of all unauthorized aliens in this state; and
- The employer will not intentionally or knowingly employ an unauthorized alien in this state.

If a private employer does not provide the required affidavit within 30 days, the bill requires DEO to order the appropriate agency to suspend all applicable licenses held

by the private employer until the private employer provides DEO with the required affidavit. If a private employer violates the verification of employment eligibility requirements three times within a 36 month period, the bill requires permanent revocation of all licenses held by the private employer specific to the business location where the unauthorized alien performed work.

Beginning July 1, 2020, the bill specifies that the executive director of DEO may not approve an economic development incentive application unless the application includes proof that the applicant is registered with and uses the E-Verify system to verify the work authorization status of all newly hired employees.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 705

Emergency Sheltering of Persons with Pets

The bill requires counties that maintain designated shelters to designate a shelter that can accommodate persons with pets and requires such shelters to meet certain requirements. The bill also requires the Department of Education to assist the Division of Emergency Management in determining strategies for the evacuation of persons with pets for the shelter component of the state comprehensive emergency management plan.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 787

Driver Licenses and Identification Cards

Upon request by a person diagnosed with a developmental disability, or by a parent or guardian of a child or ward who has a developmental disability, the Department of Highway Safety and Motor Vehicles (DHSMV) must issue an identification card exhibiting a capital "D" after payment of an additional \$1 fee and proof of a developmental disability diagnosis. There is currently no developmental disability designation offered on a driver license.

The bill authorizes an optional "D" designation on the driver license of a person who has been diagnosed with a developmental disability. The licensee, or his or her parent or legal guardian, must present DHSMV with sufficient proof that a licensed physician has diagnosed the licensee with a developmental disability. Additionally, a licensee, or his or her parent or legal guardian, may surrender his or her current driver license at any time to add or remove a "D" designation. If the applicant is not conducting any other transaction affecting the driver license, the standard \$25 replacement fee is waived.

The bill also requires DHSMV to include an option on the driver license or identification card application form to make a voluntary contribution of \$1 or more to Childhood Cancer Care to be distributed to the Live Like Bella Childhood Cancer Foundation.

Subject to the Governor's veto powers, the bill takes effect October 1, 2020.

CS/CS/HB 789

Driver License Fees

House Bill 787 (2020), which this bill is linked to, authorizes an optional “D” designation on the driver license of a person who has been diagnosed with a developmental disability.

This bill provides for the payment of an additional \$1 fee for a new or renewed driver license with a “D” designation or a payment of a \$2 fee upon the surrender and replacement of a current driver license to add or remove a “D” designation. The fees are deposited into the Highway Safety Operating Trust Fund.

Subject to the Governor’s veto powers, the effective date of this bill is on the same date that CS/CS/HB 787 or similar legislation takes effect, which is October 1, 2020.

CS/CS/CS/SB 810

Use of Tobacco Products and Nicotine Products/Age Limits

The bill:

- Increases the minimum age from 18 years of age to 21 years of age to lawfully purchase and possess tobacco products, nicotine products, and vapor-generating electronic devices;
- Repeals exceptions to the minimum age requirements that allow persons in the military and emancipated minors to possess or purchase tobacco products;
- Maintains the exception to the minimum age requirements that allows persons acting within the scope of their lawful employment to handle tobacco products;
- Prohibits smoking and vaping by any person under 21 years of age on or near (within 1,000 feet) of school property;

- Increases the age from 18 years of age to 21 years of age to obtain a retail tobacco products dealer permit, a cigarette wholesaler permit, a cigarette distributor permit, or a cigarette manufacturer permit;
- Amends the definition of “tobacco products” to include nicotine products, vapor-generating electronic devices, and substances for use in a vapor-generating electronic device, which will require businesses that sell such products to obtain a retail tobacco products dealer permit;
- Creates a limited retail tobacco products dealer permit which allows a retailer to choose to sell only nicotine products and vapor-generating electronic devices, but not other tobacco products, without having to pay the annual fee for the full retail tobacco products dealer permit;
- Limits the sale of tobacco products through a vending machine to a location that prohibits persons under 21 years of age on the premises;
- Requires age verification before a sale or delivery of a tobacco product to a person under 30 years of age;
- Requires a two-step age verification for sales and deliveries of vapor-generating electronic devices and liquid nicotine products that are not conducted under the direct control or line of sight of the retailer;
- Prohibits the sale of flavored liquid nicotine products (other than tobacco or menthol flavors), and provides an exception for such products if the U.S. Food and Drug Administration issues a marketing order to permit the product to be sold; and
- Adds anti-vaping education as an option for persons under 18 years of age that are charged with under-age violations

relating to the purchase or possession of nicotine products.

Subject to the Governor's veto powers, the bill takes effect January 1, 2021.

CS/SB 838

Business Organizations

The bill primarily corrects technical and conforming errors in the 2019 revision to the Florida Business Corporation Act (FBCA) and related business entity statutes.

However, the bill also:

- Authorizes a not-for-profit corporation to appoint a non-director to serve on a board committee if the majority of the other committee members are directors, or fewer directors than non-directors to serve on a board committee if the committee is created under specified circumstances and relates to director elections, nominations, or credentials;
- Authorizes a not-for-profit corporation to create an advisory committee comprised of any number of non-directors if the committee is not a board committee;
- May not act on behalf of the board, exercise any board powers or authority, or bind the corporation to any action; and
- Authorizes the Florida Department of State to direct interrogatories to a corporation underspecified conditions to determine the corporation's compliance with the FBCA.

Subject to the Governor's veto powers, the bill takes effect upon becoming law.

CS/HB 901

Vocational Rehabilitation Services

To provide job exploration and workplace readiness training opportunities to disabled youth in Florida, the bill:

- Requires the Division of Vocational Rehabilitation (DVR) within the Department of Education (DOE) to provide pre-employment transition services (Pre-ETS) as required by federal law, and to cooperate with other departments, agencies, public and private institutions, and providers to provide vocational rehabilitation (VR) and Pre-ETS to persons with disabilities;
- Defines who may be provided Pre-ETS, requiring the division to provide Pre-ETS within a timeframe not to exceed 90 days or the division must work with other qualified providers to provide services;
- Requires the division to enter into a formal interagency agreement with the DOE that provides for the transition of students with disabilities, including Pre-ETS and other VR services;
- Requires the division to work with all local education agencies to provide VR and Pre-ETS services and to arrange for the timely referral of students; and
- Adds Pre-ETS to the list of services that may be utilized for transitioning a student with a disability to postsecondary education and career opportunities.

The bill amends the membership of the Florida Rehabilitation Council to include applicants or recipients of Pre-ETS and expands the council's review to include Pre-ETS outcomes. For VR services, the bill removes extended evaluations and requires the division to prepare an individualized

plan for employment within a reasonable time, unless certain circumstances are met.

To address federal monitoring findings and observations, the bill amends the DVR's annual performance report to include case load data and timeframes in which eligibility is determined, plans are developed, and services are provided, in addition to matching fund data and transition services outcomes data.

To respond to audit findings of The Able Trust, the bill clarifies that administrative costs are based on actual expenditures in any fiscal year and the components included in administrative costs. The bill also adds the DOE's Director of VR, or his or her designee, as an ex officio member of the board and revises board member terms.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 915
Commercial Service
Airports/Transparency and
Accountability

The bill requires the Auditor General, at least once every seven years, to conduct operational and financial audits of the state's large-hub commercial service airports (Orlando, Miami, Fort Lauderdale, and Tampa), and provides minimum requirements for each operational audit.

The bill requires the governing body of each commercial service airport to establish and maintain a website containing certain specified information. The bill reiterates that members of the governing body and employees of commercial service airports are subject to the Code of Ethics for Public Officers and Employees, and requires annual

ethics training for members of the governing body. It further requires commercial service airports to follow the procurement requirements for state agencies for the purchase of commodities or contractual services in excess of \$65,000, and requires the governing body of the commercial service airport to approve, award, or ratify, each contract exceeding \$325,000.

Finally, the bill requires the governing body of each commercial service airport to submit specified information to the Department of Transportation and prohibits the department from expending funds allocated to a commercial service airport until the airport demonstrates compliance with the transparency and accountability provisions of the bill.

Subject to the Governor's veto powers, the bill takes effect October 1, 2020.

CS/CS/HB 921
Department of Agriculture and
Consumer Services

The bill removes the 20-mile maximum distance that a vehicle carrying agricultural products may travel on roads where the posted speed limit is 65 miles per hour or less without covering and securing a load. Further, it:

- Requires the Department of Agriculture and Consumer Services (DACS) to establish by rule the requirements for agents qualified to administer written competency examinations required for liquefied petroleum (LP) gas licensure and the requirements for a competency examination for a person applying for a license to service and repair recreational vehicles. In order to be eligible to apply for certification as a master qualifier for

a LP gas business, verifiable LP gas experience or professional certification is required;

- Extends the expiration date of DACS's authority to use funds from the Pest Control Trust Fund to carry out the duties of the Division of Agricultural Environmental Services from June 30, 2020, to June 30, 2024. The bill authorizes DACS to revoke an entity's aquaculture certificate of registration if DACS determines that aquaculture is not the primary purpose of the certified entity's operation;
- Revises the definition of the term "hemp extract" and revises labeling requirements. The bill provides that hemp extract that does not meet certain requirements is considered adulterated or misbranded. It also prohibits the sale of hemp extract products intended for inhalation to individuals under 21 years of age; and
- Requires the Florida Forest Service training curriculum for firefighters to include a minimum of 40 hours each of structural firefighter training and emergency medical training and to increase the minimum number of hours of wildfire training required from 250 hours to 376 hours.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

SB 936

Disability Retirement Benefits

The bill allows a member of the Florida Retirement System who is receiving care at a federal Veterans' Health Administration facility to provide certification by two licensed physicians employed by such facility as proof of total and permanent disability,

regardless of the state where the physicians are licensed.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 969

Broadband Internet Service

The bill designates the Department of Economic Opportunity (DEO) as the lead state agency to facilitate the expansion of broadband Internet service in the state and creates the Florida Office of Broadband (Office) within DEO's Division of Community Development. The Office must:

- Create a strategic plan for increasing the use of broadband Internet service in the state;
- Build local technology planning teams,
- Encourage the use of broadband Internet service, especially in rural, unserved, and underserved areas of the state through grant programs; and
- Monitor, participate in, and provide input in federal agency proceedings related to the geographic availability and deployment of broadband Internet service in Florida.

To achieve these purposes, the bill authorizes DEO to apply for and accept federal grant funds, enter into necessary or useful contracts, and establish any administrative committee or workgroup.

Finally, the bill provides that up to \$5 million of the funds transferred to Florida's Turnpike Enterprise for the Multi-use Corridors of Regional Economic Significance program may be used for projects that assist in the development of broadband infrastructure within or adjacent to a multiuse corridor.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 971
Electric Bicycles

The bill defines the term “electric bicycles” (e-bikes) using a three-tiered classification system. The bill establishes regulations governing the operation of e-bikes and provides that e-bikes and e-bike operators must be afforded all the rights and privileges, and be subject to all of the duties, of bicycles and bicycle operators. The bill authorizes e-bikes to operate where bicycles are allowed. However, local governments may regulate the operation of e-bikes on streets, highways, sidewalks, and sidewalk areas, and local governments and state agencies with jurisdiction over bicycle paths, multiuse paths, and trail networks may restrict or prohibit the operation of e-bikes on such paths and networks.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 977
Motor Vehicle Dealers

The bill provides that a motor vehicle dealer, or the dealer's leasing or rental affiliate that provides a temporary replacement vehicle to a customer whose vehicle is being held for repair, service, or adjustment by the dealer is immune from vicarious liability in a civil proceeding. This immunity applies as long as there is no negligent or criminal wrongdoing by the dealer or affiliate. In addition, the bill requires the motor vehicle dealer, or the dealer's leasing or rental affiliate, to execute a written rental or use agreement and obtain a copy of the vehicle operator's driver license

and insurance information to qualify for the immunity from vicarious liability.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/SB 1056
PACE Center for Girls

The bill authorizes the Department of Juvenile Justice to contract with the PACE Center for Girls, a 501(c)(3) non-profit organization, to provide alternatives to institutionalization or commitment for girls and young women through services including, but not limited to, education, counseling, training, and advocacy. Such contracts must be authorized by and consistent with funding appropriated in the General Appropriations Act and be in accordance with s. 985.644, F.S.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

SB 1084
Emotional Support Animals

The federal Americans with Disability Act (ADA) prohibits disability discrimination and requires public accommodations to make modifications for a person with a disability, including accommodating a service animal. The ADA narrowly defines service animal as a dog or miniature horse trained to do work or perform tasks for a person with a disability. An Emotional Support Animal (ESA) is not a service animal. Federal law also requires a housing provider to make reasonable accommodations for service animals and ESAs. Florida law mirrors federal requirements for service animals in public accommodations and housing, but does not provide guidelines for ESAs.

The bill amends Florida's Fair Housing Act by prohibiting discrimination in housing to an individual needing an ESA. The bill defines ESA, requires a housing provider to offer equal access to a person with an ESA, and prohibits additional fees for an ESA. The bill permits a landlord to:

- Prohibit an ESA under certain circumstances, such as fraud and falsification of the disability and need; and
- Request reliable supporting information regarding a tenant's disability or disability-related need for an ESA from specified health care practitioners, telehealth providers, or out of state providers.

The bill creates a new cause for disciplinary action against a health care practitioner's license for providing supporting information for an ESA, without personal knowledge of the patient's disability or disability-related need. The bill creates the misdemeanor crime of providing false or fraudulent proof or documentation or otherwise misrepresenting information relating to using or being qualified to use an ESA.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 1087 Domestic Violence Services

The Department of Children and Families (DCF) administers the statewide domestic violence program. The program protects adults and their children from domestic violence and helps victims develop ways to avoid further harm. DCF certifies, monitors, and oversees the funding of community-based domestic violence centers. In 2012, the Legislature amended statute to require DCF

to contract with the Florida Coalition Against Domestic Violence (FCADV) to manage the domestic violence programs. While DCF retains overall authority to certify domestic violence centers, the FCADV is responsible for monitoring, evaluating, and distributing the state and federal funds to the state's domestic violence centers.

The express statutory requirement to contract with a specific provider has presented challenges to DCF in overseeing the state's domestic violence services, including DCF's inability to obtain desired contract provisions or conduct an audit regarding the organization's spending.

CS/HB 1087 removes the express requirement for DCF to contract with the FCADV. The bill does not prohibit DCF from contracting with FCADV or another, similar, coalition in the future.

Further, it amends various statutes to remove duties previously held by FCADV. All functions will now be under DCF, unless DCF chooses to contract for the provision of domestic violence services.

This bill was signed into law February 27, 2020 as Chapter No. 2020-06, Laws of Florida and the provisions took effect on that date.

CS/CS/HB 1095 Infrastructure Regulation

Chapter 556, F.S., is the "Underground Facility Damage Prevention and Safety Act" (Act). The stated purpose of the Act is to identify and locate underground facilities prior to an excavation or demolition to prevent injury to persons or property or interruption of services resulting from damage to those facilities. To accomplish

this, the Act creates a not-for-profit corporation (Sunshine 811) to administer a free-access notification system. The bill amends ch. 556, F.S., to:

- Expand the list of entities that may issue citations for violations of ch. 556, F.S., to include the State Fire Marshal, or its designated agent, and local fire chiefs;
- Increase the maximum civil penalty (up to \$2,500 plus court costs) for certain violations of ch. 556, F.S., that involve an underground pipe or facility transporting hazardous materials regulated by the federal Pipeline and Hazardous Material Safety Administration, with 80 percent of the civil penalty distributed to the entity that issued the citation and the remainder distributed to the clerk of court;
- Require each clerk of court to submit an annual report to the State Fire Marshal listing each citation issued for a violation of ch. 556, F.S., which was filed in that county during the preceding calendar year;
- Define the term “permanent marker” and establish a criminal penalty for knowingly and willfully removing or damaging a permanent marker placed to identify the location of an underground facility;
- Require excavators and underground facility operators to report incidents that involve “high-priority subsurface installations” for investigation by the State Fire Marshal, or its designated agent, who may issue a citation and impose a civil penalty for a violation of ch. 556, F.S., that is approximate cause of the incident, with five percent of the civil penalty retained by the clerk of court and the remainder distributed equally between Sunshine 811 (to fund damage-

prevention education) and the State Fire Marshal (to fund certain programs that provide financial assistance to fire departments to mitigate firefighter exposure to hazardous, cancer-causing chemicals); and

- Require Sunshine 811 to review all reports made to the State Fire Marshal and all other complaints of alleged violations of ch. 556, F.S., to identify issues related to damage prevention and enforcement, and annually provide an analysis and recommendations to the Governor, President of the Senate, and Speaker of the House of Representatives.

Subject to the Governor’s veto powers, the bill takes effect July 1, 2020.

HB 1135

License Plates

There are over 120 specialty license plates available to any motor vehicle owner or lessee who is willing to pay the annual use fee for such plate. The Department of Highway Safety and Motor Vehicles (DHSMV) distributes the collected fees to statutorily designated organizations in support of a particular cause or charity. DHSMV must discontinue the issuance of an approved specialty license plate if it fails to meet certain statutory requirements.

The bill authorizes the election of a permanent registration period for certain for-hire vehicles provided the appropriate license taxes and fees are paid annually. The bill makes several changes related to specialty and special license plates, including establishing a cap of 150 specialty license plates, providing a process for the discontinuation of low performing specialty license plates and the addition of new specialty license plates, and creating 32 new

specialty license plates. The bill authorizes DHSMV to issue specialty license plates for fleet and motor vehicle dealer vehicles. The bill also removes existing provisions from law that delineate the \$25 annual use fee for various specialty license plates. CS/HB 387 (2020), which is linked to this bill, establishes an annual use fee of \$25 for any specialty license plate unless the amount is otherwise specified in law.

According to DHSMV, the bill will have a negative fiscal impact on state government expenditures associated with the programming requirements. See Fiscal Analysis section for details.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2020, but only if HB 387 or similar legislation takes effect.

CS/HB 1193

Deregulation of Professions and Occupations

The bill:

- Deregulates hair braiders, hair wrappers, body wrappers, nail polishers, makeup artists, and boxing announcers and timekeepers;
- Partially deregulates labor organizations, while maintaining civil and criminal causes of action;
- Eliminates the additional business license required for architects, interior designers, landscape architects, and geologists;
- Reduces the hours of training required to obtain a license for barbers, restricted barbers, nail specialists, facial specialists, and full specialists. In the state of Florida, a full specialist is someone who is licensed to provide full specialty

services. They are educated in a combination of the nail specialty and facial specialty;

- Adds new ways for out of state professionals to obtain a license in the state for veterinarians, construction and electrical contractors, landscape architects, geologists, engineers, certified public accountants, home inspectors, building code professionals, cosmetologists, and barbers;
- Allows interior designers who have passed the NCIDQ examination, or have previously held a license to practice interior design from DBPR, to qualify for a registration and a seal from DBPR. The bill removes the requirement that applicants submit proof of education and experience, which is required prior to being able to sit for the NCIDQ examination;
- Reduces the number of members on the Florida Building Commission;
- Authorizes an unlicensed individual to provide compensated dietary and nutritional services if they do not use certain titles as the individual does not represent or imply that they are a dietitian, licensed dietitian, registered dietitian, nutritionist, licensed nutritionist, licensed nutrition counselor, or use any other term or symbol that implies they are a dietitian, nutritionist, or nutrition counselor;
- Preempts food truck regulation to the state, with certain exceptions;
- Waives requirements to obtain a commercial driver license for military veterans if the applicant was honorably discharged from military service within 1 year of the application; is trained as an MOS 88M Army Motor Transport Operator or similar military job

specialty; received training to operate large trucks in compliance with the Federal Motor Carrier Safety Administration; and has completed every other requirement for a commercial driver license within 1 year or receiving a waiver; and

- Prohibits state agencies from disciplining a licensee based solely on defaulting on a student loan.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 1259

Incarcerated Pregnant Women

The bill prohibits the Department of Corrections (DOC), the Department of Juvenile Justice (DJJ), and any detention facility from involuntarily placing a pregnant prisoner in restrictive housing unless the corrections official:

- Makes an individualized determination that such placement is necessary:
 - to protect the health and safety of the pregnant prisoner or others; or
 - to preserve the correctional institution's security and order when there are no less restrictive means available;
- Writes a report stating the reason the restrictive housing placement was necessary, the reasonless restrictive means were not available, and whether a qualified healthcare professional objected to the placement; and
- Gives a copy of such report to the pregnant prisoner within 12 hours of her placement.

The bill also requires a pregnant prisoner needing medical care or who has passed her due date to be:

- Placed in a designated medical housing unit or admitted to the infirmary; and
- Given the same access to privileges as prisoners in the general population unless:
 - the corrections official determines that such access poses a danger to the correctional institution's safety and security, or
 - a qualified healthcare professional determines that such access poses a danger of adverse clinical consequences for the pregnant prisoner or others.

Further, the bill requires that a pregnant prisoner placed in restrictive housing be:

- Seen by a qualified healthcare professional at least once every 24 hours,
- observed by a correctional officer at least once every hour;
- Housed in the least restrictive setting consistent with her health and safety; and
- Given a medical treatment plan if she does not already have one in place.

The bill also requires DOC and DJJ to adopt rules and each detention facility to adopt written policies or procedures relating to restraining or performing invasive body searches on pregnant prisoners.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 1275
Amusement Rides

The bill:

- Includes amusement ride managers as a responsible party for ensuring compliance with state regulations;
- Exempts permanent rides from Department of Agriculture and Consumer Services (DACS) inspection when inspected by an accredited trade organization;
- Separates the permitting process for permanent and temporary amusement rides, and streamlines the application process;
- Authorizes DACS to revise the 6-month inspection interval at permanent facilities;
- Requires ride documents to be submitted to DACS in electronic format;
- Broadens DACS rulemaking authority related to establishing certain exemptions;
- Removes an exemption for museums and other exhibition related institutions;
- Conforms state standards for testing, materials, electric, and fire protection to national standards;
- Requires signage containing DACS contact information to be displayed at ride events;
- Requires certification to DACS before a modified ride is placed back in operation;
- Grants subpoena powers to DACS;
- Criminalizes the refusal or failure to testify pursuant to a DACS subpoena
- Increases the limit for administrative fines from “not to exceed \$2,500” to “not to exceed \$10,000” per violation; and
- Allows DACS to impose an additional \$10,000 fine for violations resulting in serious injury or death.

Subject to the Governor’s veto powers, the bill takes effect July 1, 2020.

CS/CS/CS/SB 1414
Fish and Wildlife Activities

The bill broadens the prohibition on the harassment of hunters, trappers, and fishers to prohibit the harassment of such persons on any public lands, public waters, or publicly owned wildlife management and fish management areas.

It increases the number of free freshwater and saltwater fishing days the Fish and Wildlife Conservation Commission (FWC) may designate from four days per year to six days per year.

The bill also adds the green iguana and the tegu lizard to the conditional nonnative snakes and lizards list. It prohibits a person or entity from keeping, possessing, importing, selling, bartering, trading, or breeding a species listed as a conditional nonnative snake or lizard except for educational, research, eradication, or control purposes. However, FWC may authorize certain persons or entities to continue to commercially exhibit, sell, or breed green iguanas and tegu lizards.

Subject to the Governor’s veto powers, the bill takes effect July 1, 2020.

CS/CS/SB 1508
Police Vehicle Transfers and Sales

Before a person knowingly sells, exchanges, or transfers a police vehicle, the bill requires that person to remove any police markings from the vehicle and provide the purchaser, customer, or transferee with an official letter of notification from the law enforcement agency, seller, or auction house affirming

that the vehicle has had all police markings removed. Sales, exchanges, or transfers of police vehicles to members of the general public for the purposes of collection or display are exempt from these requirements; however, the seller, exchanger, or transferor must provide written notice that use of the vehicle for impersonation of a public officer or employee is a third degree felony. Sales, exchanges, or transfers of police vehicles between law enforcement agencies also are exempt from these requirements.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

HB 6055 **Telegraph Companies**

The bill repeals the entirety of chapter 363, F.S., which establishes penalties and liability provisions related to the intrastate transmission of messages by telegraph. The provisions of chapter 363, F.S., appear to be outdated and no longer applicable.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

HB 7009 **Penalties for Violations of the Constitutional Prohibition against Abuse of Public Position**

HB 7009 reenacts s. 112.317, F.S., providing penalties for violations of the Code of Ethics and any violation of s. 8, Art. II, Fl. Const., entitled "Ethics in government".

Amendment 12, approved in 2018, amended the Constitution to, among other things, create s. 8(h)(2), Art. II, providing a constitutional prohibition on public officers and public employees abusing their positions in order to obtain a 'disproportionate benefit'

for themselves or other specified persons or entities. The amendment provided an implementation schedule at s. 38, Art. XII, Fl. Const. The abuse of position provision becomes effective December 31, 2020.

As required by s. 38(a), Art. XII, Fl. Const., the Florida Commission on Ethics adopted Rule 34-18.001, F.A.C., defining the term, 'disproportionate benefit' and prescribing the requisite intent for finding a violation of the provision. Section 8(h)(2), Art. II, Fl. Const. also mandates that "appropriate penalties shall be provided by law", and s. 38(b), Art. XII, Fl. Const. requires the Legislature to enact penalty legislation "following the adoption of rules" by the Commission.

Under the bill, the penalties applicable to the new constitutional provision will be the same penalties applicable to other violations of s. 8, Art. II, Fl. Const.

Subject to the Governor's veto powers, the bill takes effect December 31, 2020.

HB 7049 **International Affairs**

HB 7049 transfers the state protocol officer position from the Executive Office of the Governor (EOG) to the Department of State, makes revisions to the duties of the state protocol officer, and provides for the establishment of citizen support organizations relating to international affairs.

The bill makes the following adjustments:

- Transfers the duties of the state protocol officer from the EOG to the Department of State;

- Removes the duty of issuing certificates to foreign government officials;
- Removes the duty of verifying sales and use tax exemptions;
- Removes the duty requiring the state protocol officer to operate the sister city and sister state programs; and
- Provides for the establishment of Citizen Support Organizations relating to international affairs.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

Construction, Environmental, Growth Management & Land Use, Preemption, Real Property & Special Districts

CONSTRUCTION

CS/HB 101

Public Construction/Retainage

Retainage is an amount that a state or local government entity may withhold from payment for construction services to the contractor during the construction process. This bill reduces the retainage cap from 10 percent of the costs due to five percent of the costs throughout the term of the contract for construction services.

The bill repeals:

- The authority granted to a contractor to request the government entity to release up to half of the retained amount after fifty percent of the project is completed; and
- The authority granted to a contractor to withhold more than five percent of each progress payment to his or her subcontractors after fifty percent of a project with a government entity is completed.

The bill specifies that the provisions do not apply to:

- Department of Transportation construction contracts authorized under ch. 337, F.S.; and
- Any contract for construction services entered into, pending approval, or advertised by a government entity, on or before October 1, 2020.

Subject to the Governor's veto powers, the bill takes effect October 1, 2020.

CS/CS/HB 279

Local Government Public

Construction Works/Even Playing Field

The bill specifies what costs must be included in the estimated cost of a public building construction project when a local government is deciding whether to perform the project using its own services, employees, and equipment. The same cost considerations must also be used when determining the estimated cost of certain road and bridge projects. It also requires a local government performing such projects to annually create and review a report summarizing completed projects and the associated costs of each project. The Auditor General must review the report as part of his or her audits of local governments.

Finally, it requires local governments issuing bidding documents or other requests for proposals to include a listing of all other governmental entities that may have additional permits or fees generated by the project.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 441

Public Procurement of Services

The bill increases the maximum limit for continuing contracts covered by the Consultants' Competitive Negotiation Act from an estimated per-project construction cost of \$2 million to \$4 million. The bill also increases the maximum limit for procuring a study using a continuing contract from \$200,000 per study to \$500,000.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 1047

Construction Materials Mining Activities/Use of Explosives

The bill creates a monitoring and reporting pilot program for the use of explosives within the Division of the State Fire Marshal to monitor and report each blast resulting from the use of explosives for construction materials mining activities in Miami-Dade County. The bill also requires the State Fire Marshal to hire or contract with seismologists to monitor and report each blast and provides restrictions on who may be hired.

For Fiscal Year 2020-2021, the bill appropriates the recurring sum of \$600,000 and the nonrecurring sum of \$440,000 from the General Revenue Fund, and the nonrecurring sum of \$1 million from the Insurance Regulatory Trust Fund, to the Division of State Fire Marshal to implement and monitor the pilot program.

Subject to the Governor's veto powers, the bill takes effect October 1, 2020.

ENVIRONMENTAL

CS/HB 73

Environmental Regulation

The bill requires counties and municipalities to address nonhazardous contamination of recyclable materials in contracts with residential recycling collectors and recovered materials processing facilities. Contracts executed or renewed after October 1, 2020, must:

- Define the term “contaminated recyclable material” in a manner that is appropriate for the local community;
- Include strategies and obligations of the parties to reduce the amount of contaminated recyclable materials being collected or processed;
- Create procedures for identifying, documenting, managing, and rejecting contaminated recyclable materials;
- Authorize remedies in handling contaminated containers; and
- Provide education and enforcement measures for collection contracts.

State law allows water management districts and the Department of Environmental Protection (DEP) to require an environmental resource permit (ERP) and impose reasonable conditions to ensure certain construction activities comply with the law and will not harm water resources. Some projects can be exempted from ERP permitting if they meet specific statutory restrictions, and local governments may require an applicant get verification from DEP that an activity qualifies for an ERP exception. An ERP exception currently exists for the replacement or repair of a dock or pier if the replacement or repaired dock or pier is in the same location and under specific conditions. The exception allows minor deviations to upgrade the dock or pier to current structural and design standards.

The bill prohibits local governments from requiring further verification from DEP that a particular construction activity meets an ERP exception because the bill revises the ERP exception for the replacement or repair of existing docks and piers to allow for the repair or replacement if it is within five feet of the same location and no larger than the existing dock or pier and no additional

aquatic resources are adversely and permanently impacted.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/SB 178

Public Financing of Construction Projects/Sea Level Impact

The bill requires the Department of Environmental Protection (DEP) to adopt rules to develop a standard by which a governmental entity must conduct a sea level impact projection (SLIP) study under certain circumstances. Beginning one year after the date the rules are finalized and are otherwise in effect, the bill prohibits a governmental entity from commencing construction of a state-funded coastal structure unless the entity has conducted a SLIP study, submitted the SLIP study to DEP, and received notification from DEP that the SLIP study was received and has been published on DEP's website for at least 30 days.

It also specifies requirements for the SLIP study rule and authorizes DEP to institute a civil action if a governmental entity commences construction of a state-funded coastal structure but has not conducted the SLIP study.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/CS/SB 680

Shark Fins

The bill prohibits the import, export, and sale of shark fins. However, the prohibitions do not apply to the sale of shark fins by any commercial fishermen who harvested sharks from a vessel holding a valid federal shark fishing permit on January 1, 2020; the export

and sale of shark fins by any wholesale dealer holding a valid federal Atlantic shark dealer permit on January 1, 2020; or the export and sale of domestically sourced shark fins by any shark fin processor that obtains fins from a wholesale dealer holding a valid Atlantic shark dealer permit on January 1, 2020.

The bill requires the Fish and Wildlife Conservation Commission to evaluate the potential economic impact to the commercial shark fishing industry associated with the prohibition of the import, export, and sale of shark fins in the state and report its findings to the Governor and the Legislature by December 31, 2021.

Subject to the Governor's veto powers, the bill takes effect October 1, 2020.

CS/SB 702

Petroleum Cleanup/Cost Savings

The bill allows an applicant for the Petroleum Cleanup Participation Program to provide a 25 percent cost savings by using a co-payment by the owner, operator, or responsible party or by demonstrating a cost savings to the Department of Environmental Protection (DEP) through reduced rates by the proposed agency term contractor or the difference in cost associated with the site closure. The bill also removes the current provision that allows applicants to reduce or eliminate costs associated with the limited contamination assessment report and the copayment costs if the applicant demonstrates an inability to pay.

The bill requires an applicant for the Advanced Cleanup Program to submit an agreement to continue to participate in the program upon the completion of the limited contamination assessment and finalization of the proposed course of action. The bill

requires DEP to pay for the limited contamination assessment up to \$35,000.

Finally, it also requires DEP to pay up to \$10 million each fiscal year for the costs of labor and equipment to repair or replace petroleum storage systems that may have been damaged due to the storage of fuels blended with ethanol or biodiesel, or for preventive measures to reduce the potential for such damage.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 1061 **Aquatic Preserves/Nature Coast**

The bill creates the Nature Coast Aquatic Preserve. It provides that it is the intent of the Legislature that the Nature Coast Aquatic Preserve be preserved in an essentially natural condition so that its biological and aesthetic values may endure for the enjoyment of future generations. The bill describes the boundaries of the preserve and specifies that the Nature Coast Aquatic Preserve boundary does not supersede the boundaries of currently designated Outstanding Florida Waters, state parks, national wildlife refuges, or aquatic preserves.

The bill further specifies that the designation of the Nature Coast Aquatic Preserve may not be construed to impose additional permitting requirements for county or state Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast Act of 2012 (RESTORE Act projects).

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/SB 712 **Environmental Resource** **Management/Water Quality**

The bill addresses various impacts to the water quality of the state by:

- Transferring the Onsite Sewage Program from the Department of Health to the Department of Environmental Protection (DEP);
- Repealing certain onsite sewage treatment and disposal system (OSTDS) advisory committees;
- Creating an OSTDS technical advisory committee to make recommendations that increase the availability of nutrient-reducing OSTDSs and assist DEP in the development of setback distances;
- Requiring OSTDS remediation plans;
- Requiring DEP staff training to include field inspections of stormwater structural controls;
- Requiring DEP and the water management districts to update the stormwater regulations using the most recent science;
- Requiring the model stormwater management program to contain model ordinances targeting nutrient reduction;
- Requiring local governments to create wastewater treatment plans;
- Requiring sanitary sewage facilities to take steps to prevent sanitary sewer overflows;
- Requiring DEP to establish real-time water quality monitoring;
- Requiring advanced wastewater treatment for domestic wastewater discharges to the Indian River Lagoon;
- Prohibiting the land application of biosolids on certain sites, unless an exception applies;

- Requiring the Department of Agriculture and Consumer Services to conduct inspections of producers enrolled in best management practices (BMPs);
- Requiring the University of Florida to develop research plans for developing new BMPs; and
- Creating grant programs for the funding of water quality projects.

To address water quantity in the state, the bill requires DEP to conduct a study on the bottled water industry in the state and adopt rules relating to potable water reuse based on the Potable Reuse Commission's 2020 report.

The bill prohibits a local government regulation from recognizing or granting any legal right to a plant, animal, body of water, or any other part of the natural environment that is not a person or political subdivision, or from granting a person or political subdivision any specific rights relating to the natural environment.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 1091

Environmental Accountability - Penalties

The Department of Environmental Protection (DEP) is Florida's lead agency for environmental management and stewardship, implementing many programs to protect the state's air, water, and land. In accordance with the state's numerous environmental laws, DEP's responsibilities include compliance and enforcement. Violations of Florida's environmental laws can result in damages and administrative, civil, and criminal penalties. Several types of violations impose a penalty for each offense,

with each day during which a violation occurs constituting a separate offense.

The bill increases various statutory penalties for violations of environmental laws. For certain violations, the bill specifies that each day during any portion of which the violation occurs constitutes a separate offense. The bill further specifies that each day the cause of an unauthorized discharge of domestic wastewater is not addressed constitutes a separate offense until the violation is resolved by order or judgment.

A sanitary sewer lateral is the portion of the sewer network connecting individual private properties to the public sewer system. Sanitary sewer laterals are often in poor condition, and defects can occur due to aging systems, structural failure, lack of maintenance, or poor construction and design practices. Defects in sanitary sewer laterals can have a significant impact on the performance of the sewer system and treatment plan.

By July 1, 2022, the bill encourages each county and municipality to establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties within the county's or municipality's jurisdiction to identify and reduce extraneous flow from leaking sanitary sewer laterals. The bill requires a seller of real property, before executing a contract for sale, to disclose to a prospective purchaser any known defects in the property's sanitary sewer lateral.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/SB 7018

Essential State Infrastructure

The bill requires counties and municipalities to issue or deny permit applications for utilities in a public right-of-way in accordance with specified timeframes.

It authorizes the Department of Transportation (DOT) to plan, design, and construct staging areas for emergency response on the turnpike system to facilitate the prompt provision of emergency assistance to the public in response to a declared state of emergency.

The bill requires DOT to coordinate, develop, and recommend a master plan for the development of electric vehicle charging station infrastructure on the State Highway System by July 1, 2021. The bill requires the plan to include recommendations for legislation and directs DOT to consult with certain entities, including the Public Service Commission and the Office of Energy within the Department of Agriculture and Consumer Services, to develop the plan.

Finally, it specifies that, for any land used for agriculture and subject to a conservation easement, the owner of the land is not limited from voluntarily negotiating the use of the land for any public or private linear facility, right of access, and related accessories.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

GROWTH MANAGEMENT & LAND USE

CS/CS/SB 410

Growth Management

The bill requires local governments to include a private property rights element in their comprehensive plans no later than July 1, 2023. Municipal comprehensive plans effective, instead of adopted, after July 1, 2019, must incorporate all existing development orders. The bill prohibits a county from adopting, after January 1, 2020, a comprehensive plan, land development regulation, or other restriction that limits a municipality's control of land use or zoning either within the municipal boundary or over lands annexed into the municipality. The bill provides an exemption for charter counties meeting certain requirements.

It allows developers and local governments to amend or cancel a development agreement without seeking consent from any other unaffected landowners. In addition, the bill specifies that development agreements for certain developments of regional impact may be amended using the process adopted by the local government for amending development orders.

The bill prohibits a municipality from annexing land within another municipality without the latter's consent.

It requires counties and municipalities to issue or deny permit applications for utilities in a public right-of-way in accordance with specified timeframes.

Finally, the bill requires the Department of Transportation to provide a right of first refusal to the prior owner of the land and provides a process for implementing this right of first refusal. The bill also requires the

Department of Economic Opportunity to give preference to grant applications by certain counties and municipalities for assistance in making certain determinations pertaining to a proposed multiuse corridor interchange, including necessary changes or updates to a local government's comprehensive plan.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 625 **Public Nuisances**

A public nuisance violates public rights, subverts public order, decency, and morals, or generally inconveniences the public. The Legislature has broad discretion to designate a particular activity a public nuisance, and the state, through its police power, has the authority to abate and enjoin a public nuisance.

The bill:

- Allows a sheriff to sue in the name of the state to enjoin a public nuisance;
- Reduces the number of occasions a location must be used by a criminal gang, criminal gang members, or criminal gang associates for criminal gang-related activity before the location is declared a public nuisance from two or more occasions to one or more occasions;
- Provides that any place or premises used on two or more occasions within a six-month period as the site of any specified felony is a public nuisance that may be abated or enjoined;
- Increases a defendant's notice period when public nuisance abatement and injunction is sought, requiring a written notice demanding nuisance abatement within 10 days;

- Requires, if a public nuisance is not abated after a first written notice, a second written notice demanding nuisance abatement within 15 days, or a longer period if the defendant sends a written response making specified allegations, after which an injunction application may be made;
- Expands incidents for which a place or premises may be declared a nuisance and enjoined by a local government's administrative board to include two or more specified violent felony offenses in a six-month period; and
- Creates a rental property exception when a property is declared a nuisance for specified activity but the nuisance was committed by someone other than the property owner and the property owner takes specified remediation measures.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/CS/SB 1066 **Impact Fees**

The bill provides that new or increased impact fees do not apply to current or pending permit applications submitted before the effective date of the ordinance imposing the new or increased impact fee unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant. Local governments must credit against the collection of school impact fees any contribution or exaction related to public education facilities regardless of the requirements of any charter provision, comprehensive plan policy, or ordinance.

It provides that impact fee credits may be assigned or transferred at any time once they are created and must be used within the same or adjacent impact fee zone or district

within the same local government jurisdiction.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/CS/HB 1339
Community Development and
Affordable Housing

The bill addresses community development zoning, impact fees, affordable housing, and mobile homes and parks. The bill:

- Authorizes local governments to approve the development of affordable housing on any parcel zoned for residential, commercial, or industrial use;
- Authorizes local governments to create a linkage fee for the purpose of funding affordable housing, and provides that certain developers are entitled to a full offset of the fee;
- Allows “private entities,” in addition to counties and municipalities, to issue bonds under the Florida Interlocal Cooperation Act;
- Requires reporting of impact fee data within the annual financial audit report submitted to the Department of Financial Services;
- Requires the evaluation of local government contribution criteria when considering applications submitted for the State Apartment Incentive Loan (SAIL) Program funding;
- Converts the Workforce Housing Innovation Pilot program into a permanent loan program for workforce housing, administered by the Florida Housing Finance Corporation (Florida Housing);
- Establishes workshops for local elected officials serving on affordable housing committees;
- Requires a State Housing Initiatives Partnership (SHIP) Program participant to include affordable housing applications data in its annual report to Florida Housing;
- Provides that for purposes of the SHIP Program, affordable housing also includes housing, that is provided by certain not-for-profit corporations, for persons who have mental health issues, substance abuse problems, and survivors of domestic violence;
- Permits Florida Housing to withhold specified distributions from the SAIL Program to fund the construction of transitional housing for persons aging out of foster care;
- Provides that a building official may not audit a private inspector more than four times a month;
- Requires a mobile home park owner to increase a park’s facilities and amenities and amend the prospectus when expanding the park;
- Exempts park owners from the Public Service Commission’s water and wastewater regulations;
- Provides that a mobile home owner may be required to install improvements as disclosed in the prospectus, and allows the purchaser of a mobile home to assume the seller’s prospectus;
- Permits a park owner to issue a rental increase notice to multiple tenants;
- Permits a mobile home park damaged or destroyed by natural forces to be rebuilt on the same site with the same density as was approved or built before being damaged or destroyed; and
- Revises mobile home homeowner association rules related to notifications, bylaws, powers, and disputes.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/SB 1398
Community Planning/Regional
Planning Council Attendance and
DEO Technical Assistance Grants

The bill authorizes members of a regional planning council to appear by telephone, videoconferencing, or similar communications technology broadcast publicly at the physical meeting location provided that at least one third of the voting members of the RPC are physically present at the meeting location and the member provides notice to the RPC of his or her intent to appear electronically at least 24 hours prior to the meeting. Members appearing by such electronic means count towards the quorum requirement and may vote.

It requires the Department of Economic Opportunity, when selecting applications for Community Planning Technical Assistance Grants, to give preference to counties with populations of 200,000 or less, and the municipalities located within such counties, for assistance in determining whether an area around a proposed multiuse corridor interchange contains appropriate land uses and natural resource protections and for aid in developing or amending local government comprehensive plans to provide for land uses, natural resource protections, and other benefits.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

PREEMPTION

CS/CS/HB 133
Towing & Immobilizing Vehicles and
Vessels

The bill requires counties and allows municipalities to establish maximum rates for the towing and immobilization of vessels; however, counties and municipalities are prohibited from enacting a rule or ordinance that imposes a fee or charge on authorized wrecker operators or towing businesses. This prohibition does not apply to the levying of a reasonable business tax or the imposition of an administrative fee on the registered owner or other legally authorized person in control of a vehicle or vessel to cover the cost of enforcement, which may be collected by an authorized wrecker operator or towing business and remitted to the county or municipality after it is collected.

It prohibits counties and municipalities from adopting or enforcing ordinances or rules that impose fees on the registered owner or lienholder of a vehicle or vessel removed and impounded by an authorized wrecker operator. The bill provides that a wrecker operator who recovers, removes, or stores a vehicle or vessel must have a lien on the vehicle or vessel that includes the value of the reasonable administrative fee or charge imposed by a county or municipality.

The bill exempts charter counties with towing or immobilization licensing, regulatory, or enforcement programs as of January 1, 2020, from the prohibition on imposing a fee or charge on an authorized wrecker operator or a towing business.

It also requires tow-away zone notices be placed within 10 feet from the road instead of within 5 feet from the public right-of-way line.

Subject to the Governor's veto powers, the bill takes effect October 1, 2020.

CS/CS/CS/SB 140

Fireworks

In Florida, the sale and use of fireworks are generally prohibited. The bill provides that fireworks may be used solely and exclusively for the following holidays:

- New Year's Eve, December 31;
- New Year's Day, January 1; and
- Independence Day, July 4.

The bill indicates that the changes made to ch. 791, F.S., are not intended to provide for the comprehensive regulation of fireworks nor is it intended to supersede any local government regulation relating to the use of fireworks.

The bill also prohibits a board of directors for a homeowners' association from adopting rules prohibiting parcel owners from using fireworks during one of the designated holidays or in accordance with Florida law; however, it does not prohibit homeowners' associations from prohibiting the use of fireworks in properly recorded covenants.

This bill was signed into law April 8, 2020 as Chapter No. 2020-11, Laws of Florida and the provisions took effect on that date.

SB 172

Florida Drug and Cosmetic Act

The federal Food Drug and Cosmetic Act and the Fair Packaging and Labeling Act regulate drugs and cosmetics in the U.S., including sunscreen, which is an over-the-counter (OTC) drug not requiring a prescription. The Florida Drug and Cosmetic Act, implemented by the Department of Business

and Professional Regulation (DBPR), regulates drugs and cosmetics in Florida, including sunscreen.

Currently, Florida law does not currently preempt the regulation of OTC drugs or cosmetics to the state. Thus, local governments may pass ordinances regulating OTC drugs and cosmetics if they do not conflict with state or federal law.

As a result, SB 172 expressly preempts the regulation of OTC drugs and cosmetics to the state, including sunscreen.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

REAL PROPERTY

HB 469

Real Estate Conveyances/Witnesses

A lease is an estate interest in real property held under a rental agreement by which the owner gives another the right to occupy or use land for a period of time. A transfer or conveyance of real property, including a lease, for a term of more than one year must be:

- In writing; and
- Signed by the conveying party in the presence of two subscribing witnesses.

Subscribing witness requirements are designed to protect the person who gives away certain property or property rights, therefore only the landlord's signature must be witnessed. Currently, lease agreements are only required to be witnessed if they are executed in Connecticut, Florida, Georgia, Louisiana, or South Carolina.

The bill removes the subscribing witness requirement for instruments conveying a lease of real property. Instruments conveying a permanent, absolute interest in real property still require two subscribing signatures.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/SB 476

Law Enforcement Vehicles/Parking

The bill prohibits condominium associations, homeowners' associations, and cooperatives from preventing a law enforcement officer who is an owner, or an owner's tenant, guest, or invitee, from parking his or her assigned law enforcement vehicle in an area where the owner, or the owner's tenant, guest, or invitee, has a right to park.

The bill became law on February 21, 2020, chapter 2020-05, Laws of Florida, and the provisions took effect on that date.

CS/HB 783

Uniform Commercial Real Estate Receivership Act

A receiver is a person appointed by a court to take possession of another's property and to "receive, collect, care for, and dispose of the property or [its] fruits." Under current law, a receiver for commercial real estate is appointed under the court's equity powers without statutory guidance.

The bill adopts the Uniform Commercial Real Estate Receivership Act, drafted and approved by the National Conference of Commissioners on Uniform State Laws and adopted by seven states since 2017, to provide statutory guidance for the

appointment of a receiver for commercial real estate. Specifically, the bill:

- Specifies when and how a court may appoint a receiver, but leaves such appointment in the court's discretion;
- States factors disqualifying a person from appointment as a receiver;
- Authorizes the court to require a receiver or a person requesting a receiver's appointment to post a bond for specified purposes;
- Establishes the general powers and duties of a receiver, and the duties of the owner of receivership property, subject to modification by a court;
- Provides the circumstances, with court approval, under which a receiver can sell or transfer receivership property other than in the ordinary course of business and allows a court to declare such transfer free and clear of all liens, which liens then attach to the proceeds of the transfer;
- Requires court authorization for a lawsuit against a receiver connected to the performance of the receiver's duties;
- Allows a court to remove a receiver for cause and replace a receiver that dies, resigns, or is removed;
- Authorizes a court to order the payment of a receiver's fees and expenses from specified sources;
- Provides that a mortgagee's request for appointment of a receiver or application of receivership property to a secured obligation does not make the mortgagee a "mortgagee in possession," constitute a foreclosure action, or have other specified effects on the secured obligation; and
- Applies to receiverships for which a receiver was appointed on or after July 1, 2020.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

SB 886

Errors in Deeds

A deed is a written instrument conveying real property from one party to another recorded in the official records of the county in which the property is located. Deed errors are common, and while some deed errors are harmless, a legal description error is a fatal error that could prevent sale of the property.

The bill provides that, under specified conditions, a deed containing a scrivener's error in its legal description may be corrected by the filing of a curative notice in the form specified in the bill. Such notice must be filed with the clerk of the circuit court, where the intended real property is located, by the person who obtained possession of the property under the erroneous deed. The bill defines "scrivener's error" as a single error or omission in a property's legal description relating to:

- A lot or block identification in a recorded platted lot;
- One unit, building, or phase identification of a condominium or cooperative; or
- One directional designation or numerical fraction of a tract of land described as a fractional portion of a section, township, or range.

Further, the bill provides that a curative notice corrects all subsequent deeds for the same property containing the same scrivener's error as in the original erroneous deed, releasing any cloud or encumbrance that an erroneous deed may have created as to other properties.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

SB 1362

Rental Agreements/Protections for Tenants

In 2009, during the peak of the financial crisis, Congress enacted the federal Protecting Tenants at Foreclosure Act (FPTFA), giving tenants certain protections when a party takes title to a rented property at a foreclosure sale. The FPTFA expired on December 31, 2014. In response, the Legislature enacted s. 83.561, F.S., which became law on June 2, 2015. This statute mirrors the FPTFA but provides lesser protections for tenants at foreclosure than the expired FPTFA. However, on May 24, 2018, President Trump signed into law a permanent extension of the FPTFA. Because the restored FPTFA provides greater protections for tenants at foreclosure than, and therefore conflicts with, s. 83.561, F.S., the FPTFA preempts Florida's law.

The bill repeals s. 83.561, F.S., as it is preempted by the FPTFA, but contains a savings clause creating s. 83.5615, F.S., effective upon the repeal of the FPTFA, which is substantively identical to the FPTFA. The repeal should remove any confusion between Florida and federal law, making clear that tenants' rights are as provided by the FPTFA, which requires a successor in interest to:

- Honor a tenant's lease until the end of the lease term, unless the successor in interest intends to occupy the unit as a primary residence, in which case the lease can be terminated as of the date of foreclosure if the tenant receives at least 90 days' notice to vacate;

- Give a tenant without a lease, or a lease terminable at will, at least 90 days' notice to vacate; and
- Assume the housing assistance payments contract associated with an existing Section 8 lease.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

SB 1714
Sale of Surplus State-owned Office Buildings and Associated Non-Conservation Lands

The bill removes the requirement that state-owned buildings or parcels of land must be offered to state universities or the Florida College System institutions prior to being offered for lease or sale. It also provides requirements for determining the value of surplus lands to be based on the highest and best use of the property considering all applicable developmental rights to ensure the highest value to the state.

It also clarifies that only funds received from the sale of surplus state-owned office buildings and the non-conservation lands associated with such buildings, must be deposited into the Architects Incidental Trust Fund within the Department of Management Services (DMS), and that the funds may only be used for specific operational and facilities development activities of DMS.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

SPECIAL DISTRICTS

CS/HB 597

Tri-Par Estates Park and Recreation District, Sarasota County

Each municipality and county in the state may create one or more recreation districts, which operate and maintain recreational facilities within the district. Use of facilities may be limited to authorized persons where a valid, paramount public purpose is served. Districts may only be created subject to a referendum unless a petition to create the district is signed by a majority of the electors within the proposed district.

Tri-Par Estates Park and Recreation District (Tri-Par) is an independent special district created by special act that operates similarly to a recreation district. Use of Tri-Par facilities is limited to property owners, their family and guests, and other persons authorized by the district. Tri-Par is governed by a board of trustees with the authority to levy a district tax and promulgate rules and regulations. The district is not authorized to enforce those rules and regulations and is not authorized to impose penalties for violations.

The bill authorizes the board of trustees for the Tri-Par to adopt and enforce reasonable rules and regulations and prescribe and enforce penalties. The bill authorizes the board to suspend access to certain common areas or facilities for a specified period. The bill also requires that the board provide notice to the accused violator along with an opportunity for a hearing before levying any penalties. The bill authorizes the board to adopt rules, regulations, and penalties that are not inconsistent with its enabling act and applicable laws as necessary and convenient to carry out the terms of the enabling act.

Subject to the Governor's veto powers, the bill takes effect upon becoming law.

CS/HB 617

Holiday Park Park and Recreation District, Sarasota County

Holiday Park Park and Recreation District (Holiday Park) is an independent special district created by special act that operates similarly to a recreation district. Use of district facilities is limited to property owners, their family and guests, and other persons authorized by the district. The district is governed by a board of trustees with the authority to levy a district tax and promulgate rules and regulations. The district is not authorized to enforce those rules and regulations and is not authorized to impose penalties for violations.

The bill authorizes the board of trustees for Holiday Park to adopt and enforce reasonable rules and regulations and prescribe and enforce penalties. The bill authorizes the board to suspend access to certain common areas or facilities for a specified period. The bill also requires that the board provide notice to the accused violator along with an opportunity for a hearing before levying any penalties. The bill authorizes the board to adopt rules, regulations, and penalties that are not inconsistent with its enabling act and applicable laws as necessary and convenient to carry out the terms of the enabling act.

Subject to the Governor's veto powers, the bill takes effect upon becoming law.

CS/HB 1303

Brevard and Volusia Counties - Deering Park Stewardship District

Special districts are units of local government created for a particular purpose, with jurisdiction to operate within a limited geographical boundary. A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.

The bill creates the Deering Park Stewardship District (District) in Brevard and Volusia Counties and the City of Edgewater. The District's purpose is to install, operate, and maintain community infrastructure.

The District is authorized to levy special assessments, fees, and non-ad valorem assessments and is authorized to levy ad valorem taxes upon approval at referendum after the entire board is elected by qualified electors of the District. The District is authorized to perform numerous functions and undertake a wide range of public facilities projects within the District.

Subject to the Governor's veto powers, the bill takes effect upon becoming a law, except that provisions authorizing the levy of ad valorem taxes take effect only upon approval by a majority vote of qualified electors in a referendum to be held after such time when all members of the board are elected by and are qualified electors of the District.

CS/SB 1466
Government Accountability

The bill modifies certain information reporting requirements on a special district's official website. Each special district is required to maintain an official website containing essential information about the district including the posting of its most recent audit report, a public facilities report, and special district meeting or workshop materials.

It allows a special district to satisfy the required posting of its most recent audit report on its own website by providing a link to the most recent audit report maintained on the Auditor General's website. Finally, the bill removes the requirement for online posting of a special district's public facilities report and meeting or workshop materials. Required posting of a special district meeting or workshop agenda remains.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

Health Care & Health Insurance

HEALTH CARE & HEALTH INSURANCE

CS/CS/HB 59

Automated Pharmacy Systems

An automated pharmacy system is a mechanical system that dispenses prescription drugs received from a Florida-permitted pharmacy and maintains related transaction information. Such a system offers some mechanism, either videoconferencing or teleconferencing, by which a pharmacist may counsel a patient at the time of dispensing. Florida law currently authorizes the use of automated pharmacy systems in long-term care facilities, hospices, and state correctional institutions.

The bill expands current law to authorize a community pharmacy to provide outpatient dispensing through the use of an automated pharmacy system. The bill establishes criteria for such systems and a community pharmacy's responsibilities when employing such a system.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 81

Health Care for Children

The bill aligns Florida law with the 2014 Children's Medicaid Services (CMS) guidance by eliminating the requirement that Medicaid recipients receiving services through the Florida Medicaid Certified School Match Program qualify for Part B or H of the IDEA, or for exceptional student services, or have an IEP or IFSP.

It also requires the Florida Department of Health (DOH) to create and make available

electronically an informational pamphlet with information on the screening for, and treatment of, preventable infant and childhood eye and visions disorders. Hospitals, birth centers, and health care practitioners attending out-of-hospital births must provide the pamphlet to the parents of a newborn child.

Finally, it amends the statutory definition of an auditory-oral education program to indicate that such a program must use faculty and supervisors certified as listening and spoken language specialists each day a participating child is in attendance. An auditory-oral education program is a program that develops and relies solely on listening skills and uses an implant or assistive hearing device for the purpose of relying on speech and spoken language skills as the method of communication. Students in public and private schools may enroll in such a program if they meet certain criteria.

The bill stipulates that a certified listening and spoken language specialist be included as a member of family support plan team and play a role in determining the level of services provided to each enrolled child.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/SB 82

Individuals with Developmental Disabilities

CS/SB 82 amends laws related to programs and services for those persons with developmental disabilities. Such persons eligible for Medicaid may choose to receive services in the community through the Medicaid Home and Community-Based Services waiver (also known as "iBudget")

administered by the Agency for Persons with Disabilities (APD), or in an institutional setting known as an Intermediate Care Facility for the Developmentally Disabled (ICF/DD).

The bill makes operational changes to the iBudget program. Funding for iBudget services is set on an individual basis according to an algorithm, and clients may request additional funds. Waiver clients work with a waiver support coordinator to identify appropriate services and develop an individual care plan.

Further, the bill eliminates the statutory criteria for authorizing supplemental funding for a client, and, instead, creates a standard definition of a “significant additional need” to judge supplemental funding requests,

- Centralizes the significant additional needs process at APD headquarters;
- Requires waiver support coordinators to be employed by qualified waiver support coordination agencies and establishes criteria for those agencies, and
- Requires all service providers to bill for services and submit all required documentation through the agency’s electronic client data management system.

An ICF/DD provides intensive care and rehabilitative services in a residential setting to individuals with developmental disabilities. Medicaid is the only payer for ICF/DD services, so current law requires a need assessment and a certificate of need (CON) from the Agency for Health Care Administration (AHCA), to build a new ICF/DD or add beds to an existing ICF/DD.

The bill authorizes a certificate of need (CON) exemption, for applicants meeting certain criteria, for up to three new ICF/DDs with 24 beds, comprising three eight-bed homes, for individuals exhibiting severe maladaptive behaviors and co-occurring psychiatric diagnoses. The bill establishes certain continued licensure requirements for an ICF/DD with a CON exemption. The bill requires APD to offer choice counseling to iBudget clients regarding appropriate residential placement based on the needs of the individual.

The bill sunsets the choice counseling provision, the ICF/DD continued licensure requirements, and the authority for the ICF/DD CON exemption on July 1, 2022, unless reviewed and saved from repeal by the Legislature.

Subject to the Governor’s veto powers, the bill takes effect July 1, 2021.

HB 163

Homelessness/Grants for Continuum of Care Agencies

HB 163 revises the state’s approach to preventing and ending homelessness by aligning state requirements with requirements of the federal Department of Housing and Urban Development (HUD) for awarding grants to Continuum of Care (COC) lead agencies. The bill:

- Requires each COC lead agency to create a continuum of care plan which implements an effective and efficient housing crisis response system to prevent and end homelessness in the COC catchment area. The bill also requires the State Office on Homelessness (State Office) within the Department of Children and Families to align its catchment

areas for COC lead agencies with HUD's catchment areas;

- Adds a representative each from the Florida Housing Coalition and the Department of Elder Affairs to the Council on Homelessness, which develops recommendations on how to reduce homelessness statewide and advises the State Office; and
- Increases the amount of Challenge Grant funds each COC lead agency may receive annually from \$500,000 to \$750,000, and reduces the amount of matching funds or in-kind support required for a Challenge Grant recipient from 100 percent to 25 percent. In addition, the bill increases the maximum percentage of grant funds that a COC lead agency may spend on its administrative costs from 8 percent to 10 percent and changes the preference for funding to be to COC lead agencies with demonstrated ability to move households out of homelessness.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 177

Prescription Drug Donation Repository Program

The bill creates a Prescription Drug Donation Repository Program (program) in the Department of Health (DOH) to facilitate donation and distribution of prescription drugs and supplies to indigent, underinsured, and uninsured patients in the state. The program uses a system of repositories to distribute donated prescription drugs throughout the state to eligible patients.

Further, it establishes eligibility criteria for repositories, donors, donations, and donation recipients, and requires program participants to follow program procedures

for donating, inspecting, storing, and dispensing prescription drugs and supplies. Repositories must report on their program activities each month to DOH and DOH must publish registries on its website of participating repositories and available donations under the program. The bill also allows the Governor to waive the patient eligibility requirements of the program during a declared state of emergency.

Finally, it grants civil, criminal and administrative immunity for participating persons and entities that exercise reasonable care in donating, accepting, transferring, distributing, or dispensing prescription drugs under the program.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/SB 218

Licensure Requirements for Osteopathic Physicians

Currently, an applicant for licensure as an osteopathic physician must complete a resident internship approved by the American Osteopathic Association (AOA) or another internship program approved by the Board of Osteopathic Medicine (Board). The AOA and the Accreditation Council for Graduate Medical Education (ACGME) are transitioning to a single graduate medical education accreditation system, and the AOA will cease accrediting programs on June 30, 2020.

The bill allows an applicant to qualify for licensure as an osteopathic physician by completing an ACGME-accredited residency or internship and retains current law allowing AOA-accredited residencies or internships. It also repeals the Board's authority to approve any other internship

programs if they are not AOA or ACGME accredited.

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

CS/SB 226

Athletic Trainers/Licensure

The Board of Athletic Training (Board), within the Department of Health, licenses and regulates athletic trainers. The Board of Certification, Inc., a private credentialing agency, also certifies athletic trainers.

Current law does not allow applicants to qualify for licensure by completing an internship. Athletic trainers must show current certification from the Board of Certification for biennial licensure renewal, but there is no statutory requirement that a licensee maintain such certification without lapse and in good standing.

This bill allows athletic trainers to qualify for licensure by completing an internship approved by the Board of Certification. It requires athletic trainers to maintain certification without lapse and in good standing for licensure renewal. It also requires an athletic trainer work within his or her scope of practice, as defined by Board rules, and requires the Board to adopt rules that govern the supervision of athletic training students.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

SB 348

Florida Kidcare Program/Coverage Eligibility

The Florida Healthy Kids program administered by the Florida Healthy Kids Corporation provides health coverage to children from age five through age 18 who live in households meeting certain eligibility thresholds. Current law limits Healthy Kids program coverage to \$1 million in a child's lifetime. In 2018, the federal Centers for Medicare and Medicaid Services informed the Agency for Health Care Administration that the \$1 million lifetime coverage limit violates federal regulations.

As a result, the bill deletes the \$1 million lifetime coverage limit. With this change, no child will be removed from coverage eligibility by virtue of accumulating benefit claims that exceed a dollar amount threshold.

This bill was signed into law April 8, 2020 as Chapter No. 2020-12, Laws of Florida and the provisions took effect on that date.

CS/HB 389

Practice of Pharmacy/Screening and Treatment of Minor Health Conditions

CS/HB 389 bill authorizes a pharmacist to enter into a collaborative pharmacy practice agreement (CPPA) with a physician to manage chronic health conditions if the pharmacist meets certain qualifications. A CPPA must contain certain terms and specify the health conditions, treatments, and tests governed by the CPPA. The bill prohibits a collaborating pharmacist from certain acts.

The bill authorizes a pharmacist, who meets certain criteria, to test or screen for and treat

minor, non-chronic health conditions under a written protocol with a supervising physician. The conditions are limited to influenza, streptococcus, lice, skin conditions, and minor, uncomplicated infections. The protocol must identify the patients that may be seen, instructions for obtaining a medical history, instructions for treatment, and a process and schedule for the pharmacist to provide patient treatment information to the physician and the physician to review the pharmacist's actions under the protocol.

It also requires the Board of Pharmacy to adopt, by rule, a formulary of medicinal drugs that an authorized pharmacist may prescribe to treat minor, non-chronic health conditions and prohibits certain drugs. The bill authorizes a pharmacist to use certain laboratory tests, as well as any established screening procedure for which no test is available.

Finally, a pharmacy in which a pharmacist provides services for minor, non-chronic health conditions must prominently display a sign advising a patient receiving such services to seek follow-up care from a physician. The Board of Pharmacy must adopt guidelines for advising patients to seek follow-up care from a physician.

This bill was signed into law March 11, 2020 as Chapter No. 2020-07, Laws of Florida and the provisions take effect July 1, 2020.

CS/CS/SB 404 **Abortion**

CS/CS/SB 404 requires a physician to obtain written, notarized consent from a parent or legal guardian prior to performing or inducing an abortion on a minor. The bill provides exemptions for medical

emergencies, parental waiver, removal of the disability of nonage, minors who are parents and when the minor has been granted a judicial waiver. The bill requires the court to have a record of the judicial waiver hearing and to appoint counsel for the minor.

Current law requires any health care practitioner present when an infant is born alive during an attempted abortion to preserve the health and life of the infant with care appropriate for the gestational age of the infant, including immediate transport to a hospital, and obligates certain health care practitioners to report violations to the Department of Health. The bill increases the penalty for violating these requirements from a first degree misdemeanor to a third degree felony.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

HB 437 **Nurse Registries/Workers'** **Compensation**

Among other services, workers' compensation covers attendant care provided to an injured worker because of their work-related injury. Attendant care includes a wide variety of services from skilled nursing care to unskilled tasks, such as bathing, dressing, personal hygiene, and administration of medications. Most attendant care is provided by licensed medical providers; however, family members may provide and receive carrier payment for non-professional attendant care services, excluding normal household duties.

A nurse registry is an agency licensed to secure temporary employment for registered nurses, licensed practical nurses, certified nursing assistants, home health aides,

certified nursing assistants, homemakers, and companions in a patient's home or with health care facilities or other entities. The providers referred by the nurse registry are hired as independent contractors by the patient, health care facility, or another business entity. A workers' compensation carrier may use a nurse registry to place attendant care services to be rendered to an injured worker, but nurse registries are not expressly mentioned in the workers' compensation statute. Attendant care is care rendered by trained professional attendants that is beyond the scope of household duties.

The bill specifically authorizes a workers' compensation insurer to use a licensed nurse registry to place authorized compensable attendant care services for the benefit of an injured worker.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 467

Physical Therapy

Practice/Acupuncture

Current law prohibits physical therapists (PTs) from using acupuncture if it punctures the skin. In some states, PTs may use a technique called dry needling, which requires a PT to insert an acupuncture needle to penetrate the skin and stimulate underlying myofascial trigger points, and muscular and connective tissues to manage pain and movement impairments.

CS/HB 467 eliminates the prohibition on performing acupuncture that pierces the skin and authorizes the Board of Physical Therapy Practice to adopt rules related to the standards of practice for PTs to perform dry needling. The bill also establishes minimum experience, education, and training

requirements for PTs who perform dry needling.

The bill also revises the scope of practice for PTs and terminology to more closely align with the model practice act for physical therapy.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 559

Institutional Formularies Established by Nursing Home Facilities

Therapeutic substitution is the practice of dispensing a drug that is chemically distinct from the prescribed drug, but therapeutically similar in terms of efficacy, safety, and tolerability profile. Currently, a pharmacist must dispense a prescription for a nursing home resident as written, unless substituting a generic or biosimilar drug. Otherwise, a pharmacist must contact the prescribing physician and request a new prescription.

CS/HB 559 authorizes a nursing home to establish an institutional formulary by which a pharmacist may use therapeutic substitution without a new prescription to replace a resident's prescribed drug with a chemically different drug listed in the institutional formulary.

The bill requires a nursing home to obtain a prescriber's authorization to use an institutional formulary for each of the prescriber's patients in the nursing home and allows a prescriber to opt out of the institutional formulary for a specific drug or class of drugs. The nursing home must notify the prescriber prior to each therapeutic substitution and document the resident's medical record when a substitution occurs. The bill requires a nursing home to obtain

informed consent from a resident or a resident's representative to use the institutional formulary for the resident.

It prohibits a nursing home from taking adverse action against a prescriber or resident who refuses to use the institutional formulary.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 599

Consultant Pharmacists

A consultant pharmacist obtains specialized education above that which is required for licensure as a pharmacist and has a broader scope of practice. A consultant pharmacist may order and evaluate clinical and laboratory testing in addition to the services provided by a pharmacist in two situations: for a patient residing in a nursing home upon authorization by the medical director of the nursing home; and for individuals under the care of a licensed home health agency, if authorized by a licensed physician, podiatrist, or dentist.

The bill expands consultant pharmacist scope of practice by authorizing a consultant pharmacist to enter into a written collaborative practice agreement to provide medication management services with a health care facility medical director or Florida-licensed allopathic physician, osteopathic physician, podiatric physician, or dentist to:

- Order and evaluate laboratory and clinical testing;
- Conduct patient assessments;
- Administer medications; and

- Modify or discontinue medicinal drugs pursuant to a patient-specific order or treatment protocol.

A consultant pharmacist may only provide services to the patients of the health care practitioner with whom the consultant pharmacist has a written collaborative practice agreement. The bill requires both the consultant pharmacist and health care practitioner to maintain a copy of the collaborative agreement and make it available upon request or during an inspection. The bill also requires the consultant pharmacist to maintain all drug, patient care, and quality assurance records.

The bill authorizes a consultant pharmacist to provide services to patients in an ambulatory surgical center, hospital, alcohol or chemical dependency treatment center, inpatient hospice, or ambulatory care center, in addition to those authorized in current law (nursing home and home health agency patients). It clarifies that a consultant pharmacist is not authorized to diagnose any disease or condition, and authorizes the Board of Pharmacy to establish additional education requirements for licensure as a consultant pharmacist.

Finally, it also authorizes a pharmacist to make recommendations regarding the patient's health care status with the patient's prescribing health care practitioner or others specifically authorized by the patient.

This bill was signed into law March 12, 2020 as Chapter No. 2020-8, Laws of Florida and the provisions take effect July 1, 2020.

CS/CS/HB 607

Direct Care Workers

Florida law requires advanced practice registered nurses (APRNs) to practice under a written supervisory protocol with a physician and only to the extent that the protocol allows. The bill authorizes APRNs who meet certain criteria to practice primary care or midwifery without physician supervision or a protocol. The bill also authorizes an advisory council comprised of physicians, APRNs, and the state Surgeon General to make recommendations to the Board of Nursing on the standards of practice for such APRNs. The bill subjects such APRNs to disciplinary action if they commit specified prohibited acts related to unethical and substandard business practices. An APRN engaging in autonomous practice must report adverse incidents to the Department of Health (DOH), which must review each report to determine whether the APRN is subject to disciplinary action.

The bill prohibits an insurer from requiring an insured to access care from an APRN engaging in autonomous practice rather than a physician.

It authorizes DOH to award up to \$15,000 per year under the Medical Education Reimbursement and Loan Repayment Program to APRNs engaging in autonomous practice and practicing primary care in a public health program or that serves Medicaid recipients and other low-income patients in a primary care shortage area.

The bill authorizes registered nurses to delegate certain tasks to a certified nursing assistant (CNA) or home health aide (HHA), including medication administration. The bill authorizes CNAs and HHAs to assist with preventive skin care, applying bandages, and

nebulizer treatments. The bill authorizes the Agency for Health Care Administration (AHCA) to adopt rules training paid feeding assistants in nursing homes and prohibits facilities from counting paid feeding assistants toward minimum staffing standards.

The bill requires all licensed nursing homes, home health agencies, hospices, and homemaker and companion services providers to complete a workforce survey at each biennial licensure renewal.

Finally, it creates the Excellence in Home Health and Nurse Registry Excellence programs to award designations to home health agencies and nurse registries that meet certain criteria. The home health agency or nurse registry may use the respective designation in marketing materials until such time it no longer holds, or qualifies for, the designation.

This bill was signed into law March 11, 2020 as Chapter No. 2020-09, Laws of Florida and the provisions take effect July 1, 2020.

CS/CS/SB 698

Reproductive Health

CS/CS/SB 698 prohibits a physician from implanting a patient or causing a patient to be implanted with a human embryo created with the physician's own reproductive material, or inseminating a patient or causing a patient to be inseminated with the physician's own reproductive material. The bill makes such action a ground for licensure discipline. The bill also prohibits a health care practitioner from intentionally implanting or causing to be implanted a human embryo without the recipient's consent to the use of that human embryo, or inseminating a patient or causing a patient to

be inseminated with human reproductive material from a donor without the patient's consent to the use of that donor's reproductive material.

Effective October 1, 2020, the bill creates the crime of reproductive battery, which prohibits a healthcare practitioner from intentionally penetrating the vagina of a patient with the reproductive material of a donor or any object containing the reproductive material of a donor knowing the patient has not consented to the use of reproductive material from that donor. The bill tolls the statute of limitations for criminal prosecution of a reproductive battery until the date a violation is discovered and reported to law enforcement or another governmental agency. The bill requires the Department of Health to issue an emergency order suspending the license of a health care practitioner who pleads guilty to or is convicted of reproductive battery.

The bill also prohibits a health care practitioner, a medical student, or any other student receiving health care practitioner training, from performing a pelvic examination on a patient without express written consent. The prohibition does not apply if the pelvic examination is required by a court order or is immediately necessary to avert a serious risk of imminent substantial and irreversible physical impairment of a major bodily function of the patient.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/CS/HB 713

Health Regulation

CS/CS/CS/HB 713 amends programs and health care professions regulated under the Department of Health (DOH). The bill:

- Establishes reporting requirements for certain Child Protection Team medical directors;
- Establishes battery against a patient or resident of certain health care facilities a disqualifying offense for certain health care licenses and employment in certain health care facilities;
- Authorizes DOH to establish patient care networks to plan for the care of individuals with HIV, rather than only those diagnosed with AIDS;
- Authorizes DOH to adopt rules to implement the Conrad 30 Waiver program;
- Extends the time for certain cancer centers to pursue a National Cancer Institute designation;
- Revises DOH's rulemaking authority relating to the minimum standards for ground ambulances;
- Establishes requirements for maintaining and operating radiation machines and the use of radiation machines on humans;
- Authorizes DOH to request a date of birth on a licensure application;
- Authorizes DOH to issue a temporary license that expires 60 days after issuance, rather than 30 days, to certain applicants without social security numbers;
- Creates an exemption to the prohibition against physician self-referral for radiological services for entities that meet certain requirements;

- Authorizes DOH to issue medical faculty certificates to certain faculty of Nova Southeastern University and Lake Erie College of Osteopathic Medicine;
- Repeals a requirement that the Board of Medicine triennially review board certification organizations for dermatology;
- Revises the composition of the Council on Physician Assistants;
- Revises the requirements for osteopathic internships and residencies to include those accredited by the Accreditation Council for Graduate Medical Education; Authorizes the Board of Nursing to extend the time by which a nursing education program must be accredited for up to two years if the program meets certain standards;
- Extends the sunset date for Florida Center for Nursing annual reports on nursing education to January 30, 2025; Repeals a requirement that Florida-licensed dental practitioners grade dental licensure examinations;
- Requires dentists and dental hygienists to report adverse incidents to the Board of Dentistry;
- Requires DOH to biennially inspect dental laboratories;
- Revives and reenacts the health access dental license program, retroactive to January 1, 2020;
- Repeals voluntary registration of registered chiropractic assistants;
- Authorizes DOH to issue combined, rather than separate, registrations to prosthetist-orthotists;
- Requires athletic trainers to work within the scope of practice and revises licensure requirements;
- Limits massage therapy apprenticeships to those in colonic irrigation, and requires licensure applicants to pass a

national examination designated by the Board of Massage Therapy;

- Revises psychology licensure requirements;
- Authorizes the Board of Clinical Social Work, Marriage and Family Therapists, and Mental Health Counseling to approve a one-time exception to the 60-month limit on an internship registration;
- Revises licensure requirements for Marriage and Family Therapists and Licensed Mental Health Counselors;
- Authorizes local governments, in consultation with DOH, to develop a special use permit process for surf pools, and exempts such pools from DOH permitting until DOH adopts rules to regulate them; and
- Requires the Agency for Health Care Administration to develop a webpage to inform the public about direct care workers.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 731

Agency for Health Care Administration

CS/CS/HB 731 amends various authorizing and licensing statutes for entities regulated by the Agency for Health Care Administration (AHCA). The bill also amends laws governing the Medicaid program, administered by AHCA. Specifically, the bill:

- Updates requirements for approval of comprehensive emergency management plans for newly licensed facilities;
- Allows a health care facility employee, who has previously qualified with

background screening requirements, to apply for an exemption if the law is changed to add a disqualifying offense for which the employee committed prior to being screened;

- Allows AHCA to issue provisional licenses to all regulated providers/facilities;
- Authorizes risk-based, less frequent, licensure inspections for nurse registries, home medical equipment providers, and health care clinics;
- Allows AHCA to use extended inspection periods for high performing hospices and adult day care centers, which are currently inspected biennially;
- Revises a requirement for AHCA to inspect nursing homes with records of poor performance every six months for a two-year period, to instead require two surveys every year until the facility has two consecutive surveys without a citation for a class I or a class II deficiency;
- Reinstates authority for AHCA to adopt rules to require hospitals with adult cardiovascular service programs to report data on clinical outcomes to national data registries operated by the American College of Cardiology or the American Heart Association;
- Increases the period of time to obtain designation as a Tier 3 Cancer Center under the Florida Consortium of National Cancer Institute Centers Program from 6 years to 10 years;
- Exempts from health care clinic licensure federally certified providers, community mental health center-partial hospitalization programs, portable x-ray providers, and rural health clinics;
- Exempts from health care clinic licensure all Medicaid providers;

- Repeals licensure of multiphasic health testing centers;
- Repeals several statutorily mandated annual reports, and instead directs AHCA to publish the information online;
- Repeals an unenforceable annual assessment on diagnostic imaging centers and ASCs;
- Amends the definition of home health agency to clarify that an agency that provides only home health services, but not staffing services, must be licensed as a home health agency;
- Increases the range of services defined as “shoppable” for purposes of earning shared saving incentives offered by insurers;
- Extends the rural hospital designation from 2021 to 2025 for a hospital licensed as a rural hospital during Fiscal Year (FY) 2010-2011 or FY 2011-12;
- Removes AHCA authority to establish an alternative methodology to the diagnosis related group-based prospective payment system for class III psychiatric hospitals;
- Allows AHCA to collect legal fees for Medicaid cases in which AHCA prevails;
- Requires AHCA to re-procure contracts with Medicaid managed care plans every 6 years instead of every 5 years, beginning with the contract procurement process initiated in 2023;
- Requires AHCA to extend the term of existing plan contracts for the prepaid dental health program until December 31, 2024;
- Aligns the state Medicaid anti-kickback law with the federal anti-kickback law by specifying that the Medicaid anti-kickback prohibitions in Medicaid statute do not apply to any discount, payment, waiver of payment, or payment

practice not prohibited under the federal anti-kickback law;

- Requires background screening for Medicaid providers, applicable to individuals who will have direct access to Medicaid recipients, recipient living areas, or the financial, medical, or service records of a Medicaid recipient, or who supervise the delivery of goods or services to a Medicaid recipient;
- Provides that drivers providing transportation to Medicaid recipients through a transportation broker or a transportation network company are required to undergo only level I background screening, consistent with current law; and
- Allows AHCA to conduct retrospective review of Medicaid hospital payments to allow AHCA to recover all overpayments.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

HB 743

Non-Opioid Alternatives

The Department of Health (DOH) publishes a pamphlet regarding the use of non-opioid alternatives to treat pain on its website. Current law requires health care practitioners, except pharmacists, to discuss non-opioid alternatives with patients prior to prescribing, ordering, dispensing, or administering opioids, provide a copy of the DOH pamphlet, and document the discussion in the patient's medical record. The requirements do not apply to emergency care and services.

HB 743 revises these requirements by:

- Requiring that the pamphlet provided to the patient be printed;

- Authorizing a health care practitioner to discuss non-opioid alternatives with, and provide the pamphlet to, the patient's representative rather than the patient;
- Removing the requirement to address non-opioid alternatives when a drug is dispensed or administered; and
- Exempting hospice services and care provided in a hospital critical care unit or emergency department from the requirement to discuss non-opioid alternatives with a patient.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 747

Coverage for Air Ambulance Services

CS/CS/HB 747 requires a commercial health insurer or HMO to provide reasonable reimbursement to an air ambulance service for emergency and nonemergency transport services provided to a covered individual in accordance with the terms of the insurance policy or HMO contract. The bill defines "reasonable reimbursement" as payment that considers the direct cost of services provided, costs incurred by the operation of an air ambulance service by a county, which operates entirely within a designated area of critical state concern as determined by the Department of Economic Opportunity, and in-network reimbursement for comparable services.

Further, the bill specifies that payment in full of applicable copayments, coinsurance, and deductibles by an insured patient who receives air ambulance services shall constitute the full financial obligation of the patient for those services. Accordingly, the bill prohibits air ambulance service providers from balance billing insured patients.

Subject to the Governor's veto powers, the provisions take effect upon becoming law.

CS/CS/HB 763 **Patient Safety Culture Surveys**

CS/CS/HB 763 requires hospitals and ambulatory surgical centers (ASCs) to use the federal hospital or ASC Survey on Patient Safety Culture, as applicable, to conduct patient safety culture surveys of facility staff. The facilities must conduct the survey biennially, and submit the data to the Agency for Health Care Administration (AHCA) in a format specified by rule. The bill requires the facility to conduct the survey anonymously to encourage staff employed by or working in the facility to complete the survey. The bill authorizes a hospital or ASC to contract to administer the survey, and to develop an internal action plan to identify survey measures to improve upon between surveys, which may be submitted to AHCA.

The bill requires AHCA to publish the survey results for each hospital and ASC, in the aggregate and by composite measure. For hospitals, AHCA must also publish the survey results by unit work areas. AHCA must designate the use of updated versions of the surveys as they occur.

The bill requires AHCA to customize the surveys to include questions that will generate data on the likelihood of a respondent to seek care at the surveying facility, both in general, and, for hospitals, within the respondent's specific unit or department. The bill also requires AHCA to customize the hospital survey to allow a respondent to identify themselves as working in certain areas of a hospital that are not currently identifiable in the survey, including a pediatric cardiology patient care

unit and a pediatric cardiology surgical services unit.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 767 **Assisted Living Facilities**

The bill amends various provisions in ch. 429, F.S., regulating assisted living facilities (ALFs). Specifically, the bill:

- Requires AHCA to conduct a full inspection instead of an abbreviated biennial inspection to review key quality-of-care standards for a facility with a history of certain violations;
- Codifies current rule requirements relating to facility staff training and education;
- Allows ALFs to admit or retain residents that need assistive devices, which are defined as any device designed or adapted to help a resident perform an action, task, an activity of daily living, a transfer, prevention of a fall, or recovery from a fall;
- Allows ALFs to admit residents that require 24-hour nursing care, or residents that are receiving hospice services, if the arrangement is agreed to by the facility and the resident, additional care is provided by a licensed hospice, and the resident is under the care of a physician who agrees that the physical needs of the resident can be met at the facility;
- Allows ALFs to admit residents who are bedridden if they are bedridden for no more than 7 days, or no more than 14 days for an ALF licensed as extended congregate care;

- Allows the use of certain physical restraints in ALFs, including, full-bed rails and geriatric chairs;
- Allows the State Long-Term Care Ombudsman Program to assist a resident who needs to be relocated due to a facility closure;
- Removes the requirement for ALF staff assisting with the self-administration of medication to read the label of the medication to the resident, instead requiring staff to, in the presence of the resident, confirm the medication is correct and advise the resident of the medication name and purpose; and
- Authorizes rules to address technological advances in the provision of care, safety, and security, including the use of devices, equipment and other security measures for wander management, emergency response, staff risk management, and for the general safety and security of residents, staff, and the facility.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 835 Alzheimer's Disease

CS/HB 835 creates the position of Dementia Director within the Department of Elder Affairs, appointed by the secretary. The director will collaborate with other state and local entities to facilitate programs supporting those living with Alzheimer's disease or other forms of dementia and their caregivers.

The bill also requires the department to revise the funding allocation formula for respite care to consider a county's population of individuals age 70 and older; directs all state agencies to provide assistance to the Alzheimer's Disease Advisory Committee,

upon request; and updates the name of AdventHealth Memory Disorder Clinic.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 945 Children's Mental Health

CS/CS/HB 945 addresses the availability and coordination of children's behavioral health services. It requires managing entities to facilitate the creation of plans that promote the development and effective implementation in local areas of a coordinated behavioral health system of care. These systems must integrate services provided through the state's various child-serving systems and other systems for which children and adolescents would qualify. Plans must be completed by January 1, 2022, and implemented by January 1, 2023.

The bill includes crisis response services provided through mobile response teams in the array of services available to children and adolescents who are members of certain target populations and specifies the elements of these services. The Louis de la Parte Florida Mental Health Institute must develop, in consultation with specified entities, a model response protocol for schools to use mobile response teams.

It requires the Department of Children and Families (DCF) and the Agency for Health Care Administration (AHCA) to identify children and adolescents who are the highest utilizers of crisis stabilization services, collaboratively take action to meet the behavioral needs of such children, and jointly submit a quarterly report to the Legislature during the next two fiscal years.

The bill also requires DCF and AHCA to assess the quality of care provided in crisis

stabilization units to children and adolescents who are high utilizers of such services. Additionally, AHCA must continually test the Medicaid managed care plan provider network databases to ensure that behavioral health providers are accepting enrollees and confirm that enrollees have access to behavioral health services. The bill requires school principals (or designees) to verify that de-escalation strategies have been used and outreach to a mobile response team has been initiated before contacting a law enforcement officer to initiate an involuntary examination of a student unless delay will increase the likelihood of harm to the student or others.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

SB 1092

Fire Prevention and Control/Protection from Cancer

The bill creates the Firefighter Cancer Decontamination Equipment Grant Program within the Division of State Fire Marshal (DSFM). The program provides financial assistance to fire departments, including volunteer departments, in an effort to help protect firefighters from acquiring cancer. Funds allocated through the program will assist fire departments in purchasing equipment, supplies, and education training related to mitigating exposure to hazardous fire contaminants. Grants will be awarded on a need-based basis and require recipients to contribute a minimum of 25 percent non-state funding. DSFM is given rulemaking authority to adopt rules and procedures for the program.

The bill gives independent special fire control districts the ability to provide fire control and rescue services outside of

established geographical boundaries, in cooperation with another governmental agency when such agency shares powers with the district.

The bill provides \$250,000 in recurring funds from the Insurance Regulatory Trust Fund to implement the program.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/SB 1120

Substance Abuse Services/Employment

Current law disqualifies people with certain criminal backgrounds from employment by substance abuse treatment providers or from certification as recovery residence administrators. The Department of Children and Families (DCF) has discretionary authority to exempt people from disqualification.

This bill requires DCF to exempt substance abuse treatment personnel from disqualification when the personnel committed certain nonviolent crimes common among substance users. It mandates a minimum waiting period, during which the individual cannot have been arrested for any offense. The bill also adds additional disqualifying offenses for recovery residence administrators.

The bill makes it a first-degree misdemeanor for any person to knowingly and willfully refer to, or accept referrals, from a non-certified recovery residence not managed by a certified recovery residence administrator.

Florida's patient brokering statute makes it unlawful for a person to receive or provide a kickback for the referral of a patient to or

from a substance abuse provider or health care facility excepting any arrangement expressly authorized under the federal anti-kickback statute, which prohibits inducements for patient referrals for services payable by a federal health care program.

The bill expands the number of payment structures allowed under Florida's patient-brokering statute by exempting discounts, waivers of payment, or payments that are not prohibited by the federal anti-kickback statute.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 1179 **Nondiscrimination in Organ** **Transplants**

Organ and tissue donation is the process of surgically removing an organ or tissue from one person (the donor) and transplanting it into another person (the recipient). Transplantation in such cases is necessary because the recipient's organ has failed or has been damaged by disease or injury.

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination on the basis of disability. HB 1179 prohibits discrimination in access to anatomical gifts and organ transplants for individuals with disabilities. Health insurance policies and health maintenance organization contracts would also be prohibited from denying coverage for an organ transplant solely on the basis of an insured's or subscriber's disability.

The bill prohibits covered entities from taking specific actions against an individual with a developmental or intellectual disability who is eligible to receive an

anatomical gift (human body parts donated after death for use in transplants, therapy, research, or education) based solely on the fact that they have a disability. Covered entities include health care practitioners, health care facilities, and any other entity responsible for potential recipients of anatomical gifts.

The bill requires covered entities to make reasonable accommodations in their policies, practices, or procedures, when necessary, to allow a patient with a disability access to services.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/SB 1344 **Intermediate Care Facilities** **Certificate of Need Exemption**

CS/SB 1344 authorizes a certificate of need (CON) exemption for a new intermediate care facility for the developmentally disabled (ICF/DD) that has a total of 24 beds, comprising three eight-bed homes, for use by individuals exhibiting severe maladaptive behaviors and co-occurring psychiatric diagnoses requiring increased levels of behavioral, medical, and therapeutic oversight. To obtain an exemption, an applicant must not have had a license denied, revoked, or suspended within the 36 months preceding the request for exemption and must have at least 10 years of experience serving individuals with severe maladaptive behaviors in Florida. The bill limits the number of CON exemptions authorized under the bill three.

It also establishes certain continued licensure requirements for an ICF/DD that has been granted the CON exemption created by the bill.

It requires the Agency for Persons with Disabilities to offer choice counseling to clients regarding appropriate residential placement based on the needs of the individual.

The bill sunsets the continued licensure requirements and the statutory authority for the Agency for Health Care Administration to grant the CON exemption created by the bill on July 1, 2022, unless reviewed and saved from repeal by the Legislature.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 1373

Long-term Care/Medicaid Long-Term Managed Care and Adult Protective Services

CS/HB 1373 provides flexibility to the Department of Elderly Affairs (DOEA) regarding the composition of the Medicaid long-term managed care waitlist. The Long-Term Care Managed Care (LTC) program provides services to frail elderly or disabled Medicaid recipients in nursing facilities and in community settings, including an individual's home, an assisted living facility, or an adult family care home. Program enrollment is capped, so the DOEA prioritizes applicants based on frailty, and maintains a waitlist.

The bill requires DOEA to place individuals with high priority scores on the waitlist, consistent with current practice, and allows, but does not require, DOEA to add individuals with low priority scores. The bill requires annual rescreening of individuals with high priority scores, in keeping with current practice, but makes annual rescreening optional for individuals with low

priority scores. The bill directs screening staff to inform individuals with low priority scores of alternative community resources that may be available and that the individual may request rescreening at any time if their circumstances change.

It also modifies service prioritization procedures under the Community Care for the Elderly (CCE) program, which provides community-based services to help elders with functional impairments live in the least restrictive and most cost-effective environment suitable. The program prioritizes individuals referred for services by Adult Protective Services (APS), which investigates elder abuse, neglect, and exploitation. The bill authorizes a CCE services provider to dispute an APS referral by requesting that APS negotiate or modify the referral of a vulnerable adult or victim.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/SB 1742

Home Medical Equipment Providers

CS/SB 1742 exempts physicians and chiropractors who sell or rent electrostimulation medical equipment to their patients in the course of their practice from licensure as a home medical equipment provider under ch. 400, F.S.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/SB 7012

Substance Abuse and Mental Health

CS/SB 7012 amends laws governing substance abuse and mental health services.

The bill codifies coordinated specialty care programs for individuals with early-stage psychosis, and authorizes recipients of Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grants to use that funding for those programs.

It also broadens the duties of the Statewide Office of Suicide Prevention (Office) in the Department of Children and Families (DCF), requiring the Office to act as a clearinghouse for information and resources on suicide prevention. It requires the Office, DCF, and the Department of Transportation to collaborate on suicide deterrents for new infrastructure projects. It expands the scope of the Suicide Prevention Coordinating Council (Council) within DCF by requiring the Council to make recommendations on the implementation of evidence-based mental health programs and suicide risk identification training in the Council's annual report on suicide prevention. The bill creates the First Responders Suicide Deterrent Task Force, requiring it to make recommendations on how to reduce the incidence of suicide and suicide attempts among current and retired first responders.

Additionally, the bill requires the notice of release for involuntary examination of minors to include information on local mobile response teams and other resources; revises the method by which forensic facilities and jails provide medication to defendants and share their medical records; and allows certain licensed health care professionals and facilities to contract with DCF and managing entities to provide substance abuse services without a separate license from DCF.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

Insurance & Financial Services

INSURANCE

CS/SB 292

Insurance Claims/Loss Run Statements

The bill establishes a statutory framework for a practice that routinely occurs in the insurance industry. The bill defines “loss run statement” as a report that contains the policy number, the period of coverage, the number of claims, the paid losses on all claims, and the date of each loss. Loss run statement does not include supporting claim file documentation, such as copies of claim files, investigation reports, evaluation statements, insureds’ statements, and documents protected by common law or statutory privilege.

It provides that, within 15 calendar days of a insured’s request for a loss run statement, all Florida licensed and surplus lines insurers must provide to the insured either the loss run statement or, for personal lines of insurance, information on how to obtain a loss run statement from a consumer reporting agency at no charge. An insured may request a loss run statement from an insurer after receiving information from a consumer reporting agency. The loss run statement that the insurer provides must be a five-year loss run history for five continuous years before the year in which the insured makes the request, or the complete loss run history if it is less than five years.

It requires that the insurer notify the insured’s agent of record that it provided the loss run statement to the insured at the time that the insurer provided it. The bill establishes that no insurer shall be required to provide loss reserve information as part of a loss run statement. The bill also prohibits an insurer from charging an insured for the

first loss run statement that an insured requests annually.

Subject to the Governor’s veto powers, the bill takes effect January 1, 2021.

CS/HB 529

Insurance Guaranty Associations (FIGA)

The bill changes the amount of coverage that the Florida Insurance Guaranty Association (FIGA) must provide for each condominium unit within a condominium association, when a claim is made and the condominium association’s property insurer is insolvent, from a maximum of \$100,000 multiplied by the number of units to \$200,000 multiplied by the number of units. It also changes the amount of emergency assessments that FIGA is authorized to levy against any insurer required to participate in FIGA from a maximum of two percent of that insurer’s net written premiums in Florida for the kinds of insurance within the accounts maintained by FIGA for payment of claims (automobile insurance account and all other insurance account) to a maximum of four percent of the same premiums.

Subject to the Governor’s veto powers, the bill takes effect July 1, 2020.

SB 540

Insurance Guaranty Associations

The Florida Insurance Guaranty Association (FIGA) assumes the rights and duties of insolvent Florida insurers, including claims adjusting. FIGA handles claims involving insolvent Florida insurers and claims on Florida policies issued by liquidated foreign insurers who belong to another state’s guaranty association. The bill allows those employees to adjust Florida claims without being licensed adjusters, if authorized by a

contract between FIGA and another state's guaranty association. It also allows FIGA employees to adjust claims without being licensed adjusters.

If an insolvent insurer's assets are insufficient to pay all claims, FIGA can issue post-insolvency assessments against property and casualty insurers to obtain funds to pay the remaining claims. The bill clarifies that the assessment due from member insurers will be a uniform percentage of premium collected instead of based on a proportion of the total net direct written premium for the prior calendar year. It establishes that assessment installment payments made by FIGA members may be made quarterly rather than monthly.

The Florida Workers' Compensation Guaranty Association (FWCIGA) assumes the right and duties of the insolvent Florida workers' compensation insurers or self-insurance funds and pays the claims of its policyholders. FWCIGA is funded through the liquidation of insolvent insurers, potentially including a portion of the estates of insolvent insurers in other states. FWCIGA has the authority to levy assessments on workers' compensation insurers if insolvent insurers' estates are insufficient to pay claims. The bill clarifies the method by which assessments are levied against insurers and collected by FWCIGA related to policy deductibles and to retrospectively rated policies, which are dependent on losses during the current policy period. The bill provides the authority for FWCIGA to audit reports from insurers regarding the payments made to FWCIGA and the amounts collected from policyholders.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

HB 1189

Genetic Information for Insurance Purposes

HB 1189 expands existing prohibitions on the use of genetic information by insurers to include entities that issue policies for life insurance, long-term care insurance, and disability income insurance. It prohibits issuers of life insurance, long-term care insurance, and disability income insurance from canceling, limiting, or denying coverage, and from setting different premium rates, based on personal genetic information without a specific diagnosis related to the genetic information. The bill also prohibits insurers who issue these types of policies from requiring or soliciting genetic information, using genetic test results, or considering a person's decisions or actions relating to genetic testing for any insurance purpose.

The bill specifies that it may not be construed to prevent life insurers or long-term care insurers from accessing an individual's medical record as part of an application process. Likewise, the bill specifies that nothing in the bill prevents a life insurer or long-term care insurer from considering a medical diagnosis included in an applicant's medical record, even if a diagnosis resulted from the use of a genetic test.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/SB 1606

Insurance Administration Changes

The bill makes the following changes regarding insurance:

- *Motor Vehicle Salvage* – effective upon becoming law, conforms electronic

signature requirements governing motor vehicle odometer disclosure statements to the applicable federal requirements;

- *Workers' Compensation Payments to Injured Workers* – allows insurers to make a payment to an injured worker, upon authorization of the injured worker, by sending money electronically via an account with a state licensed money transmitter.
- *Civil Remedies Against Insurers* – requires the insurer to designate an email address for delivery of required pre-suit civil remedy notices; mandates that the Department of Financial Services (DFS) forward the notices DFS receives from claimants to the designated insurer email; starts the insurer's statutory 60 day cure period, which is triggered by the notice, from the day the insurer receives the forwarded notice; and extends the statute of limitation for lawsuits against an insurer for 60 days, if the statutorily allowed property appraisal process is invoked in the claim.
- *Insurer Trade Secrets* – prohibits the publishing or dissemination of aggregate information containing protected insurer trade secret information when the information can be extrapolated from the aggregate information.
- *Insurance Ratemaking and Form Filing Deadlines* – extends the closure of the Office of Insurance Regulation's review period for property and casualty rate and form filings to the close of the following business day if the deadline falls on a weekend or holiday.
- *Residential Condominium Loss Assessments* – clarifies that a condominium unit owner's property loss assessment coverage in effect one day before the date of an event causing a loss is the applicable coverage for the loss.

- *Motor Vehicle Insurance* – reduces the prohibition on cancellation of an initial motor vehicle insurance policy from 60 days to 30 days consistent with a related law change passed in 2019.
- *Travel Insurance* – creates a new chapter of statute based on the Travel Insurance Model Act of the National Association of Insurance Commissioners to regulate the transaction of travel insurance in the state.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

FINANCIAL SERVICES

CS/CS/HB 813

Protection of Vulnerable Investors

The bill allows a securities dealer or investment adviser to delay a disbursement or transaction of funds or securities from the account of a specified adult or an account for which a specified adult is a beneficiary or beneficial owner if the securities dealer or investment adviser reasonably believes that financial exploitation of the specified adult has occurred, is occurring, has been attempted, or will be attempted in connection with the disbursement or transaction. A specified adult is an individual who is age 65 or older or who meets the definition of "vulnerable adult" under Florida's Adult Protective Services Act (APS Act).

The suspected financial exploitation must be immediately reported to the Florida Abuse Hotline if so required by the APS Act. Not later than three business days after placing a delay, the securities dealer or investment adviser must notify all parties authorized to transact business on the account as well as any designated trusted contact, unless such

person is believed to be engaged in the suspected financial exploitation. Not later than three business days after placing or extending a delay, the securities dealer or investment adviser must notify the Office of Financial Regulation of the delay or extension. A delay expires in 15 business days but may be terminated sooner. The securities dealer or investment adviser may extend the delay for up to an additional 10 business days. The length of the hold may be shortened or extended by a court of competent jurisdiction. The bill requires a securities dealer or investment adviser to annually conduct training that is reasonably designed to educate its associated persons on issues pertaining to financial exploitation. A securities dealer, an investment adviser, or an associated person who in good faith and exercising reasonable care complies with the bill is immune from any administrative or civil liability that might otherwise arise from a delay in a disbursement or transaction.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/CS/HB 1391 **Technology Innovation**

The bill abolishes the Division of State Technology within the Department of Management Services (DMS) and establishes the Florida Digital Service (FDS) in its place. It also creates the Division of Telecommunications within DMS. The bill establishes the duties and responsibilities of FDS, including the development and implementation of information technology (IT) standards for state agencies with a focus on interoperability and enforcement of the state's cloud-first policy. FDS must create and maintain a comprehensive data catalog that lists the data elements housed within each state agency, and FDS must create a

data dictionary. FDS must conduct a market analysis at least every three years to determine whether IT resources within each state agency are used in the most cost-effective manner, whether agencies are complying with the state's cloud first policy, and whether agencies are using best practices with respect to IT. The bill allows cabinet agencies to adopt alternative IT standards than those developed by FDS.

The bill also creates the Financial Technology Sandbox (sandbox) within the Office of Financial Regulation (OFR) to allow a sandbox licensee to make an innovative financial product or service available to consumers as a money transmitter, payment instrument seller, or lender of consumer finance loans during a sandbox period that is initially 24 months but can be extended one time for an additional 12 months. Upon approval of an application, a sandbox licensee is exempt from specified provisions of general law and the corresponding rule requirements during the sandbox period. OFR may initially authorize a sandbox licensee to provide the financial product or service to a maximum of 15,000 consumers but may authorize up to 25,000 consumers if the sandbox licensee demonstrates adequate financial capitalization, risk management processes, and management oversight.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 1439 **Bank Property of Deceased Account Holders**

The bill authorizes certain family members of a deceased person (decedent) to present a sworn affidavit and certified death certificate to a financial institution in Florida and receive up to \$1,000 from "qualified

accounts” (depository accounts or certificates of deposit held in the sole name of the decedent without a pay-on-death or any other survivor designation) if the total amount of the combined funds in all qualified accounts at that financial institution is less than \$1,000 and if at least six months have passed since the decedent’s death. No court proceeding is needed. The affiant (a person who swears to an affidavit) must attest that a personal representative has not been appointed to administer the decedent’s estate, that no formal or summary probate proceedings has been commenced, and that the affiant has no knowledge of the existence of any will or other document relating to the distribution of the decedent’s estate. The financial institution is not required to determine whether the contents of the sworn affidavit are truthful, and the financial institution is fully released and discharged from further liability for the amount paid.

It also creates a process by which a beneficiary of an intestate decedent (a person who died without a will) may file an affidavit with the court to request distribution of certain assets of the decedent. This process is available if the intestate decedent left only personal property that is exempt from probate proceedings, personal property that is constitutionally protected from creditors’ claims, and nonexempt personal property valued at less than the sum of \$10,000 and certain funeral and medical expenses. The decedent must have died more than one year prior, and no Florida probate proceeding may be pending.

Subject to the Governor’s veto powers, the bill takes effect July 1, 2020.

Legal

Courts & Criminal Justice

COURTS

CS/HB 43 Child Welfare

The bill:

- Creates a communication process beginning March 1, 2021, to make information available to law enforcement agencies that a person is a parent or caregiver involved in the child welfare system, and requires an officer to contact the central abuse hotline if the officer interacts with such a person and has concerns for a child's health, safety, or well-being;
- Requires the Child Protection Teams to offer training on the recognition of and responses to head trauma and brain injury in a child under 6 years of age, and requires child welfare professionals, dependency court judges, and law enforcement officers to obtain training on the topic;
- Amends the definition of "Guardian ad Litem" to include the Statewide Guardian ad Litem Office to allow the statewide office access to necessary court records and allows the statewide office to have a representative of a domestic violence advocacy group on its training curriculum committee;
- Allows DCF and community-based care lead agencies to provide intensive family reunification services that combine child welfare and mental health services for families with dependent children under six years of age; and
- Requires third-party credentialing entities that administer certification for child welfare professionals to review the findings and all relevant documents involving the death of a child or other

critical incident following the completion of reviews by DCF, the Inspector General, or the Office of the Attorney General. The review only occurs upon the filing of a complaint by an outside party and assesses the certified personnel's compliance with the third-party credentialing entity's published code of ethics and professional conduct and disciplinary procedures.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 61 Adoption Benefits

Adoption is a method of achieving permanency for children who have suffered abuse, neglect, or abandonment and who are unable to be reunified with their parents. In 2015, the Legislature reestablished an adoption benefit program administered by DCF for state employees who adopt children from the foster care system. Qualifying adoptive employees receive a one-time benefit of \$10,000 for the adoption of a child with special needs and \$5,000 for the adoption of a child who does not have such needs. The program currently has a \$2,750,000 recurring general revenue appropriation. Funding is accessed on a first come, first serve basis; 225 employees received the adoption benefit in FY 2018-19.

Eligible employees who may receive an adoption benefit include non-temporary employees, either full- or part-time, of a state agency, which is defined to also include school districts, state universities and colleges, and water management districts, among others.

The bill extends this benefit to other-personal-services (temporary) employees

who have been employed full- or part- time by a state agency for one year; and veterans or service members domiciled within Florida, regardless of whether employed by the state.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 89 Adoption Records

In Florida, all adoptions, whether private or from the child welfare system, are subject to the Florida Adoption Act (Act). The Act is intended to provide a stable and permanent home for adoptive children in a prompt manner, prevent the disruption of adoptive placement, and hold parents accountable for meeting the needs of children. All adoption records, including copies of an original birth certificate, are confidential and may not be released except by court order or authorization of all parties involved.

The bill authorizes each party to an adoption to authorize the release of his or her own records. However, a minor must obtain written consent of his or her adoptive parent to obtain a birth parent's name or identity. Adoption records may still be released upon order of the court.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 103 Subpoenas

The bill provides that subpoena service on an out-of-state corporation (OOSC) is proper when served:

- On a registered agent in this state;

- As authorized by the state where process is to be served; or
- At a location routinely used to accept service, if the corporation is doing business in Florida through the internet.

The bill authorizes an applicant who sought a subpoena to petition a court to compel compliance through indirect criminal contempt and a daily fine of between \$100 and \$1,000, for up to 60 days.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/SB 124 Custody of Minor Children by Extended Family

The bill authorizes a court to include in a temporary or concurrent custody order any provision that is in the best interest of a child and that was included in the petition for the order. The bill also adds "fictive kin" to the class of people who may file a petition. "Fictive kin" means "a person unrelated by birth, marriage, or adoption who has an emotionally significant relationship, which possesses the characteristics of a family relationship, to a child."

It requires an extended family member to include in his or her petition for concurrent or temporary custody "[a]ny other provisions that are related to the best interests of the child." And the bill authorizes the court to include these provisions, including a transition plan, in its order granting temporary or concurrent custody.

Under the bill, as under current law, a court may order concurrent custody only if the parents do not object, and the court may order temporary custody only if the parents do not object or are unfit. Under current law,

a court must terminate a concurrent custody order if a parent objects to the order, and the court must terminate a temporary custody order if the parent becomes a fit parent. However, the bill authorizes a court to maintain a concurrent custody order after a parent objects, or to maintain a temporary custody order after the parents become fit, under certain circumstances. Particularly, a court may maintain these orders beyond objection or fitness to ensure compliance with a transition plan or other provision of the order which is related to the best interest of the child.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 131

Security in Trial Court Facilities

In 2017, a chief judge ordered the local sheriff to provide security for court facilities where no court sessions were held. The sheriff challenged the order, arguing that s. 30.15, F.S., which sets out the powers, duties, and obligations of the sheriff, requires the sheriff to provide court security only within the four corners of a courtroom. The Second District Court of Appeal disagreed and ruled in favor of the chief judge.

The bill amends s. 30.15, F.S., to require each county sheriff to coordinate with the board of county commissioners and the chief judge of the judicial circuit to develop a comprehensive security plan for trial court facilities. The sheriff retains authority over the implementation of security, and the chief judge retains decision-making authority to protect due process rights.

Further, clarifies that sheriffs and their deputies, employees, and contractors are

officers of the court when providing security for court facilities.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 197

Service Members Civil Relief Act

CS/HB 197 makes changes to the child welfare system administered by the Department of Children and Families (DCF). The bill prohibits DCF from considering a military service-related absence when determining whether a child has been abandoned.

The federal Service Members Civil Relief Act (SCRA) governs civil proceedings and protects active duty service members by allowing temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of service members during their military service. The bill requires DCF to ensure the SCRA is observed in cases where a parent, legal custodian, or caregiver is unable to take custody of a child or appear at a court proceeding in person because of military service, and provides that Florida's child welfare laws do not supersede the SCRA.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 333

Bail Pending Appellate Review

Following a criminal conviction, a defendant is not entitled to release or bail. In certain circumstances, a court may release a convicted defendant on bail pending the outcome of his or her good faith appeal, but current law prohibits a court from doing so

when the conviction is for a capital offense, or for a specified life felony or first degree felony.

The bill expands the list of offenses for which a conviction prohibits a court from granting a defendant bail pending an appeal to include any offense requiring registration as a sexual offender or sexual predator, if at the time of the offense the defendant was 18 or older and the victim was a minor.

Subject to the Governor's veto powers, the bill takes effect October 1, 2020.

CS/SB 344 **Courts/Public Guardians/Adult** **Examination Wards**

The bill clarifies that public guardians are exempt from assessments of fees and charges by the clerks of court. The bill also provides that, under certain circumstances, a physician may delegate to a qualified physician assistant or advanced practice registered nurse the duty to conduct the medical examination of an adult ward, and prepare and sign the required report evaluating the ward's condition and stating the ward's current capacity.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

SB 374 **Housing Discrimination**

The Florida Commission on Human Relations (Commission) is charged with enforcing the state's civil rights laws, including the Florida Fair Housing Act (FFHA), which prohibits a person from refusing to sell or rent, or otherwise make available, a dwelling to any person because of

race, color, national origin, sex, handicap, familial status, or religion.

The bill amends the FFHA to clarify that a person aggrieved by a discriminatory housing practice is not required to exhaust his or her administrative remedies prior to bringing a civil action under the FFHA. This change will make the FFHA substantially equivalent to the federal Fair Housing Act, which was called into question by recent state court decisions holding that a person must first exhaust his or her administrative remedies by filing a complaint with the Commission before pursuing a civil action under the FFHA. The bill also provides that a discriminatory restriction in a title transaction is unenforceable and extinguished under the Marketable Record Title Act.

Additionally, the bill repeals certification of the 55+ housing by the Human Relations Commission.

Subject to the Governor's veto powers, the bill takes effect upon becoming law.

SB 400 **Elder Abuse Fatality Review Teams**

The bill authorizes each state attorney to create an elder abuse fatality review team to review closed cases where the death of an elderly person was caused by, or related to, abuse or neglect. The bill includes procedures for organizing a review team, appointing members, and obtaining relevant records for review. A review team must consider the surrounding circumstances and events leading up to a fatal incident, identify any gaps in support and service delivery, and make recommendations for systematic improvements to prevent elder abuse and deaths.

Further, it grants review team members immunity from monetary liability and prohibits a cause of action relating to their participation in a review team in certain circumstances, with exceptions.

Finally, the bill requires each review team to submit an annual report of findings to the Department of Elder Affairs, which must submit an annual report with the compiled information to the Governor, Legislature, and the Department of Children and Families.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 505 **Estates and Trusts/Probate**

Probate is a court-supervised process for identifying and gathering the assets of a deceased person (decedent), paying the decedent's debts, and distributing the decedent's assets to his or her beneficiaries. A will is a legal document that a person may use to determine who gets his or her property when he or she dies. A personal representative, a person designated by a will or the circuit court to serve in that role, must provide a notice of administration to various parties, including family members and beneficiaries, and other entities.

The bill revises probate laws relating to notice of administration, notice in probate proceedings, personal representative conflict of interest, and compensation of an attorney who serves as a personal representative. Specifically, the bill:

- Defines precious metals such as bullion or coins as tangible personal property;

- States that formal notice is sufficient for the court to acquire jurisdiction over a person for determining their rights to estate property; however, formal notice is insufficient to invoke the court's personal jurisdiction over the person receiving notice;
- Requires that the notice of administration served on a surviving spouse inform the surviving spouse that he or she may petition the court for an extension of time to choose the elective share;
- Requires additional notice of administration language to provide notice that a party may waive his or her right to contest a trust referenced in a will if he or she fails to timely contest the will;
- Renders voidable any sale or encumbrance to a corporation, trust, or other entity in which a personal representative or his or her spouse, agent, or attorney has a substantial beneficial or ownership interest; and
- Prohibits an attorney, or person related to the attorney, from receiving compensation for serving as a fiduciary (personal representative or trustee) if the attorney prepared or supervised the execution of the will or trust, unless the attorney is related to the client or makes certain disclosures to the client in writing before the will or trust is signed.

Subject to the Governor's veto powers, the bill takes effect October 1, 2020.

CS/CS/HB 573 **First Responders and Correctional Officers/Peer Confidentiality**

The bill provides confidentiality for peer support communications between a first responder and a first responder peer. The bill defines "first responder" to include a law

enforcement officer, firefighter, emergency medical technician, paramedic, or a 911 public safety telecommunicator. A “first responder peer” is a person who is not a health care practitioner but has training and experience working with a first responder regarding physical or emotional issues associated with the first responder’s employment.

The bill provides the following exceptions for such confidentiality:

- The first responder peer is a defendant in a proceeding arising from a complaint filed by the first responder;
- The first responder agrees, in writing, to allow the first responder peer to testify about or divulge information related to the peer support;
- The first responder peer suspects the first responder has committed, or intends to commit, a criminal act; and
- There are articulable facts or circumstances that would lead the first responder peer to fear for the safety of the first responder, another person, or society.

The bill also amends provisions of the Law Enforcement Officers’ (LEO) Bill of Rights as follows:

- Revises the definitions of “law enforcement officer” and “correctional officer” in the LEO Bill of Rights to include officers employed on a part time basis;
- Specifies that the 180-day disciplinary review period in the LEO Bill of Rights applies to both external and internal complaints; and
- Allows an agency that employs a law enforcement or correctional officer to

request an investigator from a different agency to conduct the investigation of a complaint when a conflict of interest exists or the agency does not have an investigator with sufficient training to conduct the investigation.

Subject to the Governor’s veto powers, the bill takes effect July 1, 2020.

CS/CS/SB 580

Uniform Partition of Heirs Property Act

Heirs property is a type of tenancy in common in which multiple owners obtain undivided, fractional interests in real property. It often occurs when a landowner dies without a will and can leave heirs with unclear titles and unstable property ownership. A partition action allows two or more people who jointly own property to petition a court to equitably divide property into separate portions. Partitions are often initiated by outside parties, such as a land developers, and have led to a significant loss of family land and property often sold for a fraction of its true value. Lack of clear title and fractional ownership also limits the ability of an individual cotenant to sell, improve, renovate, and repair the property or use it as collateral.

The bill adopts the Uniform Partition of Heirs Property Act by the Uniform Law Commission. Specifically, the bill authorizes heirs property cotenants to purchase the property interests of cotenants seeking partition before the property is divided or sold. The bill also requires a court to determine the fair market value of the property, either through court-ordered appraisal or based on the agreement of the parties, before the court proceeds to partition. The bill generally requires

partitions by sale to be made in an open-market sale by a court appointed real estate broker, instead of an auction as the statutes currently require. Finally, the bill authorizes cotenants owning real property that is not heirs property to agree to partition such real property using the provisions provided in the bill.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/SB 738 **Jury Service**

The bill allows students between the ages of 18 to 21, inclusive, to be excused from jury service, upon request, if they are a full-time student attending a high school, state university, private postsecondary educational institution, Florida College System institution, or career center. A student's request to be excused only applies to that specific summons for jury service and does not permanently excuse a student between the ages of 18 to 21 from receiving a jury summons.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/SB 952 **Senior Management Service Class**

The bill requires certain employees of the criminal conflict and civil regional counsel offices to participate in the Senior Management Service Class of the Florida Retirement System beginning July 1, 2020. It allows the employees to purchase retirement credit retroactive to October 1, 2007, and to upgrade such retirement credit.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/SB 994 **Guardianship**

The bill requires the court to inquire into and consider potential disqualifications and potential conflicts of interest prior to appointing of a guardian. It prohibits professional guardians from petitioning for their own appointments, but allows public guardians to petition for their own appointments to certain persons. The bill requires the petition for appointment of a guardian to contain certain information related to the guardian, alternatives to guardianship, and reasons why alternatives to guardianship are insufficient to meet the needs of the alleged incapacitated person.

It prohibits a guardian from receiving kickbacks for services provided to a ward and having specified conflicts of interests, unless court approval is obtained or such relationships existed prior to appointment and are disclosed to the court in the guardianship petition.

The bill requires a guardian to first obtain specific approval from the court before consenting to or signing on behalf of the ward an order not to resuscitate. In exigent circumstances, a judge must hold a preliminary hearing on the guardian's petition for such approval within 72 hours.

Finally, it requires guardians to include certain information about preexisting advance directives and do-not-resuscitate orders in initial and annual guardianship plans, and to declare all remuneration they receive in the annual guardianship report.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/SB 1082

Domestic Violence Injunctions

In Florida, a domestic violence victim may petition the court for a protective injunction and allege that the domestic violence perpetrator (respondent) injured or killed a family pet as a basis for the injunction. However, Florida does not expressly authorize a court to award the petitioner relief pertaining to a pet in a protective injunction.

The bill authorizes a court issuing a domestic violence injunction to:

- Award to the petitioner the exclusive care, possession, or control of an animal that the petitioner, the respondent, or a minor child residing in the home of either party owns, possesses, harbors, keeps, or holds, except for an animal owned primarily for a bona fide agricultural purpose or a service animal, if the respondent is the service animal's handler;
- Order the respondent to have no contact with the animal; and
- Prohibit the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 1089

Trusts

A trust is a relationship in which one person (settlor) holds title to property under an obligation to keep or use the property for the benefit of another (beneficiary). In certain situations, the settlor of a grantor trust (grantor) may be treated as the trust's owner

for federal income tax purposes. Florida law currently allows a trustee of a grantor trust to reimburse the grantor for income taxes attributable to grantor trust income if the trust instrument specifically provides for such reimbursement.

The bill allows, but does not require, an independent trustee of a grantor trust to reimburse the grantor for all or part of the income tax paid by the grantor and attributable to trust income or to pay such taxes directly on the grantor's behalf, provided the trust instrument does not explicitly prohibit such tax reimbursements or payments, unless:

- The trustee provides written notice to the grantor and any person who can remove and replace the trustee that he or she elects out of the tax reimbursement and payment provisions at least 60 days before the election takes effect; or
- Applying such provisions would prevent a contribution to a trust from qualifying for, or would reduce, a federal tax benefit under specified circumstances.

Further, the bill:

- Provides that if a trust's terms require the trustee to act at the direction or with the consent of another, or that tax reimbursements or payments be made directly by another, the trustee's powers granted by the bill must instead or also be granted to such person; and
- Specifies that a person may not be considered a grantor trust beneficiary due solely to implementation of the tax reimbursement or payment provision.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 1105

Child Welfare

CS/CS/HB 1105 makes changes to the child welfare system administered by the Department of Children and Families (DCF). The bill requires training for dependency court judges on the benefits of stable placements and related issues, and requires judges to consider certain factors related to placement stability when determining whether to change a child's placement. It also requires DCF to notify judges of all central abuse hotline reports accepted for a child abuse investigation involving a child over whom the court has jurisdiction.

The bill authorizes DCF to file a petition to initiate court oversight when a family is receiving services from a community-based care lead agency (CBC) without court involvement, if the parent has been receiving voluntary services for a period of time. It also prohibits the court from ending jurisdiction if a child needs a safety plan to reside in his or her home.

The bill requires the court and case managers to monitor interactions between foster parents and biological parents to encourage a productive working relationship.

It creates a process with set timeframes with which DCF and its subcontractors must comply when a person seeks to adopt a child from the child welfare system. It also requires DCF or its subcontractors to complete criminal history checks, preliminary home studies for adoptive minors and licensing studies for family foster homes within specific timeframes.

It makes current law requirements for quality parenting applicable to all out-of-

home caregivers, instead of only to foster parents.

The bill authorizes circuit courts to create early childhood court programs, specifying factors to consider when doing so. It requires the Office of the State Courts Administrator to contract for an evaluation of the programs to ensure quality, accountability, and fidelity to evidence-based treatment.

Finally, the bill also allows a CBC to demonstrate a justification of need to provide more than 35 percent of direct care services to children and families in its geographic service area.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/SB 1286

Contraband in Specified Facilities

The bill prohibits introducing the following into a Department of Children and Families (DCF) forensic facility, state prison, county jail, or juvenile detention facility:

- Medical marijuana, hemp, and industrial hemp, punishable as a second or third degree felony; and
- Any vapor-generating electronic device, if introduced inside a secure perimeter, punishable as a first degree misdemeanor.

The bill adds cellular phones and other portable communication devices to the list of contraband items in DCF forensic facilities and juvenile detention facilities, if introduced inside the secure perimeter of a facility, punishable as a first degree misdemeanor. The bill provides that a cellular phone or other portable communication device is considered

contraband in a county detention facility only if the phone or device is introduced inside the secure perimeter of a facility.

It clarifies that introducing an intoxicating beverage or an item designated as contraband by DCF into a DCF facility is a first degree misdemeanor. The criminal penalty for these offenses is not currently specified.

The bill ranks the previously unranked third degree felony offenses of introducing a firearm or deadly weapon or a controlled substance under ch. 893, F.S., into a DCF facility as a level four offense on the offense severity ranking chart of the Criminal Punishment Code.

Subject to the Governor's veto powers, the bill takes effect October 1, 2020.

CS/SB 1326

Child Welfare

CS/SB 1326 makes changes to the child welfare system administered by the Department of Children and Families (DCF). The bill addresses performance deficiencies among child welfare providers and workforce issues among child welfare professionals.

The bill creates a new accountability system by:

- Establishing a DCF Office of Quality to identify performance standards and metrics, and requiring DCF to ensure community-based care lead agencies (CBCs) deliver services in accordance with established performance standards;
- Specifying tiered interventions DCF may use if CBCs fail to comply with contract terms or if performance is deficient;

- Requiring DCF to grade the overall health of the child welfare system and measure performance of child protective investigators (CPIs), CBCs, and children's legal services; and
- Creating a pilot project to establish performance standards to assess outcomes for children served in the 6th and 13th judicial circuits.

The bill expands the functions of the Florida Institute of Child Welfare (FICW) by requiring FICW to work with the Florida State University College of Social Work to redesign the social work curriculum, design and implement a program for career-long professional support for child welfare professionals at all levels and from all disciplines, and establish workforce excellence sites in Florida based on a national model of child welfare workforce reform.

The bill also directs DCF to develop an expanded CPI career ladder, in collaboration with FICW, and implement programs to prevent and mitigate secondary traumatic stress and burnout among CPIs.

It requires all sheriffs that provide child protective services to operate in accord with the same federal performance standards imposed on DCF staff. Additionally, it requires sheriffs not specified in statute, and contracted attorneys, to adopt DCF's child welfare practice model and operate in accord with the same standards as DCF staff.

The bill also directs sheriffs and contracted attorneys to collaborate with DCF on federal and state quality assurance and quality improvement initiatives. The bill requires DCF to conduct an annual evaluation of the performance of all sheriffs and contract attorneys. For sheriffs specified in statute,

the evaluation will be based on the same performance standards that are not specific to or based on the child welfare practice model that are imposed on DCF staff.

Finally, the bill requires the local community alliances to include an individual representing faith-based organizations, and requires CBCs to have a liaison to community- and faith-based organizations so CBCs are aware of services offered by these organizations.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/SB 1392

Courts/Changes to Court System

Duties

The Florida Constitution establishes a four-level court system consisting of a Supreme Court, district courts of appeal (DCAs), circuit courts, and county courts. The circuit courts and county courts primarily serve as trial courts, but the circuit courts also hear appeals from county courts and administrative bodies. Circuit courts have appellate jurisdiction over cases appealed from county courts with certain exceptions. The bill makes the following changes to the court system:

- Eliminates appellate jurisdiction of circuit courts for cases appealed from county courts, which, pursuant to the Florida Constitution, will cause the DCAs to have appellate jurisdiction over those appeals;
- Allows circuit courts to continue to exercise jurisdiction over:
 - Appeals from final administrative orders of local code enforcement boards, and

- Reviews and appeals as otherwise provided by law;
- Clarifies the duties of the public defender with respect to handling criminal appeals;
- Provides that a DCA judge who lives more than 50 miles from his or her courthouse or branch location may have an alternate official headquarters within his or her county of residence; and
- Provides specifications for reimbursement for meals, lodging, and travel expenses for Supreme Court justices and DCA judges.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

HB 5301

Judges/New County Court Judgeships

The bill establishes six new county court judgeships, four in Hillsborough County, one in Lee County and one in Orange County, and four new circuit court judgeships, one in the First Judicial Circuit, two in the Ninth Judicial Circuit and one in the Fourteenth Judicial Circuit.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CRIMINAL JUSTICE

CS/HB 199

Sexual Battery Prosecution Time Limitation

The statute of limitations (SOL) determines the timeframe in which a criminal prosecution must be initiated. For certain sexual battery offenses, the date on which the SOL begins to run or how long it runs and whether the SOL is removed, is based on the

victim's age and how quickly the offense is reported.

The bill removes the SOL and permits prosecution to be commenced at any time for a sexual battery offense involving a victim younger than 18 at the time the offense is committed. The bill creates consistency for commencing prosecution of sexual battery offenses committed on a minor victim, regardless of the degree of felony or time frame in which the victim reports the offense to law enforcement. The bill applies only to sexual battery offenses committed on a minor victim after the bill's effective date.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

SB 294 **Crimes Against Veterans**

Research shows that a veteran is twice as likely as a non-veteran to be the target of a scam, which may include a "white collar crime," defined by The Florida White Collar Crime Victim Protection Act (Act) as the commission of, or conspiracy to commit, specified offenses involving theft and fraudulent practices.

The bill gives veterans additional protection under the Act, authorizing a separate first degree felony offense to be charged against and additional penalties to be imposed upon an offender who:

- Victimizes 10 or more veterans; and
- thereby obtains, or attempts to obtain, \$50,000 or more.

Penalties, which apply even if an offender did not know that his or her victims were veterans or did not specifically intend to target veterans, include:

- Ranking the first degree felony at a level 9 on the offense severity ranking chart of the Criminal Punishment Code;
- A \$500,000 fine or double the value of the financial gain or loss, whichever is greater; and
- Victim restitution as a term of court-ordered probation.

Subject to the Governor's veto powers, the bill takes effect October 1, 2020.

CS/HB 675 **Exposure of Sexual Organs**

A law enforcement officer may arrest a person for a felony offense without a warrant, but must obtain a warrant to make an arrest for a misdemeanor offense unless the misdemeanor offense occurs in the officer's presence or a warrantless arrest exception for the particular offense applies. As such, under current law, an officer must seek a warrant to arrest a person who commits misdemeanor exposure of sexual organs, unless the officer is present at the time the offense occurs.

The bill expedites the arrest process for exposure of sexual organs by allowing an officer to conduct a warrantless arrest of a person the officer reasonably believes has unlawfully exposed his or her sexual organs. It increases the penalty for a second or subsequent unlawful exposure of sexual organs to a third degree felony.

The bill clarifies that public nudity is unlawful only when it is vulgar or indecent and that nudity at any place provided or set apart for that purpose is lawful.

Subject to the Governor's veto powers, the bill takes effect October 1, 2020.

Taxation & Economic Development

TAXATION

HJR 369

Limitation on Homestead

The Legislature can put a proposed Constitutional Amendment directly before Florida voters by adoption from House of a joint resolution.

This Joint Resolution proposes an amendment to the Florida Constitution to extend the period to transfer the Save Our Homes assessment limitation from a prior homestead to a new homestead from two years to three years.

The amendment proposed in the joint resolution will take effect on January 1, 2021, if approved by 60 percent of the voters during the November 2020 general election.

CS/CS/HB 1249

Transfer of Tax Exemption for Veterans

The bill allows a veteran who was honorably discharged with a service-connected total and permanent disability to receive a property tax refund of the ad valorem taxes paid for a newly acquired property, prorated as of the date of the transfer, if the veteran:

- Receives the homestead property tax exemption on a property in a given year;
- Acquires legal or beneficial title to another property between January 1 and November 1 of the same year; and
- Applies for and receives an exemption for the newly acquired property in the next tax year.

The property appraiser must immediately update the tax roll to allow the prorated refund to be processed.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

HB 7095

Adoption of the Internal Revenue Code for Purposes of the Corporate Income Tax

Florida levies a 5.5 percent tax on the taxable income of corporations and financial institutions doing business in Florida. To calculate the Florida corporate income tax owed, Florida uses the federal taxable income from the federal tax returns as a starting point. This linkage to the federal Internal Revenue Code (IRC) requires annual updates to Florida's tax code.

The bill updates Florida's corporate income tax code by adopting the IRC as in effect on January 1, 2020. Adopting the code ensures that the Florida tax code reflects any relevant changes to the IRC that were made during the prior year.

Subject to the Governor's veto powers, the bill takes effect upon becoming law.

CS/HB 7097

Taxation Changes

The bill provides for tax reductions and tax-related modifications that will impact both families and businesses.

For sales tax purposes, the bill includes a three-day "back-to-school" tax holiday in early August 2020 and a seven-day "disaster preparedness" tax holiday in May and June

of 2020; a requirement that School Capital Outlay sales surtaxes approved in the future be proportionately shared with charter schools; and a requirement that any future levy of the Charter County and Regional Transportation System Sales Surtax in any eligible county be limited to 30 years in duration.

For corporate income tax, the bill amends the calculation of a taxpayer's "final tax liability" for purposes of calculating certain corporate income tax refunds.

The bill increases the population limit, under which a county is authorized to use its tourist development tax revenues for zoological parks, fishing piers, and nature centers, from 750,000 to 950,000.

Regarding property taxes, the bill amends the requirements for hospitals to qualify for a charitable tax exemption. Non-profit hospitals will be required to document the value of charitable services they provide, and their current charity tax exemption will be limited to the value of that charity care.

The bill updates the qualifying operations for the deployed service member tax exemption; amends statutory provisions that address conflict of interest for special magistrates; and restricts information that may be mailed with the yearly TRIM notice.

It also exempts from property tax vacant affordable housing units and units occupied by persons or families that met the qualifying income thresholds at the time they began their tenancy, but whose income grew through the income thresholds. The bill also exempts from property tax an affordable housing project owned by a limited liability company, which is also owned by a limited liability company, as long as the owner of the

second limited liability company is a qualifying 501(c)(3) entity.

The bill lowers the tax rate on surplus lines insurance and provides that the new lower rate applies to all policies irrespective of where the insured risk is located.

The bill exempts new school construction projects funded solely through local impact fees from the total cost per student station limitation. It also prohibits an owner of a public building from soliciting any payment for providing the allocation letter needed to receive a federal income tax deduction for energy efficient construction.

Finally, it also includes provisions proposed by the Department of Revenue to enhance the administration of state taxes and oversight of property taxation.

This bill was signed into law April 8, 2020 as Chapter No. 2021-10, Laws of Florida and the provisions take effect July 1, 2020.

ECONOMIC DEVELOPMENT

CS/SB 426

Economic Development

Relating to the Regional Rural Development Grants Program, the bill clarifies certain terms, increases the total annual grant award available to the three regional economic development organizations recognized by the Department of Economic Opportunity (DEO) as serving an entire rural area of opportunity (RAO), decreases the annual grant award available to other organizations located in or contracted to serve a RAO, and eliminates grant eligibility for organizations representing rural counties or communities that are not located in a RAO. The bill reduces the percentage of grant funds that

must be matched with non-state funds, from 100% to 25% of the state's contribution.

The bill amends the Rural Infrastructure Fund by increasing the percentage of total infrastructure costs that may be funded by a grant award, expanding eligible projects and uses to include broadband internet service, and requiring a review of the grant program and procedures by September 1, 2021.

It clarifies the powers, duties and responsibilities of CareerSource, the CareerSource board of directors, and DEO, and makes a number of conforming changes to reflect such clarifications.

Finally, the bill requires DEO to establish annual performance standards and develop a detailed report of the performance of Florida Development Finance Corporation (FDFC) each year. The bill increases the membership of the FDFC board from five to seven, adding the executive director of DEO (as chair) and the director of the Division of Bond Finance. The bill provides that s. 288.9604, F.S., the statute creating and authorizing the FDFC, stands repealed July 1, 2023, and every fourth year thereafter, unless reviewed and saved from repeal by the Legislature.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/HB 717

Space Florida Financing

The bill amends or repeals a number of financing provisions within the Space Florida Act (Part II, ch. 331, F.S.). Specifically, the bill clarifies certain definitions, specifies that revenue bonds issued by Space Florida are not pledges of the full faith and credit of Space Florida and may

not be secured by state appropriations, reduces the maximum length to maturity for bonds, and allows Space Florida to validate its bonds pursuant to ch. 75, F.S.

The bill also removes both the requirement that Space Florida notify the presiding officers and appropriations chairs of both houses of the Legislature before presenting a bond proposal to the Governor and Cabinet and the requirement for the Governor and Cabinet to approve its issuance.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

HJR 877

Ad Valorem Tax Discount for Spouses of Certain Deceased Veterans Who Had Permanent, Combat-Related Disabilities

This joint resolution proposes an amendment to the Florida Constitution to allow the same ad valorem tax discount on homestead property for combat-disabled veterans age 65 or older to carry over to the surviving spouse of a veteran receiving the discount if the surviving spouse holds legal or beneficial title to the homestead and permanently resides on it. The discount would apply to the property until the surviving spouse remarries, sells, or otherwise disposes of the property. If the surviving spouse sells the property, the discount may be transferred to the surviving spouse's new residence, not to exceed the dollar amount granted from the most recent ad valorem tax roll, as long as the residence is used as the surviving spouse's permanent residence and he or she does not remarry.

The amendment proposed in the joint resolution will take effect on January 1,

2021, if approved by 60 percent of the voters during the 2020 general election.

HB 879
Surviving Spouse Ad Valorem Tax
Reduction

The bill implements HJR 877 (2020), if the voters approve the amendment, by allowing the same ad valorem tax discount on homestead property for combat-disabled veterans age 65 or older to carry over to the surviving spouse of a veteran receiving the discount if the surviving spouse holds legal or beneficial title to the homestead and permanently resides on it, provided certain requirements are met. A spouse who qualifies to receive the discount and who fails to file an application by March 1 may file the application for the discount and may file a petition with the value adjustment board requesting that the discount be granted.

Further, the bill authorizes the Department of Revenue to adopt emergency rules and provides that such rules are effective for six months and may be renewed.

Subject to the Governor's veto powers, the effective date of this bill is on the effective date of the amendment to the State Constitution proposed by HJR 877, or a similar joint resolution having substantially the same specific intent and purpose.

Public Records & Public Meetings

PUBLIC RECORDS & PUBLIC MEETINGS

CS/CS/SB 406

Public Records/Minor's Petition to Waive Consent/Abortion

CS/CS/SB 404 prohibits, with limited exceptions, a physician from performing an abortion on a minor unless the physician receives notarized, written parental consent or an order from a court waiving the parental consent requirement.

CS/CS/SB 406, which is linked to CS/CS/SB 404, expands an existing public record exemption for any information that can be used to identify a minor petitioning a circuit court for a judicial waiver of parental notification for an abortion to exempt the same information when a minor petitions a circuit court for judicial waiver of parental consent for an abortion.

The bill provides for repeal of the exemption for judicial waiver of parental consent on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides that if the parental consent exemption is not saved from repeal, then the statute reverts to that in existence on June 30, 2020, thereby preserving the exemption for judicial waiver of parental notification.

Subject to the Governor's veto powers, the effective date of this bill is on the same date that CS/CS/SB 404 or similar legislation takes effect if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

CS/HB 549

Public Records /Site-Specific Location Information of Endangered and Threatened Species

The bill provides a public record exemption for site-specific location information concerning a federally designated endangered or threatened species or a state-designated threatened species held by an agency. The public record exemption does not apply to animals in captivity. The bill provides for future review and repeal of the exemption and provides a public necessity statement as required by the Florida Constitution.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/HB 821

Public Records/Information Technology Security Information

The bill expands the public record exemption in the Information Technology Security Act to include network schematics, hardware and software configurations, or encryption. The bill also creates a public meeting exemption for those portions of a public meeting that would reveal certain confidential and exempt records. The bill provides for future review and repeal of the exemptions and provides a public necessity statement as required by the Florida Constitution.

Subject to the Governor's veto powers, the bill takes effect upon becoming law.

CS/SB 966
Public Records/Disaster Recovery
Assistance

The bill creates a public record exemption for property photographs and the personal identifying information of an applicant for or a participant in a federal, state, or local housing program held by the Department of Economic Opportunity, the Florida Housing Finance Corporation, a county, a municipality, or a local housing finance agency for the purpose of disaster recovery assistance for a presidentially declared disaster. The bill provides for future review and repeal of the exemption and provides a public necessity statement as required by the Florida Constitution.

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

CS/CS/SB 1060
Public Records and Meetings/911,
E911, or Public Safety Radio
Communication System

The bill creates a public record exemption for specific records that identify the design, scope, and location of 911, E911, or public safety radio communication system infrastructure owned and operated by an agency before, on, or after the effective date of the bill. The bill also creates a public meeting exemption for any portion of a meeting that would reveal these records. Specifically, the bill creates a public record exemption for:

- Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911, E911, or public safety radio communication system infrastructure,

including towers, antennae, equipment or facilities used to provide 911, E911, or public safety radio communication services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency; and

- Geographical maps indicating the actual or proposed locations of 911, E911, or public safety radio communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911, E911, or public safety radio services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency.

It identifies specific circumstances in which these records may be disclosed. Further, the bill requires that all portions of a public meeting exempted by the bill be recorded and transcribed. The bill provides that these recordings and transcripts are confidential and exempt from disclosure as public records except to the extent that any portion of the recording or transcript is determined by a court to reveal nonexempt data. The bill defines “public safety radio” for purposes of each exemption.

The bill provides for repeal of the exemptions on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature. The bill provides a public necessity statement as required by the State Constitution.

This bill was signed into law April 8, 2020 as Chapter No. 2020-13, Laws of Florida and the provisions took effect on that date.

SB 1292
Public Records/Non-judicial Arrest
Record of a Minor

SB 1292 is the public records exemption linked to SB 700. This bill provides that the non-judicial records of arrest of minors who have successfully completed a diversion program and are eligible for expunction are made confidential and exempt from public disclosure, except that the record must be made available only to criminal justice agencies for specified purposes. SB 700 amends s. 943.0582, F.S., to permit juvenile diversion expunction for any offense. Additionally, SB 700 amends s. 985.126, F.S., to permit a juvenile who completes a diversion program for any offense to lawfully deny or fail to acknowledge his or her participation in the program.

This bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2025, unless reviewed and saved from the repeal through reenactment by the Legislature.

Because this bill creates a public records exemption, it will require a two-thirds vote of each house in order to pass.

This bill takes effect on the same date as SB 700 or similar legislation takes effect. As amended, CS/SB 700 is effective when this bill takes effect.

CS/CS/HB 1393
Public Records/Financial Technology
Sandbox

CS/CS/CS/HB 1391, with which this bill is linked, creates the Financial Technology Sandbox (sandbox) within the Office of Financial Regulation (OFR). The sandbox is intended to allow financial technology

innovators to test new products and services in a supervised, flexible regulatory sandbox using exceptions to specified general law and waivers of the corresponding rule requirements under defined conditions. The bill creates a public record exemption for the following information provided to and held by OFR in a sandbox application:

- The reasons why a general law enumerated in the sandbox statute prevents the innovative financial product or service from being made available to consumers; and
- Specified applicant information that OFR must consider in deciding whether to approve or deny an application for the sandbox

The bill provides that this information may be released to appropriate state and federal agencies for the purposes of investigation. The bill also clarifies that nothing in this public record exemption shall be construed to prevent OFR from disclosing a summary of the innovative financial product or service.

It provides for repeal of the exemption on October 2, 2025, unless reviewed and saved from repeal by the Legislature, and provides a public necessity statement as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is on the same date that CS/CS/CS/HB 1391 or similar legislation takes effect.

CS/HB 1409
Public Records/Records of
Insurers/Department of Financial
Services

The bill creates a public records exemption to protect insurers and insureds from the

release of information if an insurance company goes insolvent.

It provides that the following records held by the Department of Financial Services (DFS) are confidential and exempt from public records requirements:

- All personal financial and health information of a consumer, including a family member or dependent;
- Underwriting files of a type customarily maintained by an insurer transacting lines of insurance similar to lines transacted by the insurer;
- Personnel and payroll records of the insurer;
- Consumer claim files;
- U.S. Own Risk and Solvency Assessment (ORSA) summary reports, a substantially similar ORSA report, and any supporting documents submitted to the Office of Insurance Regulation (OIR);
- A corporate governance annual disclosure and any supporting documents submitted to OIR; and
- Information received from the National Associations of Insurance Commissioners, a governmental entity of any state, the Federal Government, or a government of another nation which is confidential and is held by DFS for use relating to insurer solvency.

Records or portions of records made confidential and exempt by this bill may be released under particular circumstances.

The bill provides that this public records exemption is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature. The bill

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

Subject to the Governor's veto powers, the bill takes effect July 1, 2020.

OPEN GOVERNMENT SUNSET REVIEW ACT (OGSR)

The Open Government Sunset Review Act sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions.

It requires an automatic repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.

The Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; and
- Protect trade or business secrets.

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded (essentially creating a new exemption), then a public necessity statement and a two-thirds

vote for passage are required. If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created then a public necessity statement and a two-thirds vote for passage are not required.

SB 830
OGSR/Certain Personal Financial and Health Information

The bill saves from repeal the public records exemption relating to personal financial and health information of a consumer that is held by the Florida Prepaid College Board, the Florida ABLE, Inc., the Florida ABLE program, or an agent or service provider of one of these entities relating to an ABLE account, or a participation agreement or any information that would identify a consumer. This information will continue to be confidential and exempt from public disclosure beyond October 2, 2020.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2020.

HB 7001
OGSR/E-mail Addresses/Department of Highway Safety and Motor Vehicles

The bill saves from repeal the public record exemption for e-mail addresses held by the Department of Highway Safety and Motor Vehicles for the purposes of providing title certificate notifications, motor vehicle registration renewal notices, and driver license renewal notices.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2020.

SB 7002
OGSR/State Child Abuse Death Review Committee

SB 7002 amends s. 383.412, F.S., to save from repeal the current public records and public meetings exemptions for certain identifying information held by the State Child Abuse Death Review Committee or a local child abuse death review committee. Section 383.412, F.S., provides that any information that reveals the identity of the surviving siblings, family members, or others living in the home of a deceased child who is the subject of review by and which information is held by the State Child Abuse Death Review Committee or a local committee is confidential and exempt from public disclosure. Portions of meetings of the State Child Abuse Death Review Committee or a local committee at which this confidential and exempt information is discussed are exempt from public meeting requirements. The bill removes the scheduled repeal date, resulting in the continuation of the public records and public meetings exemptions.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2020.

HB 7003
OGSR/Payment Instrument Transaction Information/Office of Financial Regulation

The bill saves from repeal the public record exemption for payment instrument transaction information held by the Office of Financial Regulation within the check cashing database that identifies a licensee, payor, payee, or conductor.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2020.

SB 7004
OGSR/Taxpayer E-mail Addresses
Held by a Tax Collector

The bill saves from repeal the public record exemption for taxpayer e-mail addresses held by tax collectors for the purposes of obtaining the taxpayer's consent to send tax notices via e-mail and e-mailing certain tax notices.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2020.

HB 7005
OGSR/RICO Act Investigations

The bill saves from repeal the public record exemption for information held by the Department of Legal Affairs, the Office of Statewide Prosecution, or the office of a state attorney pursuant to an investigation of a violation of the Florida Racketeer Influenced and Corrupt Organization Act.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2020.

HB 7013
OGSR/Residential Facilities Serving
Victims of Sexual Exploitation

The bill saves from repeal the public record exemptions for information about the location of safe houses, safe foster homes, and other residential facilities serving child victims of human trafficking and residential facilities serving adult victims of human trafficking involving commercial sexual activity.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2020.

HB 7015
OGSR/Body Camera Recordings

The bill saves from repeal the public record exemption for a body camera recording, or a portion thereof, 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.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2020.

HB 7019
OGSR/Human Trafficking Victims

The bill saves from repeal the public record exemption for certain criminal intelligence and criminal investigative information that reveals the identity of a victim of human trafficking, child abuse, or certain sexual offenses. The bill also saves from repeal the public record exemption for criminal intelligence and criminal investigative information that reveals or may reveal the identity of a victim of human trafficking whose criminal history has been expunged or ordered expunged.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2020.

HB 7023
OGSR/Child Abuse Death Review
Committees

The bill saves from repeal the public record exemption for certain identifying information held by the State Child Abuse Death Review Committee or a local committee and saves from repeal the public meeting exemption for meetings wherein such information is discussed.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2020.

HB 7075
OCSR/Animal Medical Records

The bill saves from repeal the public record exemption for animal medical records held by a state college of veterinary medicine that is accredited by the American Veterinary Medical Association.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2020.

Constitutional Amendments

CS/CS/CS/SB 1794

Constitutional Amendments

The Florida Constitution may be amended only if the voters approve an amendment originating from the Legislature, the Constitution Revision Commission, the Taxation and Budget Reform Commission, a constitutional convention, or a citizen initiative. For the Constitution to be amended by citizen initiative:

- A sponsor must register as a Florida political committee and gather the required number of signatures from Florida voters;
- The Florida Supreme Court must review the proposed amendment to ensure legal compliance;
- The Financial Impact Estimating Conference (FIEC) must analyze the proposal's financial and economic impacts on the State; and
- At least 60 percent of the voters voting on the proposed amendment must vote yes.

This bill changes the citizen initiative process for amending the Florida Constitution by:

- Increasing the required number of signed petitions and the number of districts in which they must be gathered before the Secretary of State refers a proposal to the Attorney General and FIEC;
Requiring the Attorney General to ask the Supreme Court to determine whether the proposal violates the U.S. Constitution;
- Recognizing a cause of action to challenge a paid petition circulator's failure to register;
- Allowing the Division of Elections or a supervisor to provide a petition form in

PDF format, with printing costs to be borne by the sponsor;

- Providing that a petition signature is valid until the next February 1 of an even-numbered year, which prevents a signature from being held over for a subsequent election;
- Allowing a supervisor of elections an extra 30 days to verify a petition form submitted at least 60 days before February 1 of an even-numbered year;
- Providing that a petition signature obtained illegally is invalid;
- Requiring a supervisor to charge the actual cost for verifying a petition signature;
- Requiring the supervisors and the Division of Elections to post the cost of signature verification and petition form statistics on their websites, and review available technology to reduce signature verification costs;
- Revising the role of FIEC to require it to estimate the proposal's financial impact on state and local governments and the state budget;
- Requiring the ballot to include a statement as to the projected financial impact as determined by FIEC, or a statement indicating FIEC could not agree on the financial impact; and
- Requiring the text of a proposed constitutional amendment in each polling place.

The bill does not affect the validity of a petition form gathered or a contract entered into before the bill's effective date. A petition form is governed by the laws existing at the time it was gathered.

This bill was signed into law April 8, 2020 as Chapter No. 2020-15 Laws of Florida and the provisions took effect on that date.

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